



CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

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CH-1

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

May 15, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, deny the appeal, and sustain the decision of the City Planning Commission to approve the requests for Site Plan Review, Tentative Map, and Standards Variances, and to adopt a resolution with findings of fact, statements of overriding consideration, and a mitigation monitoring program for the Seaport Marina Project at 6400 East Pacific Coast Highway (Case No. 0507-19); and

Declare the ordinance amending Subarea 17 of the Southeast Area Development improvement Plan (SEADIP) (PD-1), the General Plan, and Local Coastal Development Program to change the allowable uses, adopt new development standards, and change the height limit to a maximum of 70 feet read for the first time and laid over to the next regular meeting of the City Council for final reading, and adopt a resolution authorizing the Director of Planning and Building to submit amendments to the Long Beach Zoning Regulations to the California Coastal Commission for approval. (District 3)

DISCUSSION

The Seaport Marina project site encompasses approximately 11 acres and is bounded by 2nd Street to the north, Pacific Coast Highway to the east, Marina Drive to the west, and a commercial development to the south. The proposed project consists of approximately 170,000 square feet of commercial space, 425 residential units, and 1,700 subterranean and ground level parking spaces in a vertically integrated mixed-use development ranging from three to five stories in height. The project is divided into three blocks (Block A, Block B, and Block C), which are bisected by two private streets. In addition, the applicant has proposed off-site improvements consisting of a new bike and pedestrian path, reconfiguration of Marina Drive, installation of a new traffic signal along Pacific Coast Highway, and re-striping and landscaping of the existing marina parking lot.

The site is located within Subarea 17 of the Southeast Area Development Improvement Plan (SEADIP) (PD-1). Presently, the zoning standards in PD-1 do not allow the proposed project. Subarea 17 does not permit residential uses, and the maximum height currently allowed is 30 feet, while the proposed project has a height of approximately 70 feet. Thus, the approval of the project requires amendments to PD-1. In addition to the PD-1 amendment requests, the proposed project requires approval of Standards Variance requests for less than required parking, building setback along 2nd Street, and for less than required open space.

Recognizing that the applicant was interested in developing a project that did not meet the current requirements of SEADIP, the City and the applicant sought to provide a framework for discussion of the project that would reflect the intent of the Local Coastal Program, ensure potential impacts would be mitigated, attain community benefits, and facilitate a project that would recognize the unique location of the site near the coast. To that end, the City and applicant jointly developed five guiding principles for development on the subject site. Throughout the entitlement process, staff has reviewed the project for consistency with these principles. Additionally, conditions of approval have been recommended to bring the project in compliance with the principles:

- Principle 1: The City will work with the applicant to create a vibrant retail center on the site. The City acknowledges that as part of this project, housing may be permitted, provided, however, that the housing is developed concurrently with the retail center, and that a truly integrated mixed-use project results.
- Principle 2: The project should strive to meet public open space objectives currently set forth in SEADIP and consistent with the spirit and intent of the Parks, Recreation, and Marine Department's 2003 Strategic Plan.
- Principle 3: The City will work with the applicant to ensure an aesthetically attractive, high quality design that reflects the property's unique orientation near a wetlands open space resource and adjacent to an active marina.
- Principle 4: The City will work with the applicant to ensure that appropriate mitigation measures are adopted to ameliorate traffic conditions near and around the project site.
- Principle 5: The project should strive to provide a high level of accessibility to and through the site. A well-defined circulation pattern will ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.

With respect to parking, the 1,700 parking spaces proposed result in a shortfall of 106 parking spaces. However, due to the mixed-use nature of the project, staff recognizes that some sharing of parking will occur, particularly between the guest parking and commercial parking. The applicant has submitted a shared parking analysis indicating a peak parking demand of 1,683 spaces, which is less than the 1,700 spaces provided. Therefore, staff believes that the proposed parking is adequate to serve the needs of the proposed uses.

Regarding the variance for usable open space, SEADIP requires that a minimum of 30 percent of the site shall be developed and maintained as usable open space. In working with the applicant to develop the open space plan, staff has emphasized an approach that focuses on the quality of open space as opposed to simply meeting the 30 percent requirement. The applicant was also encouraged to explore methods for improving the surrounding public open space. The current open space plan consists of five plazas and park areas, landscaped setbacks, as well as hardscape areas with amenities, and off-site improvements including a bike and pedestrian path along Marina Drive. The applicant proposed a plan that results in 21 percent of the site as usable open space. With the conditions of approval incorporated, staff believes that the proposed combination of on-site and improvement to off-site open space plan is acceptable.

The applicant is also requesting a building setback of 5 feet along 2nd Street, as the applicant believes that a larger setback would not allow for an adequate pedestrian-oriented retail environment on this street. In reviewing this request, staff attempted to balance the desire to have an active pedestrian environment with the need to ensure that the building provides a setback large enough to not overwhelm the street and surrounding uses. Upon review of the plans, staff believes that the 5-foot setback is appropriate for the site, provided that a minimum distance of 21 feet is maintained from the curb on 2nd Street to the building.

The amendments to PD-1 would allow residential use as a component of a larger mixed-use project, amend the height limit from 30 feet to 70 feet, and adopt new development standards for residential use. The proposed amendment limits the potential development to this application. Should this development not proceed, the permitted use of this site would remain a hotel use.

In compliance with the Guidelines of the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR 19-05) was prepared for the project, which identified significant unavoidable impacts with respect to air quality and transportation/circulation. The most substantial traffic mitigation measure is the construction of the Shopkeeper Road extension, a new four-lane roadway connecting Studebaker Road to the existing portion of Shopkeeper Road around the Marketplace shopping center. This roadway will provide a "bypass" route for some traffic to avoid the congested 2nd Street/Pacific Coast Highway intersection, divert some northbound right turns and westbound left turns away from the 2nd Street/PCH intersection. The analysis of this mitigation measure showed that there would be improvement in the level of service at the 2nd Street and PCH intersection and the PCH at Studebaker Road intersection, which would fully mitigate project impacts at these intersections. However, there are concerns with respect to the feasibility of the mitigation measure, which relate to the ability to acquire the property and the potential existence of wetlands in the area where the roadway would be constructed. The Planning Commission conducted a study session on October 5, 2006, to review the findings of the Environmental Impact Report and to receive an introduction to the project, and a second study session on November 2, 2006, to review revised plans in response to comments from the Planning Commission.

On March 15, 2007, the Planning Commission conducted a public hearing on the project entitlements and proposed amendments to PD-1 (see Attachment 1- March 15, 2007 Planning Commission Staff Report and Conditions of Approval). Staff recommended approval of the project, but proposed conditions of approval which are designed to improve the quality of the proposed open space areas and enhance the design of the project.

After considering testimony and information presented by staff and the applicant, the Planning Commission voted 3 to 2 to approve the project with the conditions of approval recommended by staff, and to add conditions of approval requiring additional landscaping and a bicycle path along the Naples Island portion of 2nd Street, restricting the amount of floor area dedicated to restaurant use, and altering the timing of the condition related to the construction of Shopkeeper Road (see Attachment 2- Final Conditions of Approval adopted by the Planning Commission). The Planning Commission also recommended that the City Council approve the amendments to PD-1, the General Plan, and Local Coastal Program, and adopt a resolution certifying the EIR and adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring Program.

In making the decision, the Planning Commission agreed with staff that a multi-story mixed-use project was appropriate for the site due to the location at a major intersection in the City, and the size of the site. In addition, the Planning Commission believed that the conditions of approval proposed by staff related to open space and building design were necessary to bring the project into conformance with the Guiding Principles. With respect to the timing of the Shopkeeper Road construction, the condition of approval proposed by staff required construction of Shopkeeper Road prior to the issuance of a Certificate of Occupancy. However, the Planning Commission was concerned with allowing the project to commence construction without resolution as to the feasibility of Shopkeeper Road or the identification of alternative mitigation measures was problematic. As a result, the Planning Commission revised the condition of approval related to Shopkeeper Road (see Attachment 2- Final Conditions of Approval adopted by the Planning Commission, Condition #97) to require resolution of the approval of Shopkeeper Road or identification of alternate mitigation measures prior to the issuance of a building permit.

Seven appeals of the Planning Commission decision were filed within the appeal period by members of the community and community organizations (see Attachment 3-Appeal Forms).

Assistant City Attorney Michael J. Mais reviewed this report on May 2, 2007.

ENVIRONMENTAL ANALYSIS

Environmental Impact Report EIR 19-05 was prepared for the project and certified by the Planning Commission on March 15, 2007. The EIR identified significant unavoidable impacts with respect to transportation/circulation and air quality. The Planning Commission adopted Findings of Fact and a Statement of Overriding Considerations, which determined that the public benefits of the project outweigh the significant adverse effects identified in the EIR. The appeals to the Planning Commission allege that the EIR is not adequate pursuant to the CEQA Guidelines.

TIMING CONSIDERATIONS

The Long Beach Municipal Code requires 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 Planning Commission final action. A 14-day public notice of the hearing is required.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

LESLIE GENTILE, CHAIR
CITY PLANNING COMMISSION

BY: 

SUZANNE M. FRICK
DIRECTOR OF PLANNING AND BUILDING

SF: GC: CB: db

Attachments:

1. March 15, 2007 Planning Commission Staff Report, Minutes, and Conditions of Approval
2. Final Conditions of Approval adopted by the Planning Commission
3. Appeal Forms
4. Project Plans
5. Findings of Fact, Statement of Overriding Consideration, and Mitigation Monitoring Program
6. EIR 28-05 (provided on CD. Hard copies previously provided to the City Council on February 15, 2007)

- b. This area is fully developed in accordance with Special Use Permit No's S-174-60, S-5-60, S-180-72, and S-178-69.

SUBAREA 16

- a. Use: Commercial
- b. This area is fully developed in accordance with Special Use Permit No's. S-167-72 and S-13-61.

SUBAREA 17

- a. ~~Use: Commercial~~
- b. ~~This area is fully developed in accordance with the CR zone.~~
- a. Use: The uses allowed in this subarea shall be mixed use developments (commercial and residential) containing uses allowed in the CCN zone, as approved by the City Council Resolution on _____ ; or a Hotel.
- b. Residential density: Same as R-4-N Zone.
- c. Building Height: 5 stories, 70 feet, with significant variation in height and massing.
- d. Residential Open Space: Same as R-4-N Zone.
- e. Residential Privacy Standards: Table 1 establishes the privacy requirements for residential development. The primary room window is defined as the largest window in the living room or combined living/dining room. The measurements shall be taken on a line-of-sight basis. Where there is determined to be no line-of-sight, the distance requirements shall not apply.

Table 1- Residential Privacy Standards

Required distance from primary room window to:	
<u>Primary window of other units</u>	<u>40 feet</u>
<u>Public corridor or walkway</u>	<u>8 feet</u>
<u>Front or side street property line</u>	<u>10 feet</u>
<u>Interior side/rear property line or blank wall</u>	<u>15 feet</u>

- f. Other Development Standards: per PD-1.
- g. Waiver of Development Standards: During the Site Plan Review process, the Planning Commission or Site Plan Review Committee may waive certain development standards. Such relief may only be granted if it is found that the waiver improves project design and the waiver will not degrade the environment or result in any changes to classification of land use or to density. Development standards that may be waived are limited to residential open space requirements and residential privacy standards.

SUBAREA 18

- a. Use: Commercial
- b. This area is fully developed in accordance with Special Use Permit No. S-29-75. Also see Area 26.

SUBAREA 19

- a. Use: Industrial
- b. This area is fully developed in accordance with the provisions of the MG zone.

SUBAREA 20

Use: Channel View Park, a public park.

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH RE-CERTIFYING THAT THE FINAL
5 ENVIRONMENTAL IMPACT REPORT FOR THE SEAPORT
6 MARINA PROJECT (STATE CLEARINGHOUSE NO.
7 200501096) HAS BEEN COMPLETED IN ACCORDANCE
8 WITH THE PROVISIONS OF THE CALIFORNIA
9 ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL
10 GUIDELINES AND MAKING CERTAIN FINDINGS AND
11 DETERMINATIONS RELATIVE THERETO; ADOPTING A
12 MITIGATION MONITORING AND REPORTING PROGRAM
13 (MMRP); AND A STATEMENT OF OVERRIDING
14 CONSIDERATIONS

15
16 WHEREAS, Lennar Seaport, LLC has proposed the construction of a mixed
17 use development consisting of 170,000 square feet of retail uses and 425 residential
18 units on a 10.9 acre parcel of land located at the southwest corner of Pacific Coast
19 Highway in the City of Long Beach (the "Project").

20 WHEREAS, said Project is more fully described in the Draft Environmental
21 Impact Report (DEIR), a copy of which DEIR is incorporated herein by this reference as
22 though set forth in full, word for word;

23 WHEREAS, discretionary Project approvals include amendments to the
24 Local Coastal Program (LCP), the General Plan of the City of Long Beach and SEADIP
25 (PD-1), a Site Plan Review, Tentative Subdivision Map, Standards Variances and a Local
26 Coastal Development permit;

27 WHEREAS, the City began an evaluation of the proposed project in May of
28 2005 by issuing a Notice of Preparation (NOP) followed by a thirty (30) day comment

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Long Beach, CA 90802-4664

1 period, together with a public scoping meeting held on May 25, 2005, Planning
2 Commission Study Sessions held on October 5, 2006 and November 2, 2006, and
3 circulation of the DEIR between August 11, 2006 and September 25, 2006;

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

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

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

13 WHEREAS, the Planning Commission reviewed and considered the
14 information in and the comments to the DEIR and the responses thereto, and the Final
15 Environmental Impact Report (“FEIR”) at a duly noticed Planning Commission meeting
16 held on March 15, 2007, at which time evidence, both written and oral, was presented to
17 and considered by the Planning Commission;

18 WHEREAS, the Planning Commission read and considered all
19 environmental documentation comprising the FEIR, including the DEIR, comments and
20 the responses to comments, and errata included in the FEIR, and did determine that the
21 FEIR considered all potentially significant environmental impacts of the Project and was
22 complete and adequate and fully complied with all requirements of CEQA;

23 WHEREAS, prior to certifying on March 15, 2007 that the FEIR was
24 complete and adequate under CEQA, the Planning Commission evaluated and
25 considered all significant impacts, mitigation measures, and project alternatives identified
26 in the FEIR;

27 WHEREAS, CEQA and the State CEQA Guidelines require that where the
28 decision of a public agency allows the occurrence of significant environmental effects that

1 are identified in the EIR, but are not mitigated to a level of insignificance, that the public
2 agency state in writing the reasons to support its action based on the EIR and/or other
3 information in the record; and

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

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

12 Section 1. All of the above recitals are true and correct and are
13 incorporated herein as though fully set forth in full, word for word.

14 Section 2. The Planning Commission found and the City Council concurs
15 that the FEIR is adequate and has been completed in compliance with CEQA and the
16 State CEQA Guidelines.

17 Section 3. The City Council finds that the FEIR reflects the City Council's
18 independent judgment and analysis, and therefore is hereby adopted, approved, and
19 certified as complete and adequate under CEQA.

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

25 Section 5. Although the FEIR identifies certain significant environmental
26 effects that would result if the Project is approved, most environmental effects can
27 feasibly be avoided or mitigated and will be avoided or mitigated by the imposition of
28 mitigation measures included with the FEIR. Pursuant to Public Resources Code section

1 21081.6, the City Council has reviewed and hereby adopts the Mitigation Monitoring and
2 Reporting Program ("MMRP") as shown as "Attachment 1" to Exhibit "A," which document
3 is incorporated herein by reference as though set forth in full, word for word, together with
4 any adopted corrections or modifications thereto, and further finds that the mitigation
5 measures identified in the FEIR are feasible, and specifically makes each mitigation
6 measure a condition of project approval.

7 Section 6. The Planning Commission found and the City Council concurs
8 that on balance, there are specific considerations associated with the proposed Project
9 that serve to override and outweigh those Project impacts that cannot be mitigated to a
10 level of insignificance, and the City Council hereby adopts that certain document, and the
11 contents thereof, entitled "Statement of Overriding Considerations" for the Seaport
12 Marina Project, a copy of which document is attached hereto as Exhibit "B" and
13 incorporated herein by this reference as though set forth in full, word for word.

14 Section 7. Pursuant to State CEQA Guidelines section 15091(e), the
15 record of proceedings relating to this matter has been made available to the public at,
16 among other places, the Department of Planning and Building, 333 West Ocean
17 Boulevard, 5th Floor, Long Beach, California, and is, and has been, available for review
18 during normal business hours.

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

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

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

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

SECTION 1

Introduction

A Statutory Requirements for Findings

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

- (a) No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final Environmental Impact Report (EIR).
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially

lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

B Record of Proceedings

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

- Notice of Preparation, Notice of Availability, and Notice of Completion, which were issued by the City in conjunction with the proposed project.
- The Final EIR (dated January 2007) and Errata (dated March 2007), which include all written comments submitted by agencies or members of the public during the public comment period on the Draft EIR (dated August 2006) and responses to those comments and all of the documents referenced therein.
- The Mitigation Monitoring and Reporting Program (MMRP).
- The Long Beach Seaport Marina Site Plan.
- All findings, statements of overriding consideration, and resolutions adopted by the City in connection with the proposed project, and all documents cited or referred to therein.
- All final reports, studies, memorandums, maps, correspondence, and all planning documents prepared by the City, or the consultants or responsible or trustee agencies, with respect to: (1) the City's compliance with CEQA; (2) development of the project site; or (3) the City's action on the proposed project.
- All documents submitted to the City by agencies or members of the public in connection with development of the proposed project.
- All documents compiled by the City in connection with the study of the proposed project and the alternatives.
- The testimony and evidence presented at the public scoping meeting on May 25, 2005, the Long Beach Planning Commission public study sessions on October 5, 2006 and November 3, 2006, the Long Beach Planning Commission meeting on March 15, 2007, and the Long Beach City Council meeting on May 15, 2007.
- The record of proceeding.

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

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

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

C Organization/Format of Findings

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

SECTION 2

Long Beach Seaport Marina

A Project Objectives

The proposed project as evaluated in the EIR would result in the development and operation of a mixed use retail and housing complex that includes 170,000 square feet of retail space and 425 residential units. This development would take place on a 10.9-acre development parcel, which is located at the southwest corner of Pacific Coast Highway (PCH) and Second Street (site of the existing Seaport Marina Hotel) in the City of Long Beach. The City developed the following guiding principles for the proposed project and they are:

Principle 1: The City will work with the applicant to create a vibrant retail center on the site. The City acknowledges that as part of this project, housing may be permitted, provided, however, that the housing is developed concurrently with the retail center, and that a truly integrated mixed-use project results.

Principle 2: The project should strive to meet public open space objectives currently set forth in SEADIP and consistent with the spirit and intent of the Parks, Recreation, and Marine Department's 2003 Strategic Plan.

Principle 3: The City will work with the applicant to ensure an aesthetically attractive, high quality design that reflects the property's unique orientation near a wetlands open space resource and adjacent to an active marina.

Principle 4: The City will work with the applicant to ensure that appropriate mitigation measures are adopted to ameliorate traffic conditions near and around the project site.

Principle 5: The project should strive to provide a high level of accessibility to and through the site. A well-defined circulation pattern will ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.

The following project objectives are based upon these guiding principles:

- Create a mixed-use project that includes a vibrant retail center on the site.
- Create an aesthetically attractive, high quality design that reflects the property's unique orientation adjacent to an active marina.
- Provide amenities that encourage and promote public access to the marina.

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- Provide a high level of accessibility to and through the site to ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.
 - Provide an economical reuse of the project site while minimizing adverse impacts to surrounding properties.
 - Design and implement comprehensive site development standards that minimize adverse impacts to the environment.
 - Enhance the economic vitality of the City and provide property tax, sales tax, and other revenue opportunities.

B Project Description

Project Location

The proposed project site is located in between the San Gabriel River and the Los Cerritos Channel at the southwest corner of PCH and Second Street. The project site is roughly bounded by Second Street to the north, a retail center to the south, PCH to the east, and Marina Drive to the west. The site is located approximately five miles east of downtown Long Beach and approximately two miles south of the I-405.

The project site is primarily occupied by the 250-room Seaport Marina Hotel. Commercial uses within the hotel include an Enterprise Car Rental, The Elks Club and a nightclub, which are located near the hotel lobby. Vehicular access is provided via an existing system of roadways with direct access from PCH, Second Street, and Marina Drive. Portions of the project site were used as both a former oil well site and service station. Although the service station has been removed and remediated, there is on-going groundwater monitoring; the former oil wells are required to be re-abandoned according to current state regulations; and any contaminated soil and groundwater associated with the abandoned oil wells (e.g., mud sumps) would be remediated during site excavation. In addition, a crude oil pipeline is located along the eastern boundary of the project site.

The project site is designated in the General Plan as Land Use District (LUD) No. 7 and zoned Planned Development (PD-1) (Southeast Area Development and Improvement Plan [SEADIP]), Subarea 17.¹

The project site is located in an urbanized area with retail and commercial uses that are located along the major roadways bordering the site and surrounding uses are described below:

¹ City of Long Beach, Department of Planning and Building, *Land Use Element of the Long Beach General Plan*, revised and reprinted April 1997, page 169; City of Long Beach Department of Planning and Building, *Zoning Ordinance (Title 21 of the City of Long Beach Municipal Code)*.

- **North:** Uses along Second Street include a one-story grocery store and bank. The Marina Pacifica Mall, which includes larger retail, restaurant and entertainment uses, is located north of the grocery store and bank. These uses are setback along PCH, and all have surface and some subterranean parking. The area to the northwest of the project site is Marina Pacifica, a private waterfront community consisting of attached residences. The residences are condominiums, ranging from three to five stories in height. Also to the northwest is the Long Beach Marina with a boat launch located south of the Marina Pacifica condominiums. The area northeast of the site consists of a fast food restaurant (northwest corner of Second Street and PCH), oil wells and the Los Cerritos wetlands.
- **South:** Adjacent to the project site along PCH is Marina Shores, a retail center with restaurants, a grocery store, services, and other retail. This center continues to the intersection of PCH and Studebaker Road. Beyond Studebaker Road, southeast of the project site, are more oil infrastructure facilities and a two-story office building, to the southwest, and the San Gabriel River.
- **East:** Land uses near the intersection of Second Street and PCH include a service station (southeast corner of Second and PCH). Across from the site on PCH, is The Marketplace, a one-story retail center that includes several restaurants, a grocery store, many small retail shops, and movie theaters. South of the retail center on the east side of PCH, are several one- and two-story office buildings and the Los Cerritos wetlands. In addition, a crude oil pipeline and easement is located along the eastern boundary of the site.
- **West:** Directly west of the project site (across Marina Drive) is the publicly-owned Alamitos Bay Marina. The parking lot for the Marina occupies most of the area west of the project site (approximately 1,177 parking spaces). Along Marina Drive are restaurants and some boat related retail.

Project Characteristics

The project applicant, Seaport Marina, LLC, is seeking to redevelop the proposed project site with up to 170,000 square feet of retail development and 425 residential units in structures up to five stories in height (maximum 68 feet). The proposed project is a retail/residential development divided into three blocks as follows:

- Block A is the northern block on the site bordered by Second Street and would include approximately 80,000 square feet of street level retail space and 127 residential units. This block also includes three outdoor plazas, one along Second Street and two along Marina Drive;
- Block B is the central portion of the site and would include approximately 60,000 square feet of street level retail space and 144 residential units. This

block includes a large outdoor plaza on the west side of the site along Marina Drive; and

- Block C is the southern most block, adjacent to Marina Shores, and would include 154 residential units, a 16,659 square foot recreational/fitness center for residents and approximately 30,000 square feet of street level retail space.

The project would be oriented toward Alamitos Bay Marina to allow for visitor and residential access and linkages to the marina and other area amenities. The project would be designed to be compatible with surrounding uses in terms of building height and size. The proposed project would provide approximately 20 percent of the site as open space. The proposed project would also include a bike/pedestrian pathway along Marina Drive, and would encourage pedestrian activity between the development and the marina.

Demolition of the existing on-site buildings (164,736 square foot Seaport Marina Hotel) would be required to allow for project construction. The proposed retail and residential components would be integrated as described above. Table 2.1 provides a list of project components and a description of each.

Retail Buildings

The proposed project includes up to 170,000 square feet of retail located at ground level. The retail spaces would relate architecturally to the elements of the residential units, thereby creating a consistent visual character within the mixed-use development.

Residential Units

The 425 residential units would be located throughout the project site above the retail spaces and oriented to maximize views. The residential units would be designed with a mixture of multi-family units including lofts, town homes, and flats. The integrated retail and residential buildings would be up to five stories with a maximum building height of 68 feet. Figures 2.5 through 2.9 show the proposed building elevations.

Access, Parking, and Circulation

Access to the site would be provided at three locations along PCH and two locations along Marina Drive. Along PCH access would be provided by a new private street between Blocks A and B, which would continue through to Marina Drive; a right-in, right-out entry leading to at grade parking on Block B and a new signalized primary entry from PCH onto a new private street leading to retail and residential parking garages between Blocks B and C, which would also continue to Marina Drive.

**TABLE 2.1
PROJECT COMPONENTS**

Project Component	Description
Retail	<ul style="list-style-type: none"> Up to 170,000 square feet of street level retail uses.
Residential	<ul style="list-style-type: none"> 425 residential units.
Street improvements	<ul style="list-style-type: none"> Three access points from PCH. Right-of-way dedication on the west side of PCH. Traffic signal at primary entry site on PCH. Relocation of drive entrance into Market Place parking lot across PCH to line up with proposed primary entry. Improvements provide for transition lane at PCH and Second Street, two through lanes and deceleration/acceleration lane for project. Closure of existing driveways and repair of any existing damaged curb and sidewalk on the south side of Second Street. Reconstruction of Marina Drive southeast of Second Street to the southeast project property line. Includes two northwest bound lanes (11-foot outside lane, 11-foot inside lane), 16-foot islands with left turn lanes at entrance points of project on Marina Drive and Marina public parking. A minimum of six-foot island nose at all left turn pockets on Marina Drive. Includes an existing right turn lane from Marina Drive to eastbound Second Street. Includes a 14-foot southeast bound lane on Marina Drive.
Bike/pedestrian paths	<ul style="list-style-type: none"> Construction of 5-foot landscaped area, an off-street Class I bike trail, 6-foot pedestrian sidewalk on southwest side of Marina Drive from Second Street to Studebaker. Extends off-street bike trail and six-foot pedestrian sidewalk and crossing to Studebaker Road on the southwest side of Marina Drive.
On-site parking	<ul style="list-style-type: none"> Approximately 1,700 on-site parking spaces in PCH garage.
Off-site parking	<ul style="list-style-type: none"> Limited angled parking on east side and parallel parking on west side of Marina Drive Improvements to City-owned parking lot including re-alignment of drive aisles and landscaping.
Site demolition and debris removal	<ul style="list-style-type: none"> Continued monitoring of portion of the site formerly used as a service station; proper re-abandonment of former oil wells; and possible encounter with other previously unknown USTs. Grading. Fill removal and recompaction. Removal of existing structures (for example, hotel) and other property improvements. Required recycling of demolition material.
Project landscaping and open space	<ul style="list-style-type: none"> Parkway landscaping. Perimeter landscaping. On-site landscaping in both public and private open space areas. Off-site landscaping (Marina Drive and marina parking lot). A two-to-one tree replacement per City code, as necessary, for any trees removed from the public right-of-way.

**TABLE 2.1
PROJECT COMPONENTS (CONT.)**

Project Component	Description
Storm drain	<ul style="list-style-type: none"> • Reconstruction of existing storm drains to redirect flows to an existing storm drain on southwest side of property. • A new storm drain would be constructed from PCH across the project site to Marina Drive to replace existing 36-inch storm drain crossing property.
Water quality improvements	<ul style="list-style-type: none"> • Treatment Best Management Practices (BMPs) such as bio-retention for treatment of runoff from the site.

Additional pedestrian access would be provided along Second Street and Marina Drive, including a pedestrian crossing at the plaza leading to Alamitos Bay Marina. The proposed project would establish a Class 1 bike trail connection and maintain the existing pedestrian crossing at Second Street and Marina Drive. The proposed project would also include a transition lane at Second Street, two through lanes, and a deceleration/acceleration lane.

The proposed project includes improvements to the streetscape along PCH at select locations adjacent to the project site to accommodate a six-foot sidewalk. The project also proposes improvements along the southwest and southeast sides of Marina Drive to Studebaker for an off-street bike trail and sidewalk. In addition, the proposed project includes the closure of existing driveways and repair of any existing damaged curbs and sidewalks adjacent to the project site (south side of Second Street).

There would be approximately 1,700 total on-site parking spaces (two levels of subterranean parking) including residential parking, and shared retail and guest parking. The project proposes improvements to Marina Drive (between Second Street and Studebaker) to allow on-street angled (east side) and parallel parking (west side).

Related Site Improvements

Other proposed site improvements would include construction of refuse enclosures, security lighting, and signage. The building materials and consistent integrated architecture design would be visible from the public rights-of-way and would address the guidelines outlined in PD-1.

Landscaping and Open Space

The landscaping plan for the project includes perimeter planting, internal streetscapes, plazas and patios. The proposed project would include approximately 20 percent of the project site as open space.

Landscape improvements along Marina Drive would consist of maintaining the existing identity with the Mexican fan palms lining both sides of the street, and would also include

shrub and groundcover under-story planting. Landscaping would consist of native California species and varieties.

In addition, the southwest side of Marina Drive would include an off-street Class I bike trail and a six-foot pedestrian path. The parkway planting along Second Street would include a mix of canopy trees and the Mexican fan palms that extend out from Marina Drive.

The wider edge along PCH would allow for a landscape buffer from vehicular traffic. Adjacent to the curb is the parkway that would include small canopy trees planted with shrubs in accordance with California Department of Transportation (Caltrans) guidelines. Additional planting would be added around the existing Mexican fan palms to create a garden edge to the sidewalk. The southeast perimeter adjacent to Marina Shores would include trees and large shrubs in order to provide privacy for proposed project residents and screen unwanted views of the service and delivery area of the existing retail development.

The internal private streets would include flowering trees, lower shrubs and groundcover. The plan also includes tree grates to be used in areas adjacent to parallel parking spaces. Mexican fan palms would be included into the main plaza on Marina Drive (Block B) from the parkway in planters. This area would also include a water feature that would be viewed from the street and by residents above. The entry plaza off of Second Street would serve as another entry point into the site with a small grouping of trees clustered around a water feature. Residential courtyards on the ground level would include private gardens that frame the garden court.

Off-site landscaping improvements would consist of a tree lined pedestrian promenade connecting the main plaza to the waterfront. The landscaping proposed in the marina parking lot would include new trees, shrubs and groundcover including California native species and varieties. The plan would also feature another walkway on the same level as the parking lot that runs parallel to the waterfront.

All planted areas would be irrigated according to plant type and environmental exposure by an automatically controlled, electrically activated underground piped irrigation system to conserve water and minimize erosion. All landscaping plans and irrigation systems would conform to City Zoning Code requirements for on-site landscaping and street trees.

Infrastructure

Development of the proposed project would include the provision of necessary infrastructure, including drainage, sewage disposal, water, solid waste, electricity, natural gas, and telecommunications. The project infrastructure components would require improvements to, and connection with, off-site and on-site infrastructure systems.

These systems, consisting of water, electricity, natural gas, telephone, and cable television / telecommunication lines, sewerage, storm drains, and street improvements, would be constructed on- and off-site and would be fully provided and maintained by the property owners (on-site facilities), municipal agencies, or utility service providers. See Table 2.1 for a list of infrastructure improvements.

Water and Sewer Services

The on-site water system would be considered private property and would be maintained by the applicant. The private on-site sewer system would also be maintained by the applicant. Gravity sewer lines in public streets or Long Beach Water Department (LBWD) easements would be designed to their standards.

Storm Drain System

A comprehensive surface drainage/storm drain system has been developed to collect and convey runoff on the project site. This system includes reconstruction of an existing storm drain to redirect flows to an existing storm drain on the southeast side of the property. A new storm drain would be constructed from PCH across the project site to Marina Drive to replace the existing 36-inch storm drain crossing the property.

Lighting

Security lighting is proposed throughout the project site and would consist of energy-efficient luminaires. To control nighttime lighting spillover and glare, parking lot lighting would be designed with a reflector system to restrict light to lower portion of the lighted area (for example, direct light down instead of into the night sky) and turned off after business hours with the exception of security lights.

C Findings

The City is the Lead Agency for the Seaport Marina project. The City has determined that the EIR identifies two significant environmental effect of the project, and that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the Final EIR. With regard to potential transportation improvements that would affect state routes, the City also finds that changes or alterations that would affect state routes are within the responsibility and jurisdiction of another public agency, and not the agency making the finding (the City).

The complete evaluation of potential environmental effects of the project is contained in Chapter 4.0 of the Draft EIR (2006) combined with those sections of Chapter 4.0 that have been revised and are noted in Chapter 2 of the Final EIR/Response to Comments document (January 2007) and Errata (March 2007).

SECTION 3

Effects Determined to be Mitigated to Less than Significant Levels

The EIR identified certain potentially significant effects that could result from the proposed project. However, the City finds for each of the significant or potentially significant impacts identified in this section, Section 3, based upon substantial evidence in the record, that changes or alterations have been required or incorporated into the proposed project that avoid or substantially lessen the significant effects as identified in the EIR. As a result, adoption of the mitigation measures set forth below will reduce the identified significant effects to a less than significant level.

Aesthetics

Impact: Visual character

The potential short-term visual impacts of the site demolition, grading and construction activities would include exposed dirt storage and staging areas for construction. This short-term condition would create a temporary visual distraction typically associated with construction activities. The construction would last approximately 22 months with a portion of construction involving interior finishing that would be less distracting to surrounding views than exterior construction. Standard conditions related to construction area barriers would be imposed by the City. With implementation of this mitigation, visual impacts related to short-term construction activities would be less than significant.

Long-term impacts would be associated with massing and design of the buildings after completion of construction. The proposed project would introduce a higher density use to the project site than the current hotel. Under the proposed project, the setback along Second Street would be five feet to accommodate the increased density and massing and would, therefore, require a Standards Variance. The increase in building density is consistent with the urban character of some of the surrounding buildings (for example, the Marina Pacifica condominiums) yet dissimilar to the nearby marina.

The proposed project would also replace the existing two-story hotel with an up to five-story mixed-use community. The maximum building height of the proposed project would be 68 feet. The proposed structures would be more similar in scale and form to the three- to five-story buildings in the vicinity than the one-story uses with surface parking.

The proposed project would include setbacks on the ground level and residential uses with second level open spaces located above the retail spaces on the ground floor.

The proposed project would provide landscaping improvements, high-quality building materials, and consistent integrated architecture design visible from the public rights-of-way, as outlined in PD-1 (SEADIP). The proposed project would also be subject to architectural review to the City to ensure that the design is consistent with the City's Guiding Principles Design standards. Therefore, long-term impacts would be less than significant.

Measure 3A.1: Prior to the issuance of any demolition permit, the applicant shall prepare a "Construction Staging and Management Plan" to be approved by the Director of Planning and Building that will establish entry and exit points for construction employees, location of temporary office facilities, location of demolition materials marshalling areas, location of construction materials staging areas, the height of a security fence and procedures for keeping the construction site clear of trash and weeds to minimize to the extent reasonably feasible impacts to the visual character and quality of the site, and require covering of material that can be carried by winds in accordance with SCAQMD regulations.

Finding

The City hereby finds that impacts related to visual character at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3A.1.

Impact: Light and glare

The proposed project area is presently located within an urbanized area surrounded by a mix of residential and retail land uses. The existing uses include interior and exterior building lighting, parking lot lighting, and landscape lighting. The project proposes higher density uses than currently exist. These uses would produce additional nighttime lighting and potential associated glare impacts.

Project lighting would provide even illumination of the exterior spaces, and secondary lighting of signage and accent lighting of plant materials would also occur. The project includes subterranean parking garages that would result in a slight decrease in nighttime lighting as compared to the existing hotel that has only surface parking lots. Lighting on the proposed project site could be detectable from the surrounding areas, as is typical for residential as well as urban development in the area. The residences northwest of the proposed project site could be impacted by lighting at the proposed project. All on-site lighting would be subject to a Lighting Plan approved by the City of Long Beach Director of Planning and Building. Positioning all building lighting to be directed on to the proposed project site would reduce potential impacts to less than significant levels.

Implementation of the proposed project could result in increased glare in comparison to existing conditions. The proposed project would also incorporate landscaping and a

canopy of trees over the outdoor common areas in the retail component that would help absorb some of the glare. Implementation of mitigation measures would reduce impacts to less than significant levels.

Measure 3A.2: Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that all exterior lighting shall be limited to ground level and the plazas to accent project landscaping areas. Security lighting shall be used in the proposed project area such as in the plazas of the building and limited to project entrances, landscaping, as well as loading areas. All lighting shall be shielded to prevent “spillover” to adjacent properties. Demonstration shall be to the satisfaction of the Director of Planning and Building.

Measure 3A.3: Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that the proposed project shall use non-reflective building materials and careful selection of exterior building materials as well as window glass treatments. Prior to the completion of final plans and specifications for each structural element of the proposed project, plans and specifications shall be submitted to the Department of Planning and Building for review to ensure that the selection of exterior building materials and window glass treatments would not create uncomfortable levels of glare on public roadways or surrounding redirected areas for the structural elements of the proposed project. Demonstration shall be to the satisfaction of the Director of Planning and Building.

Finding

The City hereby finds that impacts related to light and glare at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3A.2 and 3A.3.

Cultural Resources

Impact: Disturb previously unknown prehistoric archeological resources and human remains

No recorded archaeological sites or human remains are located on the project site or within ¼ mile from the project site. The area has been highly disturbed by recent human activities, including filling of the tidal marshlands, which once encircled Los Alamitos Bay, reducing the potential to encounter archaeological resources during project excavation. However, because the project area was originally tidal marshland where prehistoric settlements tended to be situated, there is some potential for buried and previously unrecorded prehistoric resources to be encountered during excavation activities. In addition, there exists the possibility that human remains may be encountered during excavation activities, although unlikely. To reduce the potential to disturb previously unknown prehistoric archaeological resources and human remains, mitigation measures would be incorporated into the project to reduce impacts to less than significant.

Measures 3C.1: Prior to the issuance of any grading permit, the applicant shall provide documentation that an archaeologist who is listed on the County of Los Angeles list of certified archaeologists has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee.

If archaeological resources, such as chipped or ground stone, dark or friable soil, large quantities of shell, historic debris, or human bone, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 250 feet of the find until the City of Long Beach has been notified and a qualified archaeologist can be secured to determine if the resources are significant per the Criteria of Eligibility in the NRHP regulations (36 CFR 60.4) and the California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet these standards of significance, construction shall proceed.

If the archaeologist determines that further information is needed to evaluate significance, the City of Long Beach shall be notified and a data recovery plan shall be prepared.

The Data Recovery Plan shall delineate a plan and timetable for evaluating the find. The plan shall also emphasize the avoidance or preservation, if possible, of significant impacts to archaeological resources. If avoidance or preservation is not possible, the acquisition of data from the site or salvage through excavation that produces qualitative and quantitative data sets of scientific value may be considered an effective mitigation measure damage to or destruction of the deposit or components of it (Public Resources Code Section 21083.2(d)). Upon approval of this Plan by the City staff, the plan shall be implemented prior to reactivation of any project activities within 250 feet of the resources' boundary.

Measure 3C.2: Prior to the issuance of any grading permit, the applicant shall provide documentation that a Native American monitor, who is listed with the Native American Heritage Commission, has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee.

If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The county coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the NAHC, which shall determine and notify a most likely descendant (MLD). With the permission of the landowner or an 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.

Finding

The City hereby finds that impacts related to prehistoric and archeological resources, and human remains at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3C.1 and 3C.2.

Impact: Disturb previously unknown paleontological resources

The project site is located within an area of recent Quaternary alluvial sediment brought to the area by the San Gabriel River and surrounded by bedrock exposures of Late Pleistocene sediments of the San Pedro and Palos Verde Sands deposits, known to produce limited vertebrate fossils. It is unlikely that *in situ* deposits of fossiliferous sediments would be encountered during project construction. However, there is a potential to encounter unknown paleontological resources during excavation activities. A mitigation measure is recommended to reduce potential impacts with regard to paleontological resources.

Measure 3C.3: In conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained and shall be on site during all rough grading and other significant ground disturbing activities in paleontologically sensitive sediments.

In the event that fossil resources are noted within the project area, construction in the vicinity of the find shall 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 shall be documented in a technical report that includes an itemized inventory of specimens. Specimens recovered during grading activities shall be prepared to a point of identification and permanent preservation. All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with this recovery program and report preparation.

Finding

The City hereby finds that impacts related to paleontological resources at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3C.3.

Geology and Soils

Impact: Seismic-related ground failure, including liquefaction

According to the geotechnical report, the potential for settlement resulting from liquefaction at the project site would be moderate. Therefore, the proposed development could expose people to significant impacts related to seismic settlement. Potential hazards related to liquefaction can be reduced to a less than significant level with proper engineering design. Mitigation measures would be incorporated into the project to reduce liquefaction and settlement impacts.

Measure 3D.1: Prior to the issuance of any building permits, the applicant shall demonstrate on the final site drawings that earthquake-resistant design has been incorporated into the drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.

Measure 3D.2: Prior to the issuance of any building permit, the applicant shall demonstrate that the design and construction of the proposed structures include methods for densifying and thus increasing the strength of loose, liquefaction susceptible soils at depth, such as columns and compaction grouting, as specified in the geotechnical report. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee.

Measure 3D.3: Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or a supplemental geotechnical report that where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompacted in accordance with the requirements of the appropriate governmental agencies.

Measure 3D.4: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a temporary shoring system with lagging shall be required during project excavation.

Measure 3D.5: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system.

Measure 3D.6: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a registered geotechnical engineer shall be present on-site to observe grading operations and foundation excavations.

Measure 3D.7: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that on-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas

would not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes.

Measure 3D.8: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that where there is sufficient space for sloped excavations, temporary cut slopes may be made according to the recommendations of the geotechnical report. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Vertical excavations heights shall be in accordance with the geotechnical investigation recommendations.

Measure 3D.9: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that if temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.

Measure 3D.10: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation.

Measure 3D.11: Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or shoring plans that where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging.

Measure 3D.12: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer.

Measure 3D.13: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a drainage system shall be placed at the bases of building walls below grade.

Finding

The City hereby finds that impacts related to seismic-related ground failure including liquefaction at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3D.1 through 3D.13.

Impact: Erosion potential or loss of topsoil

The project site is relatively flat, and the final grading of the project site would not significantly differ from the existing grade. Therefore, the operation of the proposed project would not result in substantial erosion or loss of topsoil.

Construction activities associated with the proposed project could impact water quality due to sheet erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas. Grading in particular, could lead to exposed areas of loose soil, as well as sediment stockpiles that are susceptible to uncontrolled sheet flow. Incorporation of mitigation would reduce impacts associated with soil erosion during project construction.

Measure 3D.14: Prior to the issuance of a grading permit the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMP's that would be implemented on the site to control predictable pollutant runoff.

Finding

The City hereby finds that impacts related to erosion or loss of topsoil at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3D.14.

Impact: Unstable geologic unit/soil

The proposed project site is located in a relatively flat area and is not within an area identified as having potential for seismically induced landslides. Therefore, the proposed project is not anticipated to be located on soil that is unstable or would become unstable due to landslide.

The potential for liquefaction at the proposed project site is high and lateral spreading generally occurs where soils are susceptible to liquefaction. Therefore, the potential for lateral spreading would be high.

The project site is relatively level, and the absence of nearby slopes precludes slope stability hazards. The project would include two levels of subterranean parking, and the lower subterranean parking level for the proposed project site would be 25 feet below grade. It is likely that excavation would expose alluvial deposits. These deposits are horizontally stratified and lack any well-defined planar features or discontinuities (such as bedding or joints) that would act as planes of weakness which would decrease slope stability. The geologic conditions at the project site would not create additional surcharge loads on the proposed below grade walls and would not result in a significant impact in terms of slope stability from the operation of the proposed project.

The geotechnical report recommends subterranean or retaining wall design. The sandy alluvium deposits on the site could be prone to local caving, which may result in the potential for temporary slope instability during site excavation. This would be considered a potentially significant impact. Potential hazards related to instability of temporary excavations can be reduced to a less than significant level with proper engineering of the retaining wall design and implementation of mitigation measures.

Potential impacts from lateral spreading, subsidence, liquefaction, or collapse would be significant. Potential hazards related to these impacts can be reduced to a less than significant level with proper engineering design and mitigation.

Measure 3D.15: As specified in the geotechnical investigation, 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 the geotechnical investigation, subject to review by the Director of Planning and Building or their designee prior to the issuance of any grading permits.

Measure 3D.16: 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, subject to review and approval by the Director of Planning and Building or their designee prior to the issuance of any grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soil testing as necessary, consistent with local, state, and federal regulations.

Finding

The City hereby finds that impacts related to unstable geologic unit/soil at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3D.15 and 3D.16.

Hazards

Impact: Potential soil contamination

The area of the proposed project site that was a former 76 service station is listed as a UST and LUST pursuant to Government Code Section 65962.5. The construction phase of the proposed project includes demolition, soil sampling, and contaminated soil or groundwater removal/remediation, if required as well as site preparation/grading. There are also five abandoned oil wells located on the proposed project site and a crude oil pipeline/easement along the eastern boundary of the project site.

Abatement and remediation of the 76 service station is underway. In addition, petroleum hydrocarbons, possibly from the on-site abandoned crude oil pipelines, and MTBE have been detected during different monitoring events in the groundwater samples collected from the site. Prior to site redevelopment, the oil wells located on-site would need to be re-abandoned in accordance with the current state regulations. Improper handling

methods of hazardous materials could cause potential impacts to the on-site and off-site environment. However, abatement, remediation and re-abandonment of the oil wells are subject to specific local, state, and federal regulations. Compliance with these regulations is considered adequate to address potential impacts from abatement, remediation, and re-abandonment activities. Therefore, Mitigation Measure 3E.1 requiring compliance with applicable regulations would reduce the potential impacts from abatement, remediation, and re-abandonment of the oil wells to less than significant levels.

Other potential hazardous substances at the project site include asbestos, LBP, and PCBs in structures to be demolished. Compliance with local, state, and federal regulations regarding the handling and disposal of these hazardous substances is considered adequate to reduce potential impacts to less than significant levels. Therefore, implementation of mitigation requiring compliance with applicable regulations would reduce potential impacts from asbestos, LBP, and PCBs to less than significant levels.

The extent of contamination that is present at the site would be better known after demolition and excavation activities have exposed soils that were previously concealed by the existing structures. Completion of a detailed soils investigation and removal and disposal of any contaminated soils and/or groundwater is required to prevent significant impacts to human health and/or the environment. Compliance with local, state, and federal requirements with regard to contaminated soils and groundwater is considered adequate to address potential impacts related to these hazardous substances. Implementation of mitigation requiring compliance with applicable regulations would reduce potential impacts from contaminated soils and groundwater associated with the USTs and support facilities to less than significant levels.

Due to compacted fill soils and historical use of the site, there is the potential for additional hazards to be encountered during rough grading and excavation activities. A Soil and Air Monitoring Program that includes a Health and Safety Plan is required by the Long Beach CUPA to prevent significant impacts to human health and the environment during soil disturbance activities. Compliance with local, state, and federal regulations regarding the handling and disposal of hazardous soils or groundwater would reduce potential impacts from these elements to less than significant levels.

Project construction would involve routine use of hazardous materials such as fuels, paints, and solvents. The project applicant is required to implement standard BMPs with regard to hazardous materials used during construction. Mitigation measures would reduce potential significant hazardous substances impacts associated with demolition, grading, excavation, and construction of the project to less than significant.

The proposed project could utilize, store, and sell hazardous materials such as solvents, paints, and pesticides. The proposed retail and residential uses would store and use household hazardous materials. BMPs are required to prevent pollutants from

discharging into the storm drain system from the proposed development. All businesses in the City of Long Beach that utilize hazardous materials above state thresholds are required to submit a Hazardous Materials Release Response Plan and Inventory to the Long Beach CUPA for review and approval (Municipal Code, Chapter 8.86). Implementation of BMPs and compliance with local, state, and federal regulations regarding hazardous materials use and storage are considered adequate to address these potential hazards. Therefore, Mitigation Measure 3E.5 would reduce potential impacts regarding use and storage of hazardous materials during operation of the project to less than significant levels.

There are no schools within one-quarter mile of the project site. However, Naples Elementary School, Kettering Elementary School, Lowell Elementary School, and Rogers Middle School are within one-mile of the proposed project site. Compliance with the mitigation measures would ensure that any hazardous emissions or handling of hazardous substances or materials would not result in a significant impact to the surrounding area, including the proposed project.

Measure 3E.1: Prior to the issuance of any demolition permits, the project applicant shall submit an application to the Long Beach Fire Department (LBFD) for approval to re-abandon wells and remove any pipeline conveyance systems from the property. The LBFD shall review the application for compliance with local, state, and federal requirements with well- and pipeline-handling procedures including sampling of subsurface soils and transport and disposal of tanks and soils/liquids. The LBFD shall oversee and monitor the operation in accordance with local, state, and federal requirements.

Measure 3E.2: Prior to the issuance of any demolition permits, all identified mercury, asbestos containing materials (ACMs), and lead-based paints (LBPs) shall be removed, handled, and properly disposed of by appropriately licensed and qualified individuals in accordance with 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 (for example, SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (for example, all required waste manifests, sampling, and air monitoring test results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, 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).

A survey for mercury shall be undertaken on the site and any mercury shall be removed in accordance with applicable regulations.

Measure 3E.3: Prior to the issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the Long Beach Fire Department for review and approval. 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 conveyance systems and associated equipment.

Measure 3E.4: Prior to the issuance of any precise grading permit and after removal of the pipeline conveyance systems, and hazardous materials storage area(s), a detailed soil matrix investigation workplan shall include sampling for petroleum. The purpose of the investigation will be to confirm the previously reported remediation at the site and to delineate the reported soil impact at the site. The findings of the investigation and the results of any sampling shall be summarized in the workplan. The Long Beach CUPA or the RWQCB will determine whether groundwater sampling is required.

The Long Beach CUPA or the RWQCB shall review the workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the Long Beach CUPA or the RWQCB for compliance with local, state, and federal regulations. Any additional sampling or soil or groundwater removal shall be subject to these same regulations. After remediation activity is completed to the satisfaction of the Long Beach CUPA or the RWQCB, a No Further Action Letter is to be issued prior to the issuance of the first building permit (for soils) and prior to issuance of the first certificate of occupancy (for groundwater).

The project applicant shall also perform a subsurface soil sampling to determine if petroleum has impacted the subsurface soil in the location of the previously identified oil sumps in the northern area of the site and in the area of the suspected mud pit and/or areas of dark stained soil noted in the Phase I Environmental Assessment historical aerial photographs.

Measure 3E.5: Prior to the issuance of any 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, SCAQMD, and the Long Beach CUPA for review and approval. The program shall be consistent with local, state, and federal regulations and shall encompass all soil-disturbance activities. The Health and Safety Plan shall include the following components:

- A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures;
- The identification of a site health and safety officer;
- Methods of contact, phone number, office location, and responsibilities of the site health and safety officer;
- Specification that the site health and safety officer shall be immediately contacted 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 the Long Beach CUPA shall be notified of evidence of soil contamination is encountered; and
- Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut and fill operations.

Measure 3E.6: Prior to the issuance of any precise grading permit, the project applicant shall perform a soil gas survey for fixed gases including methane, hydrogen sulfide, and volatile organic compounds (VOCs) in the area of the abandoned oil well to assess the possible presence of methane or other vapors associated with abandoned wells.

Finding

The City hereby finds that impacts related to hazardous materials sites at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3E.1 through 3E.6.

Hydrology and Water Quality

Impact: Violation of water quality standards

Construction activities associated with the proposed project might impact water quality due to erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas. Grading and soil stockpiling increase erosion potential during uncontrolled sheet flow. These activities could expose existing pollutants found in the soil. In addition, the use of materials such as fuels, solvents and paints present a risk to surface water quality due to an increased potential for pollutants to be deposited on the site and transported to the storm drain system.

The proposed project would be required to comply with all applicable federal, state and regional regulations to protect water quality during construction, as well as during the life of the project. Since the project site covers an area greater than one acre, a Stormwater Pollution Prevention Plan (SWPPP) is required. Under NPDES Permit 99-060, issued to the City of Long Beach, the project proponent must submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) prior to commencement of construction activities.

The proposed project would require dewatering of excavations for the subsurface parking structures. The subsurface parking structures would need to be excavated to a depth of 25 feet bgs. The area is not a major groundwater recharge area, and the shallow groundwater is not suitable for drinking water due to seawater intrusion. The dewatering would not substantially deplete groundwater supplies or interfere with recharge. Non-storm water dewatering for discharges meeting certain conditions are allowed under RWQCB NPDES Permit 99-060. Notification and approval from the RWQCB is required prior to conducting these operations. With implementation of mitigation, impacts with regard to violation of water quality standards would be less than significant.

Measure 3F.1: Prior to the issuance of any grading permit, the following measures shall be incorporated on to the final grading plans to ensure that

dewatering will not violate water quality standards and or waste discharge requirements:

- Applicant shall submit a Report of Waste Discharge (ROWD) to the RWQCB prior to dewatering. As part of the ROWD, groundwater quality testing shall be conducted to determine that dewatered water quality is adequate for discharge. Groundwater sample analysis results shall be submitted to the RWQCB prior to discharge.
- Dewatering shall be conducted in accordance with the Field Guide to Construction Site Dewatering, October 2001, CTSW-RT-01-010.
- Periodic water quality samples shall be collected and analyzed during the dewatering activities to ensure quality of the discharged water.
- If contaminants are reported in water sample results that exceed the RWQCB's discharge limits, discharge of dewatered water to surface waters shall cease immediately. Contaminated dewatered water shall be collected and treated prior to discharge, pursuant to RWQCB approval.

Finding

The City hereby finds that impacts related to violation of water quality standards at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3F.1.

Noise

Impact: Permanent increase of ambient noise levels in the project area

Traffic attributed to the proposed project would increase the total daily traffic traveling along the major thoroughfares within the project vicinity. The roadway noise increase attributed to the proposed project would be less than the 3 dBA CNEL increment at analyzed segments. Interior noise levels at future on-site residences would be dominated by roadway traffic. The highest traffic-related CNEL noise level along a roadway bordering the project site would be 72.1 dBA along PCH. Residential units associated with the project would be constructed with windows which would provide soundproofing. As such, interior noise level under the windows closed condition at the on-site residences facing PCH would be 40.2 dBA CNEL. The project would not exceed the HUD recommended interior noise level of 45 CNEL and the on-site mobile noise impact would be less than significant.

In order to ensure that the project would meet the HUD recommended interior noise level, the following mitigation measure is included:

Measure 3H.1: The project applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which ensure an acceptable interior noise environment. Specifically, the project applicant shall submit an acoustical report prior to the issuance of building permits that demonstrates that the proposed building design and materials would ensure that

interior noise levels attributable to exterior sources are no greater than 45 dBA CNEL.

Finding

The City hereby finds that impacts related to construction activities result in a temporary increase of ambient noise levels in the project area will be reduced to a less than significant level with implementation of Mitigation Measure 3H.1.

Public Services and Utilities

Impact: Significant increase the amount of solid waste

Both the construction and operational phases of the proposed project would be expected to generate refuse requiring disposal in accordance with local and state laws, including recycling requirements. The proposed project would replace a 250-room hotel with approximately 170,000 square feet of retail uses and 425 residential units. The existing uses currently generate approximately 1,000 pounds per day of solid waste.

Construction of the proposed project would require the demolition of the approximately 164,736 square feet hotel and generate refuse from building debris. All ACMs would be removed by a California State licensed contractor and disposed in accordance with applicable laws and regulations prior to commencement of other demolition activities.

The proposed project would increase solid waste generation to approximately 2,720 pounds per day, for an additional 1,720 pounds per day of solid waste. Project operation would result in approximately 511 tons per year or approximately 1.4 tpd to be committed to Class III landfills or other waste disposal facilities. This amount represents approximately 0.00008 percent increase in the total solid waste disposed of within the City (2002).

Given the percentage increase of solid waste disposal as a result of project implementation, the regional landfills have sufficient short-term capacity to accommodate the additional demand for solid waste disposal facilities. The following mitigation measures would assist the City in its effort to meet its waste reduction goals by facilitating recycling on-site.

Measure 3J.1: Prior to the issuance of any demolition permit, 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. The plan shall identify methods for promoting recycling and reuse of construction materials and safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods for incorporating source reduction and recycling techniques into project construction and operation in compliance with state and local requirements such as AB 939.

Measure 3J.2: Prior to the issuance of any 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 and waste collection points throughout the site has been included in the design of the buildings to encourage recycling.

Finding

The City hereby finds that impacts related to the increase in solid waste generation at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3J.1 and 3J.2.

Recreation

Impact: Conflict with City recreation and open space objectives

The proposed project would include private recreation areas for the residents (pools and a recreation/fitness center and pocket park with a spa). It is anticipated that future residents would seek additional recreational opportunities off-site. The project includes a detailed landscaping plan consisting of a combination of trees, shrubs, and groundcover. In total, the project site includes approximately 20 percent open space. Although this would not alleviate the City's existing open space deficiencies, it would provide private on-site recreational amenities for residents and public open space areas for the public.

Although implementation of the project would not result in the loss of parkland or open space, the proposed project would not fully satisfy the requirements for 30 percent of the site to be open space in PD-1 (SEADIP). However, the proposed project does include the following recreation/open space amenities:

- One public plaza along Second Street and two along Marina Drive
- Establishment of a bike trail connection and a pedestrian crossing at Second Street and Marina Drive on the northwest side of the intersection.
- A landscaped Class 1 bike trail and pedestrian sidewalk on the southwest side of Marina Drive (from Second Street to Studebaker) and improvements to pedestrian sidewalks.
- Extension of an off-street bike trail and a pedestrian sidewalk and crossing to Studebaker Road on the southwest side of Marina Drive.

In addition, the project includes landscape improvements to off-site public areas along Marina Drive and throughout the marina parking lot, west of the site. The City of Long Beach requires the dedication of parkland or payment of a fee in lieu of parkland dedication. With implementation of Mitigation Measure 3K.1, recreation and open space impacts associated with the project would be less than significant.

Measure 3K.1: The proposed project shall pay a per dwelling unit fee to the City of Long Beach in lieu of park land dedication in accordance with the City's Municipal Code Chapter 18.18.

Finding

The City hereby finds that impacts related to the conflicts with City recreation and open space objectives at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3K.1.

Transportation and Circulation

Impact: Exceed LOS standard established by the County CMP agency for designated roads or highways

The project would not contribute more than the minimum threshold of 150 peak-period trips at the closest CMP monitoring location. Implementation of Mitigation Measure 3L.3 would further reduce impacts to less than significant.

Measure 3L.3: A new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center shall be constructed as project mitigation. This roadway will provide a "bypass" route for some traffic to avoid the congested Second Street/PCH intersection. It will divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The proposed new roadway shall include the following improvements:

- It will be a new four-lane public roadway connection between the intersection of Studebaker Road/PCH and Second Street/Shopkeeper Road behind the Market Place shopping center. The applicant will be responsible for acquiring the necessary right-of-way and the project applicant will be responsible for the design and construction of the new roadway facility. The applicant will secure necessary approvals from other county, state and federal agencies with jurisdiction over such projects to the satisfaction of the Director of Planning and Building.
- At the Second Street/Shopkeeper Road intersection, Second Street shall be modified to provide an additional westbound left turn lane (two total) and Shopkeeper Road shall be modified to provide an additional right turn lane (two total). Shopkeeper Road shall also be modified to provide two receiving lanes at the intersection. The traffic signal shall be upgraded to provide a northbound right turn overlap operation.

In the event the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify alternative mitigation measures.

Finding

The City hereby finds that impacts related to LOS standards established by the County CMP agency for designated roads or highways associated with traffic generated by the Seaport Marina project will be less than significant and further reduced with implementation of Mitigation Measure 3L.3.

Impact: Provide inadequate parking capacity

The majority of the parking for the proposed project would be located on two levels of below grade parking with limited at-grade parking for the retail land uses. The proposed parking would consist of approximately 1,700 spaces. Taking into account the 425 residential units and the retail square footage, the proposed project would not provide adequate parking capacity, because required guest parking for the residential units has not been taken into account. As a result, a Standards Variance would be required. Approval of the Standards Variance would include the requirement that a Shared Parking Analysis demonstrate that the parking demand for the project would be met. It is worth noting that the project proposes off-site improvements that would result in limited on-street public parking on Marina Drive, as well as upgrades to the City-owned parking lot located between Marina Drive and the Marina.

Measure 3L.5: The applicant shall prepare a Shared Parking Analysis to the satisfaction of the Director of Planning and Building.

Finding

The City hereby finds that impacts related to parking at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3L.5.

Other Issues

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

Construction of the proposed project could cause the direct loss of nesting trees or the abandonment of nests by migratory birds or raptors due to harassment by noise and dust. This would be a violation of the MBTA, CFG Code, and the RMP, and could impede the use of native wildlife nursery sites, which are all potentially significant impacts. With incorporation of the mitigation, impacts would be less than significant.

Measure 3M.1: To address the potential presence of nesting migratory birds and resulting MBTA and CFG Code impacts, within 15 days of any project actions that will cause a potentially substantial increase or other change in existing disturbance, the project proponent shall have a qualified biologist conduct a preconstruction migratory bird nesting survey. This survey shall cover all

reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.

If an active nesting effort is confirmed or considered very likely by the biologist, no construction activities shall occur within at least 500 feet of the nesting site until measures to address the constraint are agreed to by the project proponent, U.S. Fish and Wildlife Service (USFWS) personnel, and California Department of Fish and Game (CDFG) personnel.

Potentially appropriate measures to take may include one or more of the following as authorized by the USFWS and CDFG: (1) delaying work at the nest site location until either the nest has failed (for non-project-related reasons) or seven days after the last young leaves the nest, or (2) taking the young nestlings to a qualified wildlife rehabilitation center. Note that in the latter situation, it will normally be necessary for the biologist retrieving the young to be properly experienced and permitted for the specific work required.

Finding

The City hereby finds that impacts related to migratory birds at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3M.1.

Impact: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

Construction of the proposed project could cause the direct loss of nesting trees or the abandonment of nests by migratory birds or raptors due to harassment by noise and dust. This would be a violation of the MBTA, CFG Code, and the RMP, and could impede the use of native wildlife nursery sites, which are all potentially significant impacts. With incorporation of the Mitigation Measure 3M.1, impacts would be less than significant.

Finding

The City hereby finds that impacts related to conflicts with local policies or ordinances protecting biological resources at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3M.1.

SECTION 4

Significant Effects That Cannot Be Mitigated To A Less Than Significant Level

As previously stated, the Final EIR identified certain potentially significant effects that could result from the proposed project based upon substantial evidence in the record. The City finds for each of the significant or potentially significant impacts identified in this section, Section 4.0, that changes or alterations have been required or incorporated into the proposed project that substantially lessen the significant effects as identified in the Final EIR;² however, even with adoption of the mitigation measures set forth below, project impacts are not reduced below a level of significance.

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

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.

Air Quality

Impact: Temporary adverse impacts to regional ambient air quality

Construction of the project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust

² *CEQA Guidelines*, Section 15091.

emissions would result from site preparation and construction activities. Mobile source emissions, primarily NO_x, would result from the use of construction equipment such as bulldozers, wheeled loaders, and cranes. During the finishing phase, paving operations and the application of architectural coatings (i.e., paints) and other building materials would release reactive organic compounds.

Maximum unmitigated regional emissions would exceed the SCAQMD daily significance thresholds for ROC and PM₁₀ but not for NO_x and CO.

Measure 3B.1: Fugitive Dust Control Measures. The following shall be implemented during construction to minimize fugitive dust and associated particulate emissions:

- Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require twice daily applications (once in late morning and once at the end of the workday). Increased watering shall be required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.
- The amount of disturbed area shall be minimized and on-site vehicle speeds shall be limited to 15 mph or less.
- If importation, exportation and stockpiling of fill material is involved, earth with five percent or greater silt content that is stockpiled for more than two days shall be covered, kept moist or treated with earth binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.
- After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading earth binders until the area is paved or otherwise developed.
- All material transported off-site shall be securely covered to prevent excessive amounts of dust.

Measure 3B.2: No_x Control Measures. The following shall be implemented throughout construction to reduce emissions of nitrogen oxides:

- When feasible, electricity from temporary power poles on-site shall be utilized rather than temporary diesel or gasoline generators.
- When feasible, on-site mobile equipment shall be fueled by methanol or natural gas (to replace diesel-fueled equipment) or propane or butane (to replace gasoline-fueled equipment).

Aqueous diesel fuel or biodiesel (B20 with retarded fuel injection timing), if available, shall be used in diesel fueled vehicles when methanol or natural gas alternatives are not available

Measure 3B.3: Ozone Precursor Control Measures. The following shall be implemented throughout construction to reduce emissions of ozone precursors ROC and NO_x:

- Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications.

-
- Schedule construction periods to occur over a longer time period (i.e., lengthen from 60 days to 90 days) during the smog season so as to minimize the number of vehicles and equipment operating simultaneously.
Use new technologies to control ozone precursor emissions as they become readily available.

Finding

The City hereby finds that construction air quality impacts will be reduced with implementation of Mitigation Measures 3B.1 through 3B.3, but cannot be mitigated to below a level of significance. The City finds that this impact is acceptable based on the grading requirements of the project and the mitigation proposed to reduce construction air quality emissions, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Impact: Adverse impacts to regional ambient air quality

Regional emissions associated with project operations would be generated by on-road vehicles and energy consumption. The project would generate approximately 354 net trips in the AM peak hour, 726 trips in the PM peak hour, and 885 trips in the weekend peak hour. Emissions associated with energy use would be generated by the consumption of electricity and natural gas. Weekday and weekend operational emissions would exceed the SCAQMD daily threshold for NO_x, ROC and CO. The following mitigation measures are recommended to reduce operational NO_x, ROC and CO emissions:

Measure 3B.4: The applicant shall use light-colored roofing materials to deflect heat away from buildings.

Measure 3B.5: The applicant shall use double-paned windows to reduce thermal loss in buildings in compliance with Title 24 of the California Code of Regulations.

Measure 3B.6: The applicant shall install automatic lighting on/off controls and energy-efficient lighting.

Measure 3B.7: The project applicant shall ensure that construction contractors use architectural coatings limited to a VOC content of 75 grams per liter or less.

Measure 3B.8: CO, NO_x, ROC regional emissions associated with the operation of the proposed project was shown to exceed the threshold of significance.

The most significant reductions in regional and local air pollutant emissions are attainable through programs that reduce the vehicular travel associated with implementation of the proposed project. Support and compliance with the AQMP for the basin is the most important measure to achieve this goal. The AQMP includes improvement of mass transit facilities and implementation of vehicular usage reduction programs. Additionally, energy conservation measures are included.

The following measures shall be incorporated into the project to minimize public health impacts to sensitive receptors:

Transportation Demand Management Measures (TDM):

- Provide adequate ingress and egress at all entrances to the proposed project site to minimize vehicle idling at curbsides. Provide dedicated turn lanes as appropriate and provide roadway improvements at heavily congested roadways. The areas where this measure would be applicable are the intersections in and near the project area. Presumably, these measures would improve traffic flow. Emissions would drop as a result of the higher traffic speeds.
- Schedule truck deliveries and pickups during off-peak hour traffic circulation. This will alleviate traffic congestion; therefore, emissions during peak hour will be lowered.

Energy Efficient Measures:

- Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors. Reducing the need to heat or cool structures by improving thermal integrity will result in a reduced expenditure of energy and a reduction in pollutant emissions.
- Provide bicycle storage areas and amenities, including racks and lockers and ensure efficient parking management.
- Provide transit shelters.
- Provide roofing and road materials and tree planning programs to comply with the AQMP Miscellaneous Sources MSC-01 measure. This measure reduces the need for cooling energy in the summer.

Introduce window glazing, wall insulation, and efficient ventilation methods. The construction of buildings with features that minimize energy use is already required by the Uniform Building Code.

Finding

The City hereby finds that long-term air quality impacts will be reduced with implementation of Mitigation Measures 3B.4 through 3B.8, but cannot be mitigated to below a level of significance. The City finds that this impact is acceptable based on the benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Transportation and Circulation

Impact: Increase in traffic that is substantial in relation to existing traffic load and capacity of the street system

The following project intersection would be significantly impacted with implementation of the project:

- Seventh Street/PCH
- SR-22 westbound on-ramp/Studebaker Road
- Second Street/Studebaker Road (if the Boeing project and associated mitigation do not proceed)

-
- Loynes Drive/PCH (proposed mitigation requires Caltrans concurrence)
 - Second Street/PCH (in the event Shopkeeper Road cannot be extended)
 - Second Street/Marina Drive (proposed new signal on PCH requires Caltrans concurrence)

The following mitigation is proposed to reduce traffic related impacts:

Measure 3L.3: A new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center shall be constructed as project mitigation. This roadway will provide a “bypass” route for some traffic to avoid the congested Second Street/PCH intersection. It will divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The proposed new roadway shall include the following improvements:

- It will be a new four-lane public roadway connection between the intersection of Studebaker Road/PCH and Second Street/Shopkeeper Road behind the Market Place shopping center. The applicant will be responsible for acquiring the necessary right-of-way and the project applicant will be responsible for the design and construction of the new roadway facility. The applicant will secure necessary approvals from other county, state and federal agencies with jurisdiction over such projects to the satisfaction of the Director of Planning and Building.
- At the Second Street/Shopkeeper Road intersection, Second Street shall be modified to provide an additional westbound left turn lane (two total) and Shopkeeper Road shall be modified to provide an additional right turn lane (two total). Shopkeeper Road shall also be modified to provide two receiving lanes at the intersection. The traffic signal shall be upgraded to provide a northbound right turn overlap operation.

In the event the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify alternative mitigation measures.

Measure 3L.4: At the intersection of PCH/Studebaker, the roadway shall have three departure lanes and two receiving lanes. Specific lane configurations will be determined at the time of design.

An analysis was made of the new four-lane connection roadway. Using the regional travel demand model, this proposed link was evaluated and the number of diverted trips was estimated. These trips were then analyzed in the with-project conditions, and assumed a signalized intersection at the south (main) project driveway. The model showed that due to the congestion that exists at Second Street and PCH, northbound right turns and westbound left turns at this intersection would tend to use the new connector road, since it has available

capacity and is less congested. The analysis further showed that there would be improvement in the level of service at the Second Street and PCH intersection and the PCH at Studebaker Road intersection, thus fully mitigating project impacts at those intersections. Figure 3L.4 shows the future four-lane connection roadway, and the proposed lane configurations at the Second Street and Shopkeeper Road intersection and the PCH and Studebaker Road intersection.

Finding

The City hereby finds that transportation impacts to the above intersections will be reduced with implementation of Mitigation Measures 3L.3 and 3L.4, but cannot be mitigated to below a level of significance. The City finds that the state routes described above are within the responsibility and jurisdiction of another public agency and not the City and therefore cannot be guaranteed. The City also finds that improvements are infeasible due to existing infrastructure and right-of-way constraints.

The City finds that these impacts are acceptable based on the transportation improvements that will be implemented as a result of the project, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Impact: Cumulative traffic impacts

The project together with other anticipated development would result in an adverse cumulative transportation and circulation impact. Related projects located in the proposed project area include: the Boeing Specific Plan project (located in City of Seal Beach), Home Depot (at Loynes Drive/Studebaker Road), an expansion of Marina Shores East (Westminster Avenue/PCH). Twelve intersections would be significantly impacted by cumulative development. Physical roadway mitigation proposed by the Boeing Specific Plan (Second Street/ Studebaker Road) is assumed to be in place in 2009 since that project is fully committed. The cumulative projects have also proposed mitigations at the following project study intersections. However, these measures are not included in the analysis because the City believes they are not sufficiently committed.

- SR-22 westbound on-ramp/Studebaker Road
- SR-22 eastbound on-ramp/Studebaker Road
- Studebaker Road/Loynes Drive
- PCH/Seventh Street
- PCH/Loynes Drive

Project mitigation measures do not fully mitigate cumulative impacts to a level of insignificance and therefore significant cumulative impacts would remain. With implementation of project and Boeing Specific Plan mitigation measures, cumulative impacts with the South PCH Driveway not signalized will remain at the following intersections:

-
- Atherton Street/Bellflower Boulevard (AM/PM peak hours)
 - Seventh Street/Park Avenue (AM/PM peak hours)
 - Seventh Street/PCH (AM/PM peak hours)
 - Seventh Street/Bellflower Boulevard (AM/PM peak hours)
 - SR-22 westbound on-ramp/Studebaker Road (PM peak hour)
 - Second Street/Bay Shore Avenue (PM peak hour)
 - Second Street/Studebaker Road (AM peak hour)
 - PCH/Seal Beach Boulevard (AM peak hour)
 - PCH/Loynes Drive (AM/PM/Saturday peak hours)
 - Second Street/PCH (AM/PM/Saturday peak hours)
 - Studebaker Road/PCH (AM/PM peak hours)

As shown, the project and Boeing Specific Plan mitigation measures do not fully mitigate the cumulative impacts to a level of insignificance, and significant cumulative impacts would remain.

Finding

The City hereby finds that transportation impacts to the above intersections will be reduced with implementation of Mitigation Measures 3L.3 and 3L.4 (described above), but cannot be mitigated to below a level of significance. The City finds that the state routes described above are within the responsibility and jurisdiction of another public agency and not the City and therefore cannot be guaranteed. The City also finds that improvements are infeasible due to existing infrastructure and right-of-way constraints.

The City finds that these impacts are acceptable based on the transportation improvements that will be implemented as a result of the project, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

SECTION 5

Effects Determined To Be Not Significant or Less Than Significant

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

Aesthetics

Effects on Scenic Vistas. All areas surrounding the project site are developed with urban uses. There are existing views of the marina in the project area but this scenic resource is blocked from PCH by the existing hotel. The focal visual point of the proposed project would be the marina and the orientation of the project would provide view corridors on a few of the internal streets. Because of the siting and incorporation of discussed project features, the proposed project would blend with its surroundings when viewed from a significant distance and elevation. In conclusion, the effect of the proposed project on any scenic vistas that might be seen from an off-site area is not considered adverse and not mitigation is necessary.

Effects on Scenic Resources. The portion of PCH that is located adjacent to the project site is not designated as a state scenic highway. The proposed project would be developed in accordance with the stated policies and goals of the Scenic Routes Element of the General Plan and would enhance the views of the site from both Second Street and Marina Drive. The proposed project complies with the opens space standard, as it integrates usable open space into the site design. In conclusion, the proposed project site is relatively flat with no scenic outcroppings and the project impacts to scenic resources in the vicinity of the proposed project are considered less then significant and not mitigation is required.

Cumulative Aesthetics Impacts. The listed projects located in the project vicinity include various commercial and retail projects that are currently approved, but not built, or proposed for development. The proposed project would occur in an area that has already been impacted by urban development and the redevelopment of the site would be aesthetically consistent with the character and level of development in the area. The proposed project, as well as the related projects, would be required to comply with height limits and building setbacks that are established by the City. In conclusion, the

proposed project in combination with the listed projects would not have a cumulative aesthetic impact and no mitigation is required.

Air Quality

Localized ambient air quality. Multiple hotspot analyses were complete for the proposed project and found that in the CO concentrations would not exceed the state air quality standards. The project would not contribute to a formation of a CO hotspot and project operations would not expose sensitive receptors to substantial pollutant concentrations. The impact would be less than significant and no mitigation is required.

Impacts to sensitive receptors. The primary source of potential air toxics associated with project operations include diesel particulates from delivery trucks. Potential localized air toxic impacts from on-site sources of diesel particulate emissions would be minimal since only a limited number of heavy-duty trucks would access the project site for extended periods of time. The proposed project would not warrant the need for health risk assessment associated with on-site activities, and potential air toxic impacts would be less than significant. The proposed project would not release substantial amounts of toxic contaminants and no significant impact on human health would occur and no mitigation is necessary.

Incompatibility with area air quality policies. The project would be consistent with growth assumptions included in the AQMP and the impact would be less than significant. No mitigation is required.

Cultural Resources

Cumulative cultural impacts. The project's impacts on cultural resources are generally localized and do not affect the immediate vicinity surrounding the project site. The project would not result in cumulative impacts on cultural resources in the project area and no mitigation is required.

Geology and Soils

Cumulative geology and soils impacts. The impacts on geology and soils are generally localized or site-specific and do not result in regionally cumulative impacts. In addition, soil erosion would not be cumulatively considerable as there is no other construction in the area of the site. The proposed project with other projects in the area would not contribute to cumulative impacts on geology and soils in the area and the impact is considered less than significant and no mitigation is required.

Hazards

Cumulative hazards impact. Under existing conditions the site soils and groundwater are contaminated with hazardous substances that need to be removed and transported off-site to an approved disposal facility. Once the proposed site has been remediated operation of the completed project would involve the use and storage of household hazardous materials typical of other uses in the area. The proposed project, together with other area projects, would not contribute to the cumulative hazard impact and would result in less than significant impacts. No mitigation is required.

Hydrology and Water Quality

Alter the site's existing drainage pattern. The proposed project would redevelop an urban site that has already been substantially developed. The project would not significantly modify the existing drainage pattern or the quantity of runoff from the site. Since the project is located in an urban area and is currently developed with commercial uses the project would also not alter the course of a stream or river, substantially increase the rate of erosion, siltation, or the amount of surface runoff in a manner that would result in flooding on- or off-site. The proposed project would have a less than significant impact on the drainage pattern of the site and no mitigation is required.

Land Use

Conflict with existing land use plan. With the required discretionary applications, the proposed project would not conflict with the Citywide Strategic Plan, General Plan or Local Coastal Program. However, the proposed project's inconsistency with PD-1 (SEADIP) open space requirements is a potentially significant impact of the proposed project. Approval of the project, including its off-site landscaping would indicate the decision makers acceptance of the project and proposed off-site improvements, and a less than significant impact. The overall intent of the PD-1 (SEADIP) zoning district is to provide a community of residential, business, and light industrial uses integrated with a system of parks, open space, and trails. The proposed project substantially complies with the open space standard, integrating usable open space into the site design. The landscaping along PCH and Marina Drive is in excess of the required setback and includes bike trails and a promenade. The proposed project would require amendments to allow for residential land uses and Standards Variances for the less than the required setback along Second Street and for less than the required amount of open space. The City-established Guiding Principles have been incorporated to reinforce the project goals and identify the areas where the proposed project should continue to evolve. Those areas include: creating a more defined retail component, providing further details about the open space plan and further accentuating the project's unique location and the potential for it to become a destination through its architectural design. The proposed

project would have a less than significant impact regarding conflicting with a land use plan and no mitigation is required.

Cumulative land use impacts. The proposed project will not contribute to a pattern of development that adversely impacts adjacent land uses or conflicts with existing or planned development. Since the project would not conflict with applicable plans and policies, the incremental impact of the proposed project when considered with the related projects would be less than significant and no mitigation is required.

Noise

Temporary construction noise impacts. Construction activity associated with the project would comply with the standards established in the City of Long Beach Municipal Code. Impacts would be less than significant and no mitigation is required.

Groundborne vibration impacts to sensitive receptors. The construction impact on sensitive receptors from the use of heavy equipment is considered less than significant because the nearest sensitive receptors are the multi-family residences located along Marina Drive north Second Street, which is approximately 600 feet away from the proposed project site. Ground vibration decrease rapidly with distance and is typically an annoyance issue within 60 feet. At 600 feet construction groundbourne vibration levels would not exceed the building damage or human annoyance thresholds. In conclusion, the construction groundbourne vibration impact would be less than significant and no mitigation is required.

The project would not include significant stationary sources of groundborne vibration during operation. Operational groundborne vibration in the project vicinity would be generated by vehicular travel on the local roadways and would not be perceptible by sensitive receptors. Therefore, no mitigation is required.

Cumulative noise impacts. Noise from construction of the proposed project and related projects would be localized, therefore the noise may potentially affect the areas immediately surrounding or between each particular site. The nearest related project site is located approximately 850 feet apart and separated by numerous structures, so construction noise would not result in a noticeable increase in noise at sensitive receptors near the other project sites. Cumulative impacts associated with construction noise would not be significant and no mitigation is required.

The areas surrounding the site have been developed with uses that have previously generated and would continue to generate. The operational noise impacts related to project development would be less than significant. Cumulative roadway noise levels would not exceed the 3 dBA threshold increment. The project would not result in cumulatively considerable impact with respect to roadway noise and no mitigation is required.

Groundborne vibration impacts from equipment that would be used during construction and operations are localized. There are no related projects within 850 feet of the proposed project. As such there is no potential for cumulative groundbourne vibration impacts and no mitigation is required.

Population and Housing

Substantially induce population growth. Housing impacts and subsequent population growth would result from construction of new housing units. The direct population growth resulting from the development of the proposed residential uses would account for 3.5 percent of the population growth expected in the City between 2005 and 2030. The estimated population generated by the proposed residential uses would represent a small percentage of population growth anticipated within the Los Angeles County. The project would not result in the direct inducement of significant population growth, but rather would respond to the regional demand for additional goods, services, and housing. The proposed project would more likely accommodate rather than induce growth, therefore the proposed project would have less than a significant impact on population growth in the project area and no mitigation is required.

Cumulative impact. The net population increase in housing associated with the proposed project would also be well within the household growth forecast for Long Beach and Los Angeles County. The project would help revive a regional housing shortage that exists in southern California. Because of the housing shortage in the project area and the County, the proposed project would not have cumulative impacts on population and housing and therefore no mitigation is necessary.

Public Services and Utilities

Fire Protection. The proposed project could result in an increase in response calls to the project site from the Long Beach Fire Department (LBFD) and may increase the need for fire protection services to the site the LBFD predicts that it will be able to absorb this additional demand. The proposed project in and of itself would not significantly impact the LBFD and would not increase fire service needs to the point where the acceptable ratios, response times, or other performance objectives would be compromised. The impact to fire services is less than significant and mitigation is not required.

Police Protection. The proposed project area does not contain any potential safety or security problems in the site vicinity, as PCH and Second Street provide emergency access. The additional 170,000 square feet of retail and 425 residential units would increase demand on police services, although the site location is in an area of the City that has a fairly low crime rate. Calls generated from the new housing units that could be of any type and are difficult to predict. The proposed project would not increase police

services to the point of where acceptable rations, response times, or other performance objectives would be compromised. The impact to police services is less than significant and mitigation is not required.

Schools. The proposed project would an estimated 12 total students and of that 12 and estimated six would be in elementary school, three would be in middle school, and three would be in high school. The LBUSD's existing capacity is 74,192 seats and enrollment is 97,560 students and current enrollment is exceeded by 23,368 seats. The impact to schools is less than significant and no mitigation is necessary beyond the payment fee required by standard regulatory controls.

Wastewater generation. The proposed project would increase wastewater generation at the site to approximately 108,125 gallons per day; an increase to wastewater treatment needs in the City by .002 percent. The City currently has 62.3 mgd of additional capacity to treat wastewater; therefore the proposed project would not result in the construction or expansion of a new wastewater treatment facility. Impacts would be less than significant and mitigation would not be required.

Water consumption. The project would result in consumption of 150,875 gallons of water per day, an increase of 114,875 gallons of water per day. The LBWD indicated that there are sufficient supplies to serve the proposed project from existing entitlements and resources. The proposed project would not be expected to exceed existing entitlements allocated for the City. The impacts would be less than significant and no mitigation is required.

Cumulative impact. Similar to the proposed project, related projects would likely include features designed to reduce impacts on fire and police protection and these projects would be evaluated on an individual basis to determine appropriate mitigation measures. Each service provider has a separate process for review and upgrade of staff and facilities independent of the development process. The combined cumulative impact associated with the project's and related projects effect on fire and police services would be less than significant and no mitigation is required.

None of the other related projects are residential therefore would not expect to generate new students, thus cumulative impacts to schools would be less than significant and no mitigation is required.

The cumulative generation of wastewater would be 189,533 gpd; however, the City recognizes this growth and as such is proactively planning for future expansion capacity and extension of service lines to accommodate growth. Cumulative impacts of the proposed project and related projects would be less than significant and no mitigation measures are necessary.

The cumulative water consumption would be 197,036; however, the LBWD is considering new water sources and has developed plans to increase the water supply in

the future as pollution growth demands. With the City's water conservation and water recycling programs being implemented, its water supply can meet cumulative projects demand for water. Therefore, cumulative impacts of the proposed project and related projects would be less than significant and no mitigation measures are required.

Other related projects would also generate an increase demand for landfill capacity during construction and operation. Including the proposed project, these related projects are expected to recycle and reuse a large portion of the construction debris, thus reducing the amount of material disposed of at area landfills. With the City's implementation of its source reduction and recycling programs cumulative impacts to solid waste disposal would be less than significant.

Recreation

Cumulative impact. The proposed project together with related residential projects within the project vicinity would increase the population in the City of Long Beach. Similar to the proposed project, related projects would be required to provide recreational facilities or pay an in-lieu fee. The proposed project would not contribute in an adverse cumulative recreation and open space impact and no mitigation is necessary.

Other Issues

Cumulative impact on biological resources. The project is located in a developed area that also has limited open space and opportunities for biological resources, therefore the construction and operation of the proposed project would not appreciably affect biological resources to the point of a significant impact to cumulative biological resources would occur because of the limited resources at the site and its surroundings. Impacts would be a less than significant and no mitigation is required.

SECTION 6.0

Feasibility of Project Alternatives

Project Alternatives

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

Alternatives Withdrawn from Further Consideration

The City identified three alternative sites with the criterion of finding infill sites that could be redeveloped to increase high-quality housing and economic opportunities. As briefly discussed below, none of these sites are environmentally superior to the project site and the applicant does not control any of the sites:

- Tank Farm Site (located between the San Gabriel River and the Los Cerritos Channel): This site is 16.7-acres and is currently zoned PD-1 Subarea 19 that allows for industrial land uses. This site was rejected as the applicant does not control the site and it is currently being proposed to be developed as a Home Depot.
- Oil Operators: The Oil Operators site located at 712 West Baker Street. The site is 13.28-acres and is zoned for single-family residential standard lots (R-1-N). The site was eliminated from consideration as it has limited access (primary access route would be through a residential area) and the applicant does not control the site.
- Robertshaw Control Company: Located at 100 W. Victoria Street, this 7.88-acres site is zoned General Industrial. This site was rejected, because the applicant does not control the site. In addition, this site is one of the few remaining industrial sites in the City, which the City would like keep in order to maintain its economic base.

Alternatives Analyzed in the EIR

Alternative 1: No Project/No Build Alternative

Under the No Project Alternative, the proposed project would not be constructed, and the existing Seaport Marina Hotel would continue to operate. The current ingress/egress on PCH would remain, and other circulation elements would generally remain in their existing configuration.

Alternative 1 would not address the need for high-quality housing nor would it generate additional tax revenues associated with the proposed project, and the site would continue to be underutilized. These needs are identified as high priorities for the City of Long Beach in both the Citywide Strategic Plan and the LUE of the General Plan.

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

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

Alternative 2: Retail Alternative

Alternative 2 (Retail Alternative) would include the construction of 350,000 square feet of retail space. Alternative 2 would likely provide at least two large big box anchors and smaller retail land uses, in addition to other ancillary uses such as restaurants, a fitness center, and other related services.

Under this alternative, it is assumed that structures would be similar to the proposed project in terms of height, density, and mass. Similar to the proposed project, it is assumed that subterranean and surface parking would be provided.

Alternative 2 would be consistent with existing land use designations and would not require a General Plan or LCP Amendment to allow for the residential land uses. However, it is assumed under this alternative the design and layout of the site would be similar, therefore, Alternative 2 would require a Site Plan Review, a Tentative Subdivision Map, and Standards Variances for open space and the setback along Second Street and a Local Coastal Development Permit.

Consistency with Project Objectives. The Retail Alternative would meet six of the seven objectives of the proposed project in terms of providing a sales-tax generating economic opportunity that complements the nearby marina area:

-
- Create an aesthetically attractive, high quality design that reflects the property's unique orientation adjacent to an active marina;
 - Provide a high level of accessibility to and through the site to ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit;
 - Provide an economical reuse of the project site while minimizing adverse impacts to surrounding properties.
 - Design and implement comprehensive site development standards that minimize adverse impacts to the environment;
 - Enhance the economic vitality of the City of Long Beach and provide property tax, sales tax, and other revenue opportunities; and
 - Provide amenities for public access to the Marina.

Alternative 2 would not address the City's need for high-quality housing, although it would provide greater economic development and sales tax-generation opportunities for the City as compared to the proposed project.

Feasibility/Finding. The Retail Alternative would have a similar impact to aesthetics, cultural resources, and hazards and would avoid the significant unavoidable adverse impacts of the proposed project related to construction air quality and project impacts associated with transportation and circulation. The Retail Alternative would cause a greater impact to air quality, noise, population and housing, and transportation.

The operational impacts to transportation and circulation under this alternative would increase as retail uses generate more traffic than residential. This alternative could also impact more intersections compared to the proposed project, thus the operational traffic impacts with implementation of Alternative 2 would be significant.

Alternative 3: Reduced Project Alternative

Implementation of the Reduced Project Alternative would include construction of 140,000 square feet of retail space and 340 residential units, a reduction of 20 percent compared to the proposed project. The Reduced Project Alternative would include similar elements as the proposed project with a similar building design and characteristics. Under Alternative 3, the building height would be reduced to one- to three-stories, as compared to up to five stories (a maximum of 68 feet) under the proposed project. This alternative includes all other elements and amenities described for the proposed project (landscaping, etc.). Similar to the proposed project, this alternative would include subterranean and surface parking.

Alternative 3 would require the same discretionary actions as the proposed project.

Consistency with Project Objectives. The Reduced Project Alternative would meet all of the objectives of the proposed project, although it would reduce housing and sales tax-generation opportunities in the City as compared to the proposed project.

Feasibility/Finding. The Reduced Project Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related construction air quality, and transportation and circulation. This alternative would have a similar impact for aesthetics, cultural resource, geology and soils, hazards, water quality, and noise. This alternative would have a reduced impact on public services and air quality. As with the proposed project the impacts to transportation and circulation under this alternative are still anticipated to be significant.

Alternative 4: Hotel/Retail Alternative

The Hotel/Retail Alternative would include 170,000 square feet of retail space (as with the proposed project) and a 130-room hotel (instead of the 425 residential units in the proposed project). No residential units would be constructed. In addition to the 130 guest rooms, the hotel would include other amenities such as banquet and meeting rooms, recreation areas (outdoor pool) and other ancillary services. Under this alternative, it is assumed that structures would be similar to the proposed project in terms of height, density, and mass. Similar to the proposed project, it is assumed that subterranean and surface parking would be provided similar to the proposed project.

Alternative 4 would be consistent with the existing land use designations and would not require a General Plan or LCP Amendment to allow for residential uses. However, it is assumed under this alternative the design and layout of the site would be similar. Therefore, Alternative 4 would require Site Plan Review, a Tentative Subdivision Map, and Standards Variances for open space and the setback along Second Street, and a Local Coastal Development permit.

Consistency with Project Objectives. Alternative 4 would meet all of the project objectives of the proposed project and would provide a sales-tax generating economic opportunity that complements the nearby marina area. However, Alternative 4 would not address the City's need for high-quality housing, although it would provide greater economic development and sales tax-generation opportunities for the City as compared to the project.

Feasibility/Finding. The Hotel/Retail Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related to construction air quality, and would have a greater impact on traffic increase. This alternative would have a similar impact on aesthetics, cultural, hazards, and water quality. There would be a reduced impact under this alternative for public services and utilities.

As with the proposed project impacts to area traffic would still be significant and adverse with the implementation of Alternative 4.

Alternative 5: Oil Pipeline Relocation

Under this alternative, the 170,000 square feet of retail and 425 residential units included as the proposed project would be constructed. However, the existing oil

pipeline/easement located on the eastern boundary of the project site would be moved 16 feet east of its current location (within the right-of-way of PCH). This would reduce the project setback along PCH from 28 feet to 20 feet. Implementation of this alternative would also increase the amount of excavation and would result in some disruption to traffic on PCH. All project components described under the proposed project would be included with Alternative 5.

Consistency with Project Objectives. Alternative 5 would meet all of the project objectives of the proposed project and would provide a sales-tax generating economic opportunity that complements the nearby marina area.

Feasibility/Finding. The Oil Pipeline Relocation Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related to construction air quality. As with the proposed project impacts to area traffic would still be significant and adverse with the implementation of Alternative 5.

Comparison of Alternatives and Process for Identification of the Environmentally Superior Alternative

An EIR must identify the environmentally superior alternative. The No Project Alternative would be environmentally superior to the proposed project on the basis of minimization or avoidance of physical environmental impacts. However, the No Project Alternative does not meet any of the project objectives. In addition, *CEQA Guidelines* (Section 15126.6(c)) require that, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Alternative 3, the Reduced Alternative would be the environmentally superior alternative. Alternative 3 would meet project objectives, but not to the same degree as the project (i.e., Alternative 3 would not provide as much housing, tax revenue, etc.).

SECTION 7.0

General Findings

1. The plans for the project have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes.
2. Comments regarding the Draft EIR received during the public review period have been adequately responded to in written Responses to Comments attached to the Final EIR and Errata.
3. To the degree that any impacts described in the Final EIR are perceived to have a less than significant effect on the environment or that such impacts appear ambiguous as to their effect on the environment as discussed in the Draft EIR, the City has responded to key environmental issues and has incorporated mitigation measures to reduce or minimize potential environmental effects of the proposed project to the maximum extent feasible.

Attachment 1
**Mitigation Monitoring and
Reporting Program**



**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Aesthetics							
Measure 3A.1: Prior to the issuance of any demolition permit, the applicant shall prepare a "Construction Staging and Management Plan" to be approved by the Director of Planning and Building that will establish entry and exit points for construction employees, location of temporary office facilities, location of demolition materials marshalling areas, location of construction materials staging areas, the height of a security fence and procedures for keeping the construction site clear of trash and weeds to minimize to the extent reasonably feasible impacts to the visual character and quality of the site, and require covering of material that can be carried by winds in accordance with SCAQMD regulations.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Demolition Permit and on-going Building and Safety Monitoring During Construction			
Measure 3A.2: Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that all exterior lighting shall be limited to ground level and the plazas to accent project landscaping areas. Security lighting shall be used in the proposed project area such as in the plazas of the building and limited to project entrances, landscaping, as well as loading areas. All lighting shall be shielded to prevent "spillover" to adjacent properties. Demonstration shall be to the satisfaction of the Director of Planning or Building.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Measure 3A.3: Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that the proposed project shall use non-reflective building materials and careful selection of exterior building materials as well as window glass treatments. Prior to the completion of final plans and specifications for each structural element of the proposed project, plans and specifications shall be submitted to the Department of Planning and Building for review to ensure that the selection of exterior building materials and window glass treatments would not create uncomfortable levels of glare on public roadways or surrounding redirected areas for the structural elements of the proposed project. Demonstration shall be to the satisfaction of the Director of Planning or Building.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Air Quality							
The following mitigation measures are for construction activities: Measure 3B.1: Fugitive Dust Control Measures. The following shall be implemented during construction to minimize fugitive dust and associated particulate emissions:	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
<ul style="list-style-type: none"> Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require twice daily applications (once in late morning and once at the end of the workday). Increased watering shall be required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph. 							

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Air Quality (cont.)							
<ul style="list-style-type: none"> The amount of disturbed area shall be minimized and on-site vehicle speeds shall be limited to 15 mph or less. If importation, exportation and stockpiling of fill material is involved, earth with five percent or greater silt content that is stockpiled for more than two days shall be covered, kept moist or treated with earth binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard. After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading earth binders until the area is paved or otherwise developed. All material transported off-site shall be securely covered to prevent excessive amounts of dust. 							
<p>Measure 3B.2: No_x Control Measures. The following shall be implemented throughout construction to reduce emissions of nitrogen oxides:</p> <ul style="list-style-type: none"> When feasible, electricity from temporary power poles on-site shall be utilized rather than temporary diesel or gasoline generators. When feasible, on-site mobile equipment shall be fueled by methanol or natural gas (to replace diesel-fueled equipment) or propane or butane (to replace gasoline-fueled equipment). Aqueous diesel fuel or biodiesel (B20 with retarded fuel injection timing), if available, shall be used in diesel fueled vehicles when methanol or natural gas alternatives are not available. 	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
<p>Measure 3B.3: Ozone Precursor Control; Measures. The following shall be implemented throughout construction to reduce emissions of ozone precursors ROC and NO_x:</p> <ul style="list-style-type: none"> Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications. Schedule construction periods to occur over a longer time period (i.e., lengthen from 60 to 90 days) during the smog season so as to minimize the number of vehicles and equipment operating simultaneously. Use new technologies to control ozone precursor emissions as they become readily available. 	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
<p>The following mitigation measures are included for operational activities:</p> <p>Measure 3B.4: The applicant shall use light-colored roofing materials to deflect heat away from buildings.</p>	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
<p>Measure 3B.5: The applicant shall use double-paned windows to reduce thermal loss in buildings in compliance with Title 24 of the California Code of Regulations.</p>	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Air Quality (cont.)							
Measure 3B.6: The applicant shall install automatic lighting on/off controls and energy-efficient lighting	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
Measure 3B.7: The project applicant shall ensure that construction contractors use architectural coatings limited to a VOC content of 75 grams per liter or less.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
<p>Measure 3B.8: CO, NO_x, ROC regional emissions associated with the operation of the proposed project was shown to exceed the threshold of significance.</p> <p>The most significant reductions in regional and local air pollutant emissions are attainable through programs that reduce the vehicular travel associated with implementation of the proposed project. Support and compliance with the AQMP for the basin is the most important measure to achieve this goal. The AQMP includes improvement of mass transit facilities and implementation of vehicular usage reduction programs. Additionally, energy conservation measures are included.</p> <p>The following measures shall be incorporated into the project to minimize public health impacts to sensitive receptors:</p> <p><u>Transportation Demand Management Measures (TDM):</u></p> <ul style="list-style-type: none"> • Provide adequate ingress and egress at all entrances to the proposed project site to minimize vehicle idling at curbsides. • Provide dedicated turn lanes as appropriate and provide roadway improvements at heavily congested roadways. The areas where this measure would be applicable are the intersections in and near the project area. Presumably, these measures would improve traffic flow. Emissions would drop as a result of the higher traffic speeds. • Schedule truck deliveries and pickups during off-peak hour traffic circulation. This will alleviate traffic congestion; therefore, emissions during peak hour will be lowered. <p><u>Energy Efficient Measures:</u></p> <ul style="list-style-type: none"> • Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors. Reducing the need to heat or cool structures by improving thermal integrity will result in a reduced expenditure of energy and a reduction in pollutant emissions. • Provide bicycle storage areas and amenities, including racks and lockers and ensure efficient parking management. • Provide transit shelters. • Provide roofing and road materials and tree planning programs to comply with the AQMP Miscellaneous Sources MSC-01 measure. This measure reduces the need for cooling energy in the summer. 	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Air Quality (cont.)							
<ul style="list-style-type: none"> Introduce window glazing, wall insulation, and efficient ventilation methods. The construction of buildings with features that minimize energy use is already required by the Uniform Building Code. 							
Cultural Resources							
<p>Measure 3C.1: Prior to the issuance of any grading permit, the applicant shall provide documentation that an archaeologist who is listed on the County of Los Angeles list of certified archaeologists has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee.</p>	Pre-Construction / Construction	City of Long Beach Department of Public Works	City of Long Beach Planning and Building Department and City of Long Beach Department of Public Works	Periodic Reporting During Construction			
<p>If archaeological resources, such as chipped or ground stone, dark or friable soil, large quantities of shell, historic debris, or human bone, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 250 feet of the find until the City of Long Beach has been notified and a qualified archaeologist can be secured to determine if the resources are significant per the Criteria of Eligibility in the NRHP regulations (36 CFR 60.4) and the California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet these standards of significance, construction shall proceed.</p> <p>If the archaeologist determines that further information is needed to evaluate significance, the City of Long Beach shall be notified and a data recovery plan shall be prepared.</p> <p>The Data Recovery Plan shall delineate a plan and timetable for evaluating the find. The plan shall also emphasize the avoidance or preservation, if possible, of significant impacts to archaeological resources. If avoidance or preservation is not possible, the acquisition of data from the site or salvage through excavation that produces qualitative and quantitative data sets of scientific value may be considered an effective mitigation measure damage to or destruction of the deposit or components of it (Public Resources Code Section 21083.2(d)). Upon approval of this Plan by the City staff, the plan shall be implemented prior to reactivation of any project activities within 250 feet of the resources' boundary.</p> <p>The results of the fossil recovery program shall be documented in a technical report that includes an itemized inventory of specimens. Specimens recovered during grading activities shall be prepared to a point of identification and permanent preservation. All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with this recovery program and report preparation.</p>							

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Cultural Resources							
<p>Measure 3C.2: Prior to the issuance of any grading permit, the applicant shall provide documentation that a Native American monitor, who is listed with the Native American Heritage Commission, has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee.</p> <p>If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The county coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the NAHC, which shall determine and notify a most likely descendant (MLD). With the permission of the landowner or an 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.</p>	Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Periodic Reporting During Construction			
<p>Measure 3C.3: In conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained and shall be on site during all rough grading and other significant ground disturbing activities in paleontologically sensitive sediments.</p> <p>In the event that fossil resources are noted within the project area, construction in the vicinity of the find shall 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.</p>	Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Periodic Reporting During Construction			
Geology and Soils							
<p>Measure 3D.1: Prior to the issuance of any building permits, the applicant shall demonstrate on the final site drawings that earthquake-resistant design has been incorporated into the drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.</p>	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Building Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Geology and Soils (cont.)							
Measure 3D.2: Prior to the issuance of any building permit, the applicant shall demonstrate that the design and construction of the proposed structures include methods for densifying and thus increasing the strength of loose, liquefaction susceptible soils at depth, such as columns and compaction grouting, as specified in the geotechnical report. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Building Permit			
Measure 3D.3: Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or a supplemental geotechnical report that where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompacted in accordance with the requirements of the appropriate governmental agencies.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Precise Grading Permit			
Measure 3D.4: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a temporary shoring system with lagging shall be required during project excavation.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.5: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.6: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a registered geotechnical engineer shall be present on-site to observe grading operations and foundation excavations.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.7: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that on-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas would not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.8: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that where there is sufficient space for sloped excavations, temporary cut slopes may be made according to the recommendations of the geotechnical report. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Vertical excavations heights shall be in accordance with the geotechnical investigation recommendations.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Geology and Soils (cont.)							
Measure 3D.9: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that if temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.10: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.11: Prior to the issuance of any final <i>precise</i> grading permit, the applicant shall demonstrate on the precise grading plans <i>or shoring plans</i> that where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of <i>Precise</i> Grading Permit			
Measure 3D.12: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.13: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a drainage system shall be placed at the bases of building walls below grade.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.14: Prior to the issuance of a grading permit the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMP's that would be implemented on the site to control predictable pollutant runoff.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.15: As specified in the geotechnical investigation, 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 the geotechnical investigation, subject to review by the Director of Planning and Building or their designee prior to the issuance of any grading permits.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.16: 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, subject to review and approval by the Director of Planning and Building or their designee prior to the issuance of any grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soil testing as necessary, consistent with local, state, and federal regulations.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Hazards							
Measure 3E.1: Prior to the issuance of any demolition permits, the project applicant shall submit an application to the Long Beach Fire Department (LBFD) for approval to re-abandon wells and remove any pipeline conveyance systems from the property. The LBFD shall review the application for compliance with local, state, and federal requirements with well- and pipeline-handling procedures including sampling of subsurface soils and transport and disposal of tanks and soils/liquids. The LBFD shall oversee and monitor the operation in accordance with local, state, and federal requirements.	Pre-Construction	City of Long Beach Fire Department	City of Long Beach Fire Department	Issuance of Demolition Permit			
Measure 3E.2: Prior to the issuance of any demolition permits, all identified mercury, asbestos containing materials (ACMs), and lead-based paints (LBPs) shall be removed, handled, and properly disposed of by appropriately licensed and qualified individuals in accordance with 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 (for example, SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (for example, all required waste manifests, sampling, and air monitoring test results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, 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). A survey for mercury shall be undertaken on the site and any mercury shall be removed in accordance with applicable regulations.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Demolition Permit			
Measure 3E.3: Prior to the issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the Long Beach Fire Department for review and approval. 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 conveyance systems and associated equipment.	Pre-Construction	City of Long Beach Fire Department	City of Long Beach Fire Department	Issuance of Demolition Permit			
Measure 3E.4: Prior to the issuance of any precise grading permit and after removal of the pipeline conveyance systems, and hazardous materials storage area(s), a detailed soil matrix investigation workplan shall include sampling for petroleum. The purpose of the investigation will be to confirm the previously reported remediation at the site and to delineate the reported soil impact at the site. The findings of the investigation and the results of any sampling shall be summarized in the workplan. The Long Beach CUPA or the RWQCB will determine whether groundwater sampling is required.	Pre-Construction / Construction	CUPA and/or RWQCB	CUPA and RWQCB	Issuance of Building Permit upon receipt of No Further Action Letter (soils) Issuance of first Certificate of Occupancy upon receipt of No Further Action Letter (groundwater)			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Hazards (cont.)							
<p>The Long Beach CUPA or the RWQCB shall review the workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the Long Beach CUPA or the RWQCB for compliance with local, state, and federal regulations. Any additional sampling or soil or groundwater removal shall be subject to these same regulations. After remediation activity is completed to the satisfaction of the Long Beach CUPA or the RWQCB, a No Further Action Letter is to be issued prior to the issuance of the first building permit (for soils) and prior to issuance of the first certificate of occupancy (for groundwater).</p> <p>The project applicant shall also perform a subsurface soil sampling to determine if petroleum has impacted the subsurface soil in the location of the previously identified oil sumps in the northern area of the site and in the area of the suspected mud pit and/or areas of dark stained soil noted in the Phase I Environmental.</p> <p>The project applicant shall also perform a subsurface soil sampling to determine if petroleum has impacted the subsurface soil in the location of the previously identified oil sumps in the northern area of the site and in the area of the suspected mud pit and/or areas of dark stained soil noted in the Phase I Environmental Assessment historical aerial photographs.</p>							
<p>Measure 3E.5: Prior to the issuance of any 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, SCAQMD, and the Long Beach CUPA 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:</p> <ul style="list-style-type: none"> • A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures; • The identification of a site health and safety officer; • Methods of contact, phone number, office location, and responsibilities of the site health and safety officer; • Specification that the site health and safety officer shall be immediately contacted 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 the Long Beach CUPA shall be notified of evidence of soil contamination is encountered; and • Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut and fill operations. 	Pre-Construction	The City of Long Beach Planning and Building Department, SCAQMD, and CUPA and/or RWQCB	CUPA and/or RWQCB	Issuance of Grading Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Hazards (cont.)							
Measure 3E.6: Prior to the issuance of any precise grading permit, the project applicant shall perform a soil gas survey for fixed gases including methane, hydrogen sulfide, and volatile organic compounds (VOCs) in the area of the abandoned oil well to assess the possible presence of methane or other vapors associated with abandoned wells.	Pre-Construction / Construction	CUPA and/or RWQCB	CUPA and/or RWQCB	Issuance of Precise Grading Permit			
Hydrology, Water Quality, and NPDES							
<p>Measure 3F.1: Prior to the issuance of any grading permit, the following measures shall be incorporated on to the final grading plans to ensure that dewatering will not violate water quality standards and or waste discharge requirements:</p> <ul style="list-style-type: none"> • Applicant shall submit a Report of Waste Discharge (ROWD) to the RWQCB prior to dewatering. As part of the ROWD, groundwater quality testing shall be conducted to determine that dewatered water quality is adequate for discharge. Groundwater sample analysis results shall be submitted to the RWQCB prior to discharge. • Dewatering shall be conducted in accordance with the Field Guide to Construction Site Dewatering, October 2001, CTSW-RT-01-010. • Periodic water quality samples shall be collected and analyzed during the dewatering activities to ensure quality of the discharged water. <p>If contaminants are reported in water sample results that exceed the RWQCB's discharge limits, discharge of dewatered water to surface waters shall cease immediately. Contaminated dewatered water shall be collected and treated prior to discharge, pursuant to RWQCB approval.</p>	Pre-Construction	City of Long Beach Department of Public Works and RWQCB	City of Long Beach Department of Public Works and RWQCB	Issuance of Grading Permit			
Noise							
Measure 3H.1: The project applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which ensure an acceptable interior noise environment. Specifically, the project applicant shall submit an acoustical report prior to the issuance of building permits that demonstrates that the proposed building design and materials would ensure that interior noise levels attributable to exterior sources are no greater than 45 dBA CNEL.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department				

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Public Services and Utilities							
Measure 3J.1: Prior to the issuance of any demolition permit, 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. The plan shall identify methods for promoting recycling and reuse of construction materials and safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods for incorporating source reduction and recycling techniques into project construction and operation in compliance with state and local requirements such as AB 939.	Pre-Construction	LBESB	LBESB	Issuance of Demolition Permit			
Measure 3J.2: Prior to the issuance of any 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 and waste collection points throughout the site has been included in the design of the buildings to encourage recycling.	Pre-Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Recreation							
Measure 3K.1: The proposed project shall pay a per dwelling unit fee to the City of Long Beach in lieu of park land dedication in accordance with the City's Municipal Code Chapter 18.18.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Measure 3K.1: The proposed project shall pay a per dwelling unit fee to the City of Long Beach in lieu of park land dedication in accordance with the City's Municipal Code Chapter 18.18.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Transportation and Circulation							
Measure 3L.1: At Second Street/Marina Avenue, the project shall restripe the northbound approach to provide two left, one through and one right turn lane; restripe the southbound approach to provide one left, one through and one right turn lane; and upgrade the traffic signal to provide protected left turns and overlap phases. This improvement will fully mitigate this project's impacts at this location.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of first Certificate of Occupancy			
Measure 3L.2: The project shall construct a shared northbound right turn-through lane on Loynes Drive/PCH, along with the installation of new curb and gutter. The turn lane length would be approximately 150 feet. This improvement combined with the new traffic signal at the PCH main driveway would fully mitigate this project's impacts at this location.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of first Certificate of Occupancy			
Measure 3L.3: A new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center shall be constructed as project mitigation. This roadway will provide a "bypass" route for some traffic to avoid the congested Second Street/PCH intersection. It will divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The proposed new roadway shall include the following improvements: <ul style="list-style-type: none"> It will be a new four-lane public roadway connection between the intersection of Studebaker Road/PCH and Second Street/Shopkeeper Road behind the Market Place shopping center. The applicant will be 	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of first Certificate of Occupancy			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Transportation and Circulation (cont.)							
<p>responsible for acquiring the necessary right-of-way and the project applicant will be responsible for the design and construction of the new roadway facility. The applicant will secure necessary approvals from other county, state and federal agencies with jurisdiction over such projects to the satisfaction of the Director of Planning and Building.</p> <ul style="list-style-type: none"> At the Second Street/Shopkeeper Road intersection, Second Street shall be modified to provide an additional westbound left turn lane (two total) and Shopkeeper Road shall be modified to provide an additional right turn lane (two total). Shopkeeper Road shall also be modified to provide two receiving lanes at the intersection. The traffic signal shall be upgraded to provide a northbound right turn overlap operation. 							
<p>In the event the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify alternative mitigation measures.</p>							
<p>Measure 3L.4: At the intersection of PCH/Studebaker, the roadway shall have three departure lanes and two receiving lanes. Specific land configurations will be determined at the time of design.</p> <p>An analysis was made of the new four-lane connection roadway. Using the regional travel demand model, this proposed link was evaluated and the number of diverted trips was estimated. These trips were then analyzed in the with-project conditions, and assumed a signalized intersection at the south (main) project driveway. The model showed that due to the congestion that exists at Second Street and PCH, northbound right turns and westbound left turns at this intersection would tend to use the new connector road, since it has available capacity and is less congested. The analysis further showed that there would be improvement in the level of service at the Second Street and PCH intersection and the PCH at Studebaker Road intersection, thus fully mitigating project impacts at those intersections. Figure 3L.4 shows the future four-lane connection roadway, and the proposed lane configurations at the Second Street and Shopkeeper Road intersection and the PCH and Studebaker Road intersection.</p>	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of first Certificate of Occupancy			
<p>Measure 3L.5: The applicant shall prepare a Shared Parking Analysis to the satisfaction of the Director of Planning and Building.</p>	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Other Issues							
<p>Measure 3M.1: To address the potential presence of nesting migratory birds and resulting MBTA and CFG Code impacts, within 15 days of any project actions that will cause a potentially substantial increase or other change in existing disturbance, the project proponent shall have a qualified biologist conduct a preconstruction migratory bird nesting survey. This survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.</p> <p>If an active nesting effort is confirmed or considered very likely by the biologist, no construction activities shall occur within at least 500 feet of the nesting site until measures to address the constraint are agreed to by the project proponent, U.S. Fish and Wildlife Service (USFWS) personnel, and California Department of Fish and Game (CDFG) personnel.</p> <p>Potentially appropriate measures to take may include one or more of the following as authorized by the USFWS and CDFG: (1) delaying work at the nest site location until either the nest has failed (for non-project-related reasons) or seven days after the last young leaves the nest, or (2) taking the young nestlings to a qualified wildlife rehabilitation center. Note that in the latter situation, it will normally be necessary for the biologist retrieving the young to be properly experienced and permitted for the specific work required.</p>	Pre-Construction / Construction	City of Long Beach Department of Public Works, City of Long Beach Planning and Building Department, USFWS, and CDFG	City of Long Beach Department of Public Works, City of Long Beach Planning and Building Department, USFWS, and CDFG	On-going			

STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its unavoidable, adverse environmental impacts in determining whether to approve a project. Section 15093 of the *CEQA Guidelines* provides the following:

- (a) *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”*
- (b) *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*
- (c) *If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.*

Significant Unavoidable Adverse Impacts

Although mitigation measures have been included where feasible for potential project impacts as discussed in the Findings of Fact, there is no complete mitigation for the

following project impacts: short-term construction air quality, long-term regional air quality, and project and cumulative traffic impacts.

Air Quality

Short-term Construction Air Quality Impacts. Air quality impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Construction of the project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust emissions would result from site preparation and construction activities. Mobile source emissions, primarily NO_x, would result from the use of construction equipment such as bulldozers, wheeled loaders, and cranes. During the finishing phase, paving operations and the application of architectural coatings (i.e., paints) and other building materials would release reactive organic compounds.

Maximum unmitigated regional emissions would exceed the South Coast Air Quality Management District (SCAQMD) daily significance thresholds for ROC and PM₁₀.

Long-term Regional Air Quality Impacts. Long-term air emissions are those associated with stationary and mobile sources involving any project-related change. The proposed mixed-use project would result in both stationary and mobile sources. Regional emissions associated with project operations would be generated by on-road vehicles and energy consumption. Emissions associated with energy use would be generated by the consumption of electricity and natural gas. Weekday and weekend operational emissions would exceed the SCAQMD daily threshold for NO_x, ROC and CO.

Transportation and Circulation

Project-related Traffic Impacts. The following project intersection impacts cannot be mitigated. Therefore these impacts remain significant and adverse:

- Seventh Street/PCH
- SR-22 westbound on-ramp/Studebaker Road
- Second Street/Studebaker Road (if the Boeing Specific Plan project and associated mitigation do not proceed)

In addition, the following intersections will remain significantly impacted because proposed mitigation and/or proposed improvements that affect the intersections will require additional agency approvals other than the City. Therefore, their implementation cannot be guaranteed:

- Loynes Drive/PCH (proposed mitigation requires Caltrans concurrence)
- Second Street/PCH (in the event Shopkeeper Road cannot be extended)

- Second Street/Marina Drive (proposed new signal on PCH requires Caltrans concurrence)

Cumulative Traffic Impacts. The project, together with other anticipated development, would result in an adverse cumulative transportation and circulation impact. Related projects located in the proposed project area include: the Boeing Specific Plan project (located in the City of Seal Beach), Home Depot (at Studebaker Road/Loynes Drive), Marina Shores East (PCH/Studebaker Road). Twelve intersections would be significantly impacted by cumulative development. Physical roadway mitigation proposed by the Boeing Specific Plan (Second Street/ Studebaker Road) is assumed to be in place in 2009 since that project is fully committed. The cumulative projects have also proposed mitigations at the following project study intersections. However, these measures are not included in the analysis because sufficient commitment has not been guaranteed.

- SR-22 westbound on-ramp/Studebaker Road
- SR-22 eastbound on-ramp/Studebaker Road
- Studebaker Road/Loynes Drive
- PCH/Seventh Street
- PCH/Loynes Drive

Project mitigation measures do not fully mitigate cumulative impacts to a level of insignificance and therefore significant cumulative impacts would remain. With implementation of project and Boeing Specific Plan mitigation measures, cumulative impacts with the South PCH Driveway not signalized will remain at the following intersections:

- Atherton Street/Bellflower Boulevard (AM/PM peak hours)
- Seventh Street/Park Avenue (AM/PM peak hours)
- Seventh Street/PCH (AM/PM peak hours)
- Seventh Street/Bellflower Boulevard (AM/PM peak hours)
- SR-22 westbound on-ramp/Studebaker Road (PM peak hour)
- Second Street/Bay Shore Avenue (PM peak hour)
- Second Street/Studebaker Road (AM peak hour)
- PCH/Seal Beach Boulevard (AM peak hour)
- PCH/Loynes Drive (AM/PM/Saturday peak hours)
- Second Street/PCH (AM/PM/Saturday peak hours)
- Studebaker Road/PCH (AM/PM peak hours)

The project and Boeing Specific Plan mitigation measures do not fully mitigate the cumulative impacts to a level of insignificance, and significant cumulative impacts would remain.

Overriding Considerations

The California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against the unavoidable environmental risks in determining whether to approve the project. The Long Beach City Council has determined that the significant unavoidable adverse project impacts, which will remain significant after mitigation, are acceptable and are outweighed by specific overriding economic, legal, social, technological, and other benefits. Further, the alternatives that were identified in the Final EIR would not provide the project benefits, as summarized below, to the same extent as the proposed project:

1. The Long Beach City Council finds that all feasible mitigation measures have been imposed to lessen project impacts to less than significant levels; and furthermore, that alternatives to the project are infeasible because while they have similar or less environmental impacts, they do not provide all of the benefits of the project, or are otherwise infeasible when compared to the project, as described in the Statement of Facts and Findings.
2. The proposed project would provide a vibrant mixed-use center that would include commercial and retail uses as well as other amenities to serve the needs of local residents, visitors, businesses, and employers in Long Beach.
3. The proposed project would provide high quality housing to serve the needs of homebuyers in the City.
4. The proposed project provides amenities that encourage and promote public access to the adjacent Marina.
5. The proposed project provides a high level of accessibility to and through the site to ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.
6. The proposed project utilizes design and comprehensive site development standards that minimize adverse impacts to the environment through sensitive land use planning and design features.
7. The proposed project provides an economical reuse of the project site while minimizing adverse impacts to surrounding properties.
8. The proposed project allows for the transition of the project site from an underutilized commercial property to a mixture of new land uses that can

provide jobs and housing and promote economic revitalization and growth in conjunction with the goals, programs, and policies included in the City's General Plan and SEADIP (PD-1).

9. The proposed project enhances the economic vitality of the City and provides a source of property tax, sales tax, and other revenue opportunities.
10. Significant and unavoidable air quality impacts resulting from construction of the proposed project would be limited to temporary grading and construction phases of the proposed project. Construction (short-term) air quality impacts will be substantially reduced with implementation of mitigation measures. Long-term air quality impacts would also occur. Long-term regional air quality impacts are expected to occur regardless of project implementation.
11. The state routes affected by the project (PCH/SR-22) are within the responsibility and jurisdiction of another public agency (Caltrans) and not the City.
12. The proposed project will result in the implementation of transportation improvements in the project vicinity that would not occur in the absence of the project.

On balance, there are specific considerations associated with the proposed project that serve to override and outweigh the project's significant environmental impacts and the existence of an environmentally superior alternative that meets the project objectives, but not to the same degree as the project. Therefore, the Long Beach City Council, having reviewed and considered the information contained in the EIR documents, the Technical Appendices and the public record, adopts the Statement of Overriding Considerations that has been balanced against the unavoidable adverse impacts in reaching a decision on this project.

- b. This area is fully developed in accordance with Special Use Permit No's S-174-60, S-5-60, S-180-72, and S-178-69.

SUBAREA 16

- a. Use: Commercial
- b. This area is fully developed in accordance with Special Use Permit No's. S-167-72 and S-13-61.

SUBAREA 17

- ~~a. Use: Commercial~~
- ~~b. This area is fully developed in accordance with the CR zone.~~
- a. **Use:** The uses allowed in this subarea shall be mixed use developments (commercial and residential) containing uses allowed in the CCN zone, as approved by the City Council Resolution on _____ ; or a Hotel.
- b. **Residential density:** Same as R-4-N Zone.
- c. **Building Height:** 5 stories, 70 feet, with significant variation in height and massing.
- d. **Residential Open Space:** Same as R-4-N Zone.
- e. **Residential Privacy Standards:** Table 1 establishes the privacy requirements for residential development. The primary room window is defined as the largest window in the living room or combined living/dining room. The measurements shall be taken on a line-of-sight basis. Where there is determined to be no line-of-sight, the distance requirements shall not apply.

Table 1- Residential Privacy Standards

Required distance from primary room window to:	
<u>Primary window of other units</u>	<u>40 feet</u>
<u>Public corridor or walkway</u>	<u>8 feet</u>
<u>Front or side street property line</u>	<u>10 feet</u>
<u>Interior side/rear property line or blank wall</u>	<u>15 feet</u>

- f. **Other Development Standards:** per PD-1.
- g. **Waiver of Development Standards:** During the Site Plan Review process, the Planning Commission or Site Plan Review Committee may waive certain development standards. Such relief may only be granted if it is found that the waiver improves project design and the waiver will not degrade the environment or result in any changes to classification of land use or to density. Development standards that may be waived are limited to residential open space requirements and residential privacy standards.

SUBAREA 18

- a. Use: Commercial
- b. This area is fully developed in accordance with Special Use Permit No. S-29-75. Also see Area 26.

SUBAREA 19

- a. Use: Industrial
- b. This area is fully developed in accordance with the provisions of the MG zone.

SUBAREA 20

Use: Channel View Park, a public park.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING AND RESTATING THE
DEVELOPMENT AND USE STANDARDS FOR THE
SOUTHEAST AREA DEVELOPMENT AND IMPROVEMENT
PLAN (SEADIP) (PD-1)

WHEREAS, on July 19, 1977, the Long Beach City Council adopted Ordinance No. C-5328 establishing the Southeast Area Development and Improvement Plan (SEADIP); and

WHEREAS, Ordinance No. C-5328 was amended by Ordinance No. C-5336 adopted August 9, 1977, by Ordinance No. C-5501 adopted June 26, 1979, and by Ordinance No. C-6058 adopted May 22, 1984. Ordinance No. C-6058 was amended by Ordinance No. C-6424 adopted September 22, 1987, by Ordinance No. C-6425 adopted September 22, 1987, by Ordinance No. C-6448 adopted December 22, 1987; by Ordinance No. C-7528 adopted March 24, 1998; by Ordinance No. C-7625 adopted June 8, 1999; by Ordinance No. C-7827 adopted October 22, 2002; by Ordinance No. C-7904 adopted March 23, 2004; and by Ordinance No. ORD-06-0001 adopted January 3, 2006; and

WHEREAS, the Planning Commission, at its hearing on March 15, 2007, reviewed a proposed amendment to SEADIP and recommended that the City Council adopt an amendment to Subarea 17; and

WHEREAS, the City Council hereby finds that the proposed amendment to the Southeast Area Development and Improvement Plan (SEADIP) (PD-1) will not adversely affect the character, livability or appropriate development of the surrounding properties and that the proposed amendment is consistent with the goals, objectives and provisions of the General Plan, including the Open Space and Recreation Element

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1 thereof, the City Council hereby desires to amend and restate the Southeast Area
2 Development and Improvement Plan (SEADIP) (PD-1) in its entirety; and

3 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
4 follows:

5 Section 1. The Southeast Area Development and Improvement Plan
6 (SEADIP)(PD-1) is hereby amended and restated in its entirety as set forth in Exhibit "A",
7 which exhibit is attached hereto and incorporated herein by this reference.

8 Section 2. The City Clerk shall certify to the passage of this ordinance by
9 the City Council and cause it to be posted in three (3) conspicuous places in the City of
10 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
11 Mayor.

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

15 Ayes: Councilmembers: _____

16 _____

17 _____

18
19 Noes: Councilmembers: _____

20 _____

21 Absent: Councilmembers: _____

22 _____

23
24 _____
City Clerk

25
26 Approved: _____
27 (Date)

28 _____
Mayor

MJM:kjm 5/4/07 #07-01961

SOUTHEAST AREA DEVELOPMENT AND IMPROVEMENT PLAN (SEADIP) (PD-1)

Ordinance History: C-5328, 1977; C-5336, 1977; C-5501, 1979;
C-6058, 1984, C-6058, 1987; C-6424, 1987; C-6425, 1987;
C-6448, 1987; C-7528, 1998; C-7625, 1999; C-7904, 2004,
ORD- 06-001, 2006.

The Southeast Area Development and Improvement Plan provides for a total community of residential, business and light industrial uses integrated by an extensive system of parks, open space, and trails. The residential areas shall be family-oriented; the predominant type shall be sales units, although provision is also made for moderately priced apartments as well as luxury condominium units. In reviewing and approving site plans and tract maps for the development of the areas within the City of Long Beach, the City Planning Commission shall be guided by the goals and policies of the Specific Plan and the Commission shall not permit variance from those standards unless it finds that such variance meets the intent of the original standards and is consistent with the overall goals and objectives of the adopted Specific Plan.

A. PROVISIONS APPLYING TO ALL AREAS

1. Homes and offices shall be oriented toward open space, green belts and water wherever possible. Vehicular access shall generally be provided from the side opposite these natural amenities.
2. Areas, which are designated for single-family detached dwellings, shall be developed in accordance with R-1-N standards. However, if the area is to be re-subdivided, lot size and lot width and setback may be reduced provided that adequate common open space and guest parking are provided, and that the design is consistent with the adjacent residential development.
3. Prior to issuance of a building permit, all infrastructure, including street improvements, fire hydrants, water lines, storm drains, and sanitary sewers shall be constructed on a block basis in accordance with the approved plans. Such improvements, including engineering plans, shall be financed by subdivider(s) or by an assessment district or both.
4. A minimum of thirty percent of the site shall be developed and maintained as usable open space (building footprint, streets, parking areas and sidewalks adjacent to streets shall not be considered usable open space. Bicycle and pedestrian trails not included within the public right-of-way may be considered usable open space). All buildings shall be set back a minimum of twenty feet from all public streets and a wider setback may be required by individual subarea. Within this minimum twenty-foot setback

area, a strip having a minimum width of ten feet and abutting the street shall be attractively landscaped.

5. The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein.
6. Minimum parking for each residential unit shall be the same as required Citywide by the zoning regulations; except that, in that part of SEADIP within the coastal zone, coastal zone standards shall apply. Minimum parking for commercial and industrial uses shall be provided in accordance with parking standards as specified in the zoning regulations.
7. Navigable waterways shall not be extended unless it can be demonstrated that such extension will not have an adverse impact on water quality and boat traffic.
8. All developments shall be open and inviting to the public; the public shall not be excluded from use of private streets and bicycle and pedestrian trails, although the public may be excluded from private yard areas, from private recreation areas designed for the use of residents of the development, and from private drives serving parking lots and garage structures reserved for residents and their guests.
9. All development shall be designed and constructed to be in harmony with the character and quality of surrounding development so as to create community unity within the entire area.
10. Developers shall construct public open space, trails, pathways and bicycle trails for each development in such a manner that they will be generally accessible to the public and that they will interconnect with similar facilities in adjacent developments so as to form an integrated system of open space and trails connecting major points of destination.
11. Public access shall be provided to and along the boundaries of all public waterways as provided for in the wetlands restoration plan.
12. Public views to water areas and public open spaces shall be maintained and enhanced to the maximum extent possible, consistent with the wetlands restoration plan.
13. Adequate landscaping and required irrigation shall be provided to create a park-like setting for the entire area. A landscaped parkway area shall be provided along all developments fronting on Pacific Coast Highway, Westminster Avenue, Studebaker Road, Seventh Street and Loynes Drive.
14. No additional curb cuts shall be permitted on Pacific Coast Highway, Westminster Avenue, Studebaker Road, or Seventh Street, unless it can

be shown that inadequate access exists from local streets or unless specifically permitted by Subarea regulations provided herein. This restriction shall not preclude the provision of emergency access from these streets as may be required by the City.

15. All utility lines shall be placed underground and utility easements shall be provided as required unless waived by the Commission on the advice of the Director of Public Works.
16. Developers shall construct, in accordance with plans approved by the Director of Public Works, all necessary sanitary sewers to connect with existing public sewers, and shall provide easements to permit continued maintenance of these sewers by the City where the City accepts responsibility for such maintenance.
17. Developers shall construct, in accordance with plans approved by the Director of Public Works, all new streets and ways within the area. All streets and ways will include:
 - a. Roadway pavement, curbs and sidewalks approved by the Director of Public Works. The sidewalk requirement may be waived or the sidewalk may be combined with an enlarged bicycle trail in such cases where the Commission and the Director of Public Works determine that an independent sidewalk is not required for pedestrian convenience and safety.
 - b. Water lines approved by the General Manager of the Water Department.
 - c. Fire hydrants approved by the Fire Chief and the General Manager of the Water Department.
 - d. Street lighting using low energy luminaries as approved by the Director of Public Works.
 - e. Storm drainage approved by the Director of Public Works.
 - f. Street trees approved by the Manager of the Park Bureau.
 - g. Street signs and pavement traffic markings approved by the Director of Public Works.
 - h. All traffic control devices required by the Director of Public Works.
18. Developers shall improve and dedicate to the City certain streets, recreation areas and other public facilities necessary to support the proposed private development, as specified by area in subsequent paragraphs. If any such required improvements are found by the

Commission to be infeasible or undesirable for engineering, legal or other reasons, the Commission may accept alternative improvements proposed by the developer so long as they meet the intent of the original requirements and are consistent with the overall goals and objectives of the adopted Specific Plan. Developers shall make such improvements or furnish security in connection with such improvements prior to commencement of construction of adjacent areas, which the improvements are designed to support; improvements may be phased with the phased construction of such adjacent areas. In those cases where the developer is to dedicate land area for subsequent improvement by the City, the developer shall not be required to convey such area until the City has budgeted funds for the improvements.

19. Developers shall make provision for the continued private maintenance of all common areas that are not to be dedicated and accepted by the City, and of all ways not to be dedicated and accepted by the City, including maintenance of street lighting, walks, curbs, storm drainage, water lines, fire hydrants, and street trees. Such provisions shall be perpetuated by their inclusion in the covenants, conditions, and restrictions of the property owners.

B. RESPONSIBILITY FOR CONSTRUCTION AND MAINTENANCE OF WETLANDS AND BUFFERS

The Wetlands

1. The wetlands and associated habitats, and all fresh, brackish and tidal water supply and control systems, shall be constructed at the expense of the developers of Areas 11a, 25 and 26, unless otherwise provided for by agreements between land owners and the managing agency. The developer(s) of Areas 11a and 25 shall be responsible for wetlands development of Areas 23 and 33. The developer(s) of Area 26 shall be responsible for wetlands development of Area 27.
2. Owing to the need to make connections with the existing tidal marsh, the major wetlands restoration project between Los Cerritos Channel and Westminster Boulevard shall be accomplished at one time. Restoration of wetlands north of the Los Cerritos Channel and south of the San Gabriel River need not be accomplished concurrently with the major restoration project, or with each other. Prior to the issuance of permits for residential, commercial or industrial development, each applicant shall develop a detailed phasing plan that assures that restoration of wetlands will be completed prior to or concurrently with the completion of urban development on related parcels as specified above. Said detailed phasing

plans shall be submitted for approval to the agency responsible for granting the coastal permit.

3. The standard of wetlands restoration is that it shall be completed prior to or concurrently with upland development on related areas. This standard may be satisfied by using one of the following options:
 - a. Percentage Option. Whenever part of the development acreage is built upon, an equal percentage of the future wetland acreage will be developed as wetlands; and
 - b. Acre-for-Acre Option. For every acre of wetland identified for fill and/or consolidation under the Local Coastal Plan that will be covered by the development, the developer shall improve one acre of wetland.
4. Exceptions to this standard may arise in Areas 25, 26 and 27 where continuing oil operations and/or leasing problems may make it impossible to fulfill part of a permanent wetlands obligation in connection with upland developments. In such instances (and only in such instances), the following method of fulfilling the wetland obligation may be utilized.
 - a. The developer must first develop wetlands on all areas designated for wetlands, which are not encumbered, by active oil operations and/or leases.
 - b. If the full wetlands obligation is not satisfied thereby, the remainder of his obligation may be fulfilled by construction of interim wetland areas as a temporary wetlands restoration measure. If such an interim restoration alternative is needed, an interim wetlands restoration program may be developed for up to 8 acres of the total wetlands obligation for development of Parcel 26, and up to 8 acres for development of Parcel 25, where continuing oil operations and/or leasing problems may interfere with the total restoration program as set forth in the Wetlands Enhancement Plan. Such a program shall be subject to review and approval by the Executive Director of the California Coastal Commission in consultation with the Department of Fish and Game.

This alternate interim wetlands restoration program, limited for up to 16 acres total, shall at minimum, include provisions that:

- (1) Identify location and size of affected developable areas and proposed interim wetland areas, and provide for the construction of interim wetlands equal in productivity and size to areas filled. They shall be maintained for wildlife by

the developer until such time as the major restoration program can be accommodated on encumbered lands.

- (2) Provide for a monitoring system undertaken in conjunction with Department of Fish and Game, assuring biological values of the interim wetlands.
 - (3) Where legally possible, place deed restrictions over the interim wetlands prohibiting development in such areas until the implementation of the primary restoration program.
 - (4) Provide for the construction of the interim wetlands prior to or concurrently with the development of wetland areas of Areas 25 and 26 that cannot be directly mitigated by the acre-for-acre restoration option set forth in the land use plan.
 - (5) Insure that interim wetlands are to be viewed as temporary and shall not in any way be construed to increase the total wetland obligation within the study area. These areas may be converted to upland areas for development purposes upon completion of the primary restoration project.
 - (6) When sufficient on-site acreage is not available, use of off-site acreage within the San Gabriel River Wetlands system may be permitted for interim wetlands, with such location of off-site interim wetlands being subject to the approval of the Executive Director of the California Coastal Commission in consultation with the Department of Fish and Game.
5. If an owner/developer elects to utilize the temporary wetlands option to obtain permits and proceed with development, it is necessary to provide a mechanism, which will assure that monies for future construction of permanent wetlands to replace the temporary wetlands will be available when such permanent construction is imminent. This is particularly important in view of the fact that many years may separate the construction of the temporary and permanent wetlands, and that during that span of time, title may change several times and the obligation for permanent wetlands construction may become clouded or lost. Therefore, when an owner/developer utilizes the temporary wetlands option (in the limited circumstances described in #4 above), he/she must deposit monies in a Wetlands Restoration Fund, under the terms described below, (or provide other means to guarantee development of the permanent wetlands):

- a. The construction assurance funds shall be deposited at the time the developer applies for construction permits for a temporary wetlands program;
- b. The amount of the funds to be deposited shall be derived from the cost estimate referred to in Item 5c, below;
- c. The first developer shall be responsible for the preparation of construction drawings, specifications, and cost estimates for the total wetland plan in his area. Such cost estimates shall include a contingency factor, which is normal and customary in projects of this magnitude and complexity. These shall be approved by the engineer of the local jurisdiction in consultation with the Department of Fish and Game;
- d. The Wetlands Restoration Fund shall be established by the City of Long Beach when the first assurance payment is imminent. The fund shall be established in an interest-bearing account. Interest shall accrue to the account. As much as possible, the account shall be managed to earn sufficient annual interest to match the annual increases in the Consumer Price Index for Southern California.

Monies shall be withdrawn from the fund to pay for the construction of permanent wetlands deferred through use of the temporary option. Any monies remaining in the fund, including interest, after all wetlands are totally restored, shall be utilized for on-going maintenance of the wetlands.

When an agency or non-profit corporation accepts permanent management responsibilities of the wetlands, the Fund may be transferred to that agency or corporation.

- e. Wetlands in those areas for which assurance funds were deposited shall be developed at the first available opportunity. When an agency or non-profit corporation accepts permanent management responsibilities of the wetlands, the Fund may be transferred to that agency or corporation.
6. Overall custodial and interpretive management and financial responsibility for maintenance of Los Cerritos Wetlands shall be vested in an appropriate governmental agency or private non-profit corporation upon the initiation of the first wetlands restoration project. Prior to issuance of any permits for any projects related to wetlands construction, nomination of the managing agency shall be made by the City of Long Beach with the concurrence of the State Department of Fish and Game.

The Buffers

1. The wetlands are to be separated from urban developments by "buffers". In the context of this LCP, the buffers are treated as a part of the adjacent urban developments, as they will form a part of the amenities. Construction and maintenance of the buffers, therefore, falls entirely on the developers and their successors in interest. The reader should note that buffers are constructed only north of Westminster Boulevard. The restored wetlands south of Westminster Boulevard will have no buffers, owing to the fact that they will be separated from other uses by natural barriers.
2. Buffers between subareas 11a and 33 shall be created by developer(s) of 11a prior to or concurrently with development of upland areas. The berm between wetlands and development shall be created as a part of the grading operation of the wetland. If build out is phased over a period longer than two years, then the landscaping and irrigation system for the buffer can be phased with each phase of landscaping for the development with this exception; that at the beginning of each phase, prior to finish grading for that phase, a row of shrubs shall be planted at the top of the berm to offer protection during construction. Provisions must be made to deny public access to all portions of areas not included in the current building program. Design of the buffers must conform to the standards set forth in the certified Local Coastal Plan for the Los Cerritos Wetlands.
3. If urban developments remain the property of landowners and/or developers, they shall be responsible for continuous maintenance of the buffers. This responsibility shall run with the land. If urban developments become condominiums, the buffers shall become a part of the area held in common, and continuous maintenance shall be the responsibility of the property owner's association(s). The agency in charge of the management of the restored wetlands may provide comments and recommendations to those responsible for maintenance of the buffers if lack of proper maintenance is causing the buffers to fail in their primary mission to prevent visual and physical access to the wetlands habitats. Breaches in the buffer which seriously threaten habitat values in the wetlands, and which have been reported by the wetlands management agency and have not been repaired in a timely fashion by the individual or agency responsible for maintenance, may be repaired by the wetlands management agency. Costs for such repairs shall be collected from the property owner's association.
4. Where property owners' associations are formed, the requirement for continuous buffer maintenance shall be included in their Articles of Incorporation, and monthly dues shall be sufficient for this purpose.

5. The primary mission of the buffer is to prevent physical access into the wetlands and to prevent visual disturbances of wetland wildlife. The buffer, as shown in the Local Coastal Plan, consists of a berm of mounded soil, a fence, and plant material. Plant material will be chosen to be (in descending order of priority):
 - a. of a growth form that supports the primary mission (i.e., of assistance in preventing access and/or screening development from the wetlands);
 - b. compatible with soil, water and climate conditions of the immediate site;
 - c. fast growing;
 - d. compatible with adjacent development;
 - e. low maintenance; and
 - f. of wildlife food and/or cover value.

C. SPECIFIC DEVELOPMENT AND USE STANDARDS

SUBAREA 1

- a. Use: Residential.
- b. Maximum Density: 9.5 dwelling units/gross acre.
- c. Planning or Coastal Commission may require such additional parking (over and above the minimum of two integral spaces) as it determines to be necessary for guests and for storage of boats and recreational vehicles.
- d. The site plan should provide for views of Marine Stadium from Appian Way; a minimum of 20 percent of the property frontage along Appian Way shall be left open to Marine Stadium.
- e. Developers shall construct, in accordance with plans approved by the Director of Public Works, Paoli Way from its present terminus to the proposed public park in Area 32 and dedicate the same to the City.
- f. Vehicular access shall be limited to no more than two points from Appian Way if the area is developed as a single entity, or to no

more than three points if the area is developed as two separate parcels.

SUBAREA 2 (a)

- a. Use: Residential.
- b. This area is fully developed in accordance with Special Use Permit S-90-72 and Subdivision Tract No. 30643.

SUBAREA 2 (b)

- a. Use: Residential.
- b. Maximum density: 8.4 dwelling units/gross acre (number of permitted units to be calculated on the basis of gross area, including any land area to be dedicated to the City as public park).
- c. Convenient public street access shall be provided through the site in accordance with the adopted Specific Plan, and to Marine Stadium and the public park proposed for Area 31.
- d. Developers shall construct, in accordance with plans approved by the Director of Public Works, bicycle and pedestrian trails along abutting waterways and connecting the proposed trails on Loynes Drive extension to the proposed park in Area 32.

SUBAREA 3 (a)

- a. Use: Residential.
- b. This area shall be developed with single-family detached dwellings at a maximum density of 8.4 dwelling units per gross acre.
- c. If feasible, Manila Avenue south of Colorado Street may be vacated and merged into adjacent property for development. No vehicular access to Bellflower Boulevard shall be permitted.
- d. If vacation of Manila Avenue is not feasible, Manila Avenue shall be developed as a service road with a ten-foot landscaping buffer parallel to Bellflower Boulevard.

SUBAREA 3 (b)

- a. Use: Residential.

- b. This area shall be developed with single-family detached dwellings.

SUBAREA 4 (a)

- a. Use: Residential and park (Sims Pond).
- b. Maximum density: 6.0 dwelling units/gross acre.
- c. This area shall be developed with single-family detached dwellings in accordance with Subdivision Tract 32868 (S-64-76).
- d. The developer shall construct, in accordance with specifications listed in the Director of Public Works' report on Tentative Tract 32868, an extension of Bellflower Boulevard from Colorado Street to Loynes Drive and an extension of Loynes Drive from street improvements made in Area 4 (b) and shall be reconstructed in accordance with plans approved by the Director of Public Works.

SUBAREA 4 (b)

- a. Use: Residential.
- b. Maximum density: 4.1 dwelling units/gross acre.
- c. This area shall be developed with single-family detached dwellings in accordance with the approved Tentative Tract Map No. 32277 (S-55-74).
- d. The developer shall construct, in accordance with plans approved by the Director of Public Works, and extension of Loynes Drive and parallel bikeway from Pacific Coast Highway westerly across the developers' lands to the extension of Bellflower-Loynes roadways built in connection with the development of Area 4 (a) -- Tentative Tract 32868, and dedicate the same to the City.
- e. The developer shall construct, in accordance with plans approved by the Director of Public Works, necessary public access to the proposed public park in Area 31, and dedicate the same to the City.
- f. The natural wetland known as Sims Pond shall be preserved and maintained in accordance with the requirements of the California Department of Fish and Game.

SUBAREA 5 (a)

- a. Use: Residential.

- b. This area is fully developed in accordance with Special Use Permit No. S-37-69 and the approved Subdivision Tract No. 30911.

SUBAREA 5 (b)

- a. If this area remains in the ownership of the California Department of Transportation, it should be improved as landscaped open space. If sold, it shall be developed at a maximum density of 2.5 dwelling units per acre, and church uses may also be permitted.
- b. No direct access to this site shall be permitted from Pacific Coast Highway.

SUBAREA 6 (a)

- a. Use: Residential.
- b. This area is fully developed in accordance with Subdivision Tract No. 4681.

SUBAREA 6 (b)

- a. Use: Residential.
- b. Maximum density: 18.0 dwelling units/gross acre.
- c. Every effort shall be made to construct apartment units that can be priced so as to serve families of moderate income.

SUBAREAS 6 (c), 7 (a), 21 and 22 (b)

- a. Use: Residential.
- b. Maximum density: 5.62 dwelling units/gross acre.
- c. A variety of housing types and densities is encouraged, with higher density apartments oriented toward the golf course in Areas 7 (a) and 21.
- d. No more than three dwelling units shall be provided in any one structure in Areas 7 (a) and 21.
- e. A golf course open to the general public shall be constructed on Area 22 (b).

- f. No additional street access to Seventh Street shall be permitted.
- g. The developer shall construct, in accordance with plans approved by the Director of Public Works, a new street connecting Loynes Drive and Channel Drive, and a street connecting said new street to Margo Avenue in the vicinity of Sixth Street, and dedicate the same to the City.
- h. The developer shall construct, in accordance with plans approved by the Director of Public Works, a bicycle trail generally parallel to the new street connecting Loynes Drive and Channel Drive, and dedicate the same to the City. This trail will include a segment along Loynes Drive to connect with existing Vista Street, and a spur connection to Seventh Street opposite West Campus Drive.
- i. The developer shall construct a widening of Pacific Coast Highway in accordance with a plan prepared by the Director of Public Works, which calls for an eight-lane, divided highway with sidewalks and bike trails, and dedicate the same to the City.

SUBAREA 7 (a)

- a. Use: Residential
- b. Maximum density: 5.0 dwelling units/gross acre.
- c. This area shall be developed with single-family detached dwellings.

SUBAREA 8

- a. Use: Residential
- b. Maximum density: 15.6 dwelling units/gross acre
- c. Structures should be designed and located in such a manner as to minimize the obstruction of views from the adjacent Bixby Hill Community
- d. Only one point of access to Seventh Street shall be permitted, preferably via East Campus Drive. If the developer is unable to obtain permission from California State University to utilize East Campus Drive, access to Seventh Street may be provided via an extension of Pepper Tree Lane. This requirement shall not preclude the provision of a second emergency access as may be required by the City.

- e. The developer shall construct and dedicate a widening of Seventh Street in accordance with a plan prepared by the Director of Public Works to provide for a six-lane highway with curb, sidewalks, and bicycle trail.
- f. The developer shall construct, in accordance with plans approved by the Director of Public Works, an underpass of Seventh Street at the Los Cerritos Channel to provide for pedestrian and bicycle circulation between the residential developments and nearby public schools.
- g. The developer shall construct, in accordance with plans approved by the Director of Public Works, a bridge over Bouton Creek at the Los Cerritos Channel to provide for bicycle and pedestrian circulation from residential developments to the Hill Jr. High School.

SUBAREA 9

- a. Use: Residential
- b. This area is fully developed in accordance with Special Permit No. S-158-62 and subdivision Tract No.'s 24883 and 22087.

SUBAREA 10 (a)

- a. Use: Residential
- b. This area is fully developed in accordance with Special Permit No. S-174-60.

SUBAREA 10 (b)

- a. Use: Residential
- b. Maximum density: 11.7 dwelling units/gross acre.
- c. Structures should be designed and located in such a manner as to not obstruct views from the Belmont Shore Mobile Estates Park, Area 10 (a). No more than 1/3 of the dwelling units should be located in the narrow eastern section of the site along the Los Cerritos Channel.
- d. A bicycle and pedestrian trail shall be provided through the site from Loynes Drive to the proposed public park in Area 23.

SUBAREA 11 (a)

- a. Use: Residential
- b. Maximum density: Approximately 15.3 units per acre, 764 units.
- c. Unit configuration shall be stacked flats and townhouses.
- d. Height: Three stories up to thirty feet.
- e. Length: Maximum building length for any residential structure shall be 180 feet.
- f. The exterior of buildings shall appear as single-family dwellings or townhouses. No more than two upper story units shall share a common stairway from the ground level and no exterior corridors shall be allowed. To the maximum extent feasible, each unit shall have its own physical identity.
- g. All buildings shall be articulated on all exterior facades so as to create visual interest through changes of volume, massing and shadowing. Articulation by building projection with such items as chimneys, bay windows and balconies are encouraged.
- h. All building facades shall contain windows and/or variations in building materials to provide visual interest. Building details such as window and door framing, shutters, window boxes, decorative eave treatments and the like are encouraged.
- i. All building bordering on Pacific Coast Highway, Westminster Boulevard, and Studebaker Road shall, to the maximum extent possible, present a side elevation instead of a front or rear elevation to those roads.
- j. To ensure that area 11 (a) is open and inviting to the public as far as is consistent with the preservation of the wetlands and with the noise and security problems resulting from the bordering major highways, the following special design features shall apply:
 - (1) One pedestrian path and one bicycle trail entrance shall be placed along Studebaker Road and Westminster Boulevard connecting pedestrian paths and bicycle ways along these highways to the interior trail system. Design treatment of such connections shall ensure that they are visually prominent and open to the public.

- (2) The vehicular entries at Westminster Boulevard shall provide an open view to wetlands.
- (3) The edges along Studebaker Road, Pacific Coast Highway and Westminster Boulevard shall be improved with landscaped berm setbacks. The visibility of any fences behind the berms shall be minimized by the height of the berm and may also be minimized by dense planting of shrubs. Trees planted in this setback may be evergreen with dense foliage.
 - (a) A suitable buffer shall be provided along the eastern border of the site to screen the residents from the steam-generating plant located east of Studebaker Road.
 - (b) A buffer, a minimum of 25 feet in width, between the trail edge and the wetland edge, shall be provided. That buffer width may be modified to provide a greater buffer in areas of the wetland closer to the inter-tidal channels. Use of a variable buffer is encouraged to provide for meandering of the trail in order to decrease overall impact and enhance the attractiveness of the trail. Along the approximately 500 ft. linear edge of the wetland identified as more sensitive where the Conservancy proposes a variable buffer, that buffer shall be appropriate provided that the distance between the wetland and the edge of patios averages 63 feet. (The buffer width may be decreased to a minimum of 25 feet if the inter-tidal channels can be redesigned to occur deeper into the wetlands and farther away from developments).
 - (c) In addition to the setback for buffer, the elevation and setbacks between development and wetland edge shall be sufficient to ensure stability during liquefaction events caused by the maximum credible earthquake. Such data, including review by the State Division of Mines and Geology, shall be provided at time of site plan approval for any development in this subarea.
 - (d) The developer shall construct, in accordance with plans approved by the Director of Public Works, an extension of Shopkeeper Drive North from Westminster Avenue to the public marsh and recreation area, and dedicate the same to the City.

- (e) The developer shall provide for the extension of the non-wetlands habitat corridor from Westminster Boulevard to the wetlands of Area 33. Such corridor shall be 400 feet wide approximately centered on the extension of Shopkeeper Drive. No building shall be allowed in this area except for a single story recreation building, or as otherwise provided for herein.
- (f) The developer shall construct, in accordance with plans approved by the Director of Public Works, a new spine road from Shopkeeper Drive extension westward to area 11 (b) and eastward to the intersection with the most northerly cul-de-sac, and dedicate the same to the local jurisdiction.
- (g) The developer shall construct a widening of Pacific Coast Highway, in accordance with plans prepared by the Director of Public Works, which call for an eight-lane divided highway with sidewalks, and dedicate the same to the City.
- (h) The developer shall construct and dedicate to the City, a bicycle lane within the roadway, in accordance with plans approved by the Director of Public Works, from Westminster Boulevard parallel to extended Shopkeeper Drive, where it will split into a westward lane of the local residential road toward area 11 (b) and into an eastward and northward lane along the local residential road to the west side of Studebaker Road. From that intersection with Studebaker Road, the trail shall continue north on Studebaker Road to Loynes Drive where it will be extended westerly to connect to the trail along the west bank of the Los Cerritos Channel.

SUBAREA 11 (b)

- a. Use: Residential at a maximum density of 8.4 units per gross acre shall be permitted.
- b. No more than three dwelling units shall be provided in any one structure, and all shall be designed as sales units. Height limit is two stories in 30 ft. maximum.

- c. Permanent vehicular access to this site shall be provided through Area 11 (a). Until Area 11 (a) is developed, access may be provided on a temporary basis from Pacific Coast Highway.
- d. The developer shall construct in accordance with plans approved by the Director of Public Works, a pedestrian walkway adjacent to Los Cerritos Channel connecting with a pedestrian walkway to be constructed by the developer of Parcel 11 (a) adjacent to Parcel 33, at one end, and at the other end, connecting with either a pedestrian/bikeway along Pacific Coast Highway, or, at the discretion of the Director of Public Works, with the walkway adjacent to the bulkhead in the southeast portion of Parcel 31.
- e. Prior to development, the final details concerning wetlands consolidation on this Parcel shall be approved by the Department of Fish and Game.

SUBAREA 12

- a. Use: Residential
- b. This area is fully developed in accordance with Special Use Permit S-140-72 and the approved Subdivision Tract No's. 31204, 31203, 31205, and 29312.

SUBAREA 13

- a. Use: Commercial
- b. This area is fully developed in accordance with Special Use Permit S-44-73.

SUBAREA 14

- a. This area, in the ownership of the California Department of Transportation, should be improved as landscaped open space. If the northwest quadrant is sold, it shall be developed with a maximum of 3.0 dwelling units/gross acre. Access to this property from Seventh Street shall be permitted only through Area 8 or via an extension of Pepper Tree Lane.

SUBAREA 15

- a. Use: Commercial.

- b. This area is fully developed in accordance with Special Use Permit No's S-174-60, S-5-60, S-180-72, and S-178-69.

SUBAREA 16

- a. Use: Commercial
- b. This area is fully developed in accordance with Special Use Permit No's. S-167-72 and S-13-61.

SUBAREA 17

- a. **Use:** The uses allowed in this subarea shall be mixed use developments (commercial and residential) containing uses allowed in the CCN zone, as approved by the City Council Resolution on _____; or a Hotel.
- b. **Residential density:** Same as R-4-N Zone.
- c. **Building Height:** 5 stories, 70 feet, with significant variation in height and massing.
- d. **Residential Open Space:** Same as R-4-N Zone.
- e. **Residential Privacy Standards:** Table 1 establishes the privacy requirements for residential development. The primary room window is defined as the largest window in the living room or combined living/dining room. The measurements shall be taken on a line-of-sight basis. Where there is determined to be no line-of-sight, the distance requirements shall not apply.

Table 1- Residential Privacy Standards

Required distance from primary room window to:	
Primary window of other units	40 feet
Public corridor or walkway	8 feet
Front or side street property line	10 feet
Interior side/rear property line or blank wall	15 feet

- f. **Other Development Standards:** per PD-1.

- g. Waiver of Development Standards:** During the Site Plan Review process, the Planning Commission or Site Plan Review Committee may waive certain development standards. Such relief may only be granted if it is found that the waiver improves project design and the waiver will not degrade the environment or result in any changes to classification of land use or to density. Development standards that may be waived are limited to residential open space requirements and residential privacy standards.

SUBAREA 18

- a. Use: Commercial
- b. This area is fully developed in accordance with Special Use Permit No. S-29-75. Also see Area 26.

SUBAREA 19

- a. Use: Industrial
- b. This area is fully developed in accordance with the provisions of the MG zone.

SUBAREA 20

Use: Channel View Park, a public park.

SUBAREA 21

See Area 6 (c).

SUBAREA 22 (a)

- a. Use: Residential
- b. Maximum density: 8.0 dwelling units/gross acre.
- c. Site plan should provide for views of the proposed golf course on Area 22 (b) from Loynes Drive; a minimum of 20 percent of the property frontage along Loynes Drive shall be left open to the golf course.

- d. No vehicular access shall be provided to Pacific Coast Highway, and no more than two access points to Loynes Drive shall be provided.
- e. The developer shall construct, in accordance with plans approved by the Director of Public Works, a bikeway along the Loynes Drive frontage of his property, and dedicate the same to the City.
- f. The developer shall construct a widening of Pacific Coast Highway in accordance with a plan prepared by the Director of Public works, which calls for an eight lane divided highway with sidewalks, and dedicate the same to the City.
- g. The developer shall cooperate with the Director of Public Works and with the adjacent property owner of Area 22 (b) to provide for the design and construction of a small portion of the new roadway between Loynes Drive and Channel Drive through the eastern portion of Area 22 (a).

SUBAREA 22 (b)

See Area 6 (c).

SUBAREA 23

- a. The two wetland concepts generally outlined shall include a 8.3 acre brackish pond on Area 23 provided that the Executive Director of the California Coastal Commission determines (i) in addition to the setback for buffer, the elevation and setbacks between development and wetland edge shall be sufficient to ensure stability during liquefaction events caused by the maximum credible earthquake; (ii) that the location and operation of the proposed wetland are acceptable to the Regional Water Quality Control Board, the State Department of Health and to the Local Mosquito Abatement District.
- b. If approval from these agencies results in reductions to the net size of the proposed wetland, restoration at this site shall only occur if the remaining area is sufficient to create a wetland at least the same size as the existing brackish pond at the Marketplace.

SUBAREA 24

- a. This designation actually applies to two distinct parcels of land, one at the southwest corner of Loynes Drive and Studebaker Road

(called herein "24 South"), and the other across Loynes Drive at the northwest corner (called herein "24 North").

- b. Area 24 South is to be developed as an overlook area and interpretive center for the bordering marsh. The developer of Subarea 11 (a) shall dedicate Parcel 24 South to the State of California or other agency responsible for management of Area 33.
- c. Area 24 North shall be dedicated to the City of Long Beach for park and playground purposes.
- d. The owner of Area 24 shall dedicate area along Studebaker Road for the bicycle trail to be built along Studebaker Road.

SUBAREAS 25 and 26

- a. Use: (Area 25) Business Park (Office Commercial and light Industrial); restaurants and hotel.
- b. Use: (Area 26) Business Park (Office Commercial and Light Industrial).
- c. The City Planning Commission shall approve development of specific office commercial and light industrial uses which will not emit noise, odor, or air pollutants beyond the boundaries of their parcels.
- d. The Commission may adopt specific performance standards or a specific list of permitted uses to guide developers and the Commission.
- e. No outdoor storage of materials and equipment shall be permitted. Loading and service areas shall not be permitted within required yard setback areas and all such loading and service areas shall be enclosed or screened so as not to be visible from the street.
- f. No more than 40,000 square feet of floor area for medical/dental offices, and no more than 16,000-20,000 square feet of floor area shall be restaurant use.
- g. The business park shall be predominantly office commercial uses, and no less than 75 percent of the area shall be devoted to office commercial use. No light industrial uses shall front on Pacific Coast Highway or Westminster Avenue.
- h. Not more than 35 percent of the area of each office commercial lot

shall be occupied by a building or buildings and not more than 50 percent of the area of each light industrial use shall be occupied by a building or buildings.

- i. All improved building sites shall have a minimum landscaped coverage of 15 percent of the area of each lot and shall be provided with an irrigation system. Boundary landscaping shall be provided on all internal property lines. Parking areas shall be landscaped with a minimum of one tree per each five parking stalls. The proposed retention basin in Area 25 shall be developed in a park-like manner.
- j. Required yard areas: Thirty feet front; ten feet side (except 30 feet side when a side yard abuts a street and except that the internal side yard may be 0 feet provided the main building on the same lot line on the abutting lot is set back 0 feet and both lots are developed at the same time).
- k. A 30 foot wide landscaped setback shall also be required along the San Gabriel River Channel property line to create a park-like setting for the bicycle trail along the river bank. (This substitutes for the park in the former Area 30).
- l. One access from Westminster Avenue shall be allowed to Area 26; no addition curb cuts shall be permitted on Westminster Avenue or Pacific Coast Highway. All other vehicular access shall be from Studebaker Road or Shopkeeper Drive.
- m. The developer of Area 25 shall construct a widening of Pacific Coast Highway in accordance with a plan approved by the Director of Public Works, an extension of Studebaker Road, and dedicate the same to the City.
- n. The developer of Area 25 shall construct, in accordance with plans approved by the Director of Public Works, a bicycle trail along the south side of Westminster Avenue and along the north side of Pacific Coast Highway, south of Studebaker Road. The developer shall dedicate the same to the City.
- o. The developers of Areas 25 and 26 shall provide for the construction of any improvements necessary to cross the San Gabriel River Regional Bikeway from the east levee to the west levee of the river at Westminster Avenue. These should be limited to on-street pavement markings.
- p. The developers shall participate in the cost of constructing the

Studebaker Road extension between Westminster Avenue and Pacific Coast Highway, the amount of that participation to be calculated to be the length in feet of property fronting on each side of said roadway multiplied by the average cost per linear foot of constructing one lane of said roadway.

- q. The developers shall improve that portion of the San Gabriel River bank adjacent to their property with a pedestrian walk, bicycle trail and related landscaping, such development to continue one-half of the distance under the Pacific Coast Highway bridge to join with similar facilities in Area 29.
- r. The developer of Area 26 shall construct a bicycle trail along the east side of Studebaker Road for the entire frontage on said road.
- s. A non-wetland habitat corridor shall be provided in Area 25 from Westminster Avenue to the San Gabriel River. Such corridor shall be not less than 400 feet in width (when measured from the existing buildings in Area 18, the Marketplace) and shall include Shopkeeper Drive. No building shall be allowed in this corridor, except that no less than 70 feet from Shopkeeper Drive, single story (not to exceed 20 feet in height) commercial office or light industrial use building shall be allowed. The long axis of any buildings in the non-wetland habitat corridor shall be parallel to the long axis of the corridor.
- t. Additionally, the following wording shall be appended to the standards for Area 18 in order to assure control of development in the non-habitat corridor.

"The parking lot between the existing buildings and Shopkeeper Drive is part of the non-wetland habitat corridor. No buildings shall be allowed in this corridor (see Area 25)."

SUBAREA 27

This area is to be utilized entirely in the wetlands restoration program.

SUBAREA 28

This site is owned by Orange County and is utilized by the County as a retention basin.

SUBAREA 29

- a. Use: Commercial office, restaurants, commercial recreation and commercial retail uses.
- b. All improved building sites shall have a minimum landscaped coverage of 15 percent and shall be provided with an irrigation system. Boundary landscaping shall be provided on all interior property lines. Parking areas shall be landscaped with a minimum of one tree per each five parking stalls.
- c. No more than 5,000 square feet of floor area shall be used for medical/dental offices.
- d. The developer shall construct a widening of Pacific Coast Highway in accordance with a plan prepared by the Director of Public Works which calls for a six lane, divided highway with sidewalks and bike trail, and dedicate the same to the City.
- e. The developer shall dedicate and improve necessary land along the San Gabriel River bank to provide a pedestrian walk, bicycle trail and related landscaping, such development to continue one-half of the distance under the Pacific Coast Highway bridge to join with similar facilities in Area 25. Also, the developer shall continue Studebaker extension bikeway from Pacific Coast Highway to Marina Drive.
- f. The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein. Architectural features, such as tower elements, may be approved up to a height of 43 feet through the site plan review.
- g. Curb cuts shall be permitted on Pacific Coast Highway, Studebaker Road, and Marina Drive subject to the approval of the City Traffic Engineer and/or CALTRANS, where appropriate.
- h. Development in or near wetlands. The City shall preserve and protect wetlands within Subarea 29. "Wetlands" shall be defined as any area, which may be covered periodically or permanently with shallow water, including, but not limited to, saltwater marshes, swamps, mudflats and fens. In addition, "wetlands" shall also be defined as specified in the Commissions Statewide Interpretive Guidelines and Section 13577(b) of the California Code of Regulations. As part of any discretionary review or the required environmental analysis associated with a development proposal in Subarea 29, the applicant shall provide evidence from a qualified biologist whether or not wetlands exist on the site of the proposed development. If any wetlands are identified on the site, the

applicant shall be required to obtain confirmation of the wetlands delineation from the U.S. Fish & Wildlife Service and/or the State Department of Fish & Game, and the applicant shall solicit the resource agencies' recommendation on the appropriateness of the proposed development, the permissibility of the development impacts, and any required mitigation.

All proposed development must conform to the following:

Within Subarea 29, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of the Coastal Act where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following (1-8):

1. New or expanded port, energy and coastal-dependent industrial facilities, including commercial fishing facilities.
2. Maintaining existing, or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
3. In wetland areas only, entrance channels for new or expanded boating facilities, and in degraded wetlands identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 of the Coastal Act, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
4. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
5. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
6. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

7. Restoration purposes.
8. Nature study, aquaculture, or similar resource dependent activities.

Where it has been determined that there is no feasible less environmentally-damaging alternative and the proposed impacts are one of the eight allowable uses specified above, the diking, filling or dredging of open coastal waters, wetlands, estuaries and lakes shall be mitigated to minimize adverse environmental effects through habitat replacement, restoration and enhancement activities. There shall be no net loss of wetland acreage or habitat value as a result of land use or development activities. Mitigation ratios may vary depending on the specific site conditions; location of habitat areas; the amount of impacts, the nature, quality and uniqueness of the affected habitat, resource agency consultation, precedential coastal development permit decisions, and other factors. However, typical mitigation ratios are 3:1 for riparian areas and 4:1 for Saltmarsh habitats. Specifically, when wetland impacts are unavoidable, replacement of the lost wetland shall be required through the creation of new wetlands at a ratio determined by the appropriate regulatory agencies but in any case at a ratio of greater than one acre provided for each acre impacted so as to ensure no net loss of wetland acreage. Replacement of wetlands on-site or adjacent, within the same wetlands system and in-kind mitigation shall be given preference over other mitigation options.

Development located adjacent to wetland habitat areas shall not adversely impact the wetlands. A 100 foot buffer shall be provided between development and wetland habitats and a 50 foot buffer shall be provided between development and riparian areas unless, in consultation with the U.S. Fish & Wildlife Service and/or the State Department of Fish & Game, it is determined that a reduced buffer is sufficient. Uses and development within buffer areas shall be limited to minor passive recreational uses or other improvements deemed necessary to protect the habitat and shall be located in the portion of the buffer area furthest from the wetland. All identified wetlands and buffers shall be permanently conserved or protected through the application of an open space easement or other suitable device.

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife

habitats and water circulation. Dredge soils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

In addition to the other provisions of this section, diking, filling or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish & Game, including but not limited to the 19 Coastal Wetlands identified in its report entitled "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with the provisions of the Coastal Act.

Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients, which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a Coastal Development Permit for such purposes are the method of placement, time of year of placement and sensitivity of the placement area.

SUBAREA 30

(Deleted)

SUBAREA 31

Use: Jack Dunster Marine Biological Reserve and Costa del Sol, public parks.

SUBAREA 32

a. Use: Public park.

- b. This area is to be improved by the City.

SUBAREA 33

- a. This area has been expanded in area to 96.1 acres and shall be devoted entirely to wetland purposes. An additional 2.0 acres shall be devoted to Least Tern nesting site. See Marine Environment of the Local Coastal Plan for description. The developer shall dedicate this area to the Management Agency and restore the wetlands in accordance with plans approved by the State Coastal Commission for continued public use and maintenance.
- b. The recently established least tern site shall be designated as habitat area and preserved as such unless or until the Department of Fish and Game may determine that it is appropriate to experiment with enhancing least tern habitat and allow up to two acres within Parcel 33.



Area Abbreviations:
 BRC - Bixby Riviera Condominiums
 GOC - Greek Orthodox Church
 LR - La Rochelle
 VG - Village on the Green
 WC - Whaler's Cove

**City of Long Beach
 Planned Development District 1
 SEADIP**
 (Southeast Area Development & Improvement Plan)

- SEADIP Subareas
- School
- Golf Course
- Park

January 24, 2003
 Made with Best Available Data by
 Research & Analysis Unit
 Advanced Planning Division
 Planning & Building Department

500 0 500 1000 1500 Feet
 One inch = 1,000 feet

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY OF LONG BEACH
AUTHORIZING THE DIRECTOR OF PLANNING AND
BUILDING TO SUBMIT AMENDMENTS TO THE LONG
BEACH ZONING REGULATIONS TO THE CALIFORNIA
COASTAL COMMISSION FOR APPROVAL

WHEREAS, on _____, 2007, the City Council of the City of
Long Beach amended certain provisions of the Long Beach Zoning Regulations of the
City of Long Beach related to the Southeast Area Development and Improvement Plan
(SEADIP) (PD-1) zoning regulations; and

WHEREAS, it is the desire of the City Council to submit the above
referenced zoning regulation amendments to the California Coastal Commission for its
review as implementing ordinances of the Long Beach Local Coastal Program (LCP); and

WHEREAS, the Planning Commission and City Council gave full
consideration to all facts and the proposals respecting the amendments to the zoning
regulations at a properly noticed and advertised public hearing; and

WHEREAS, the City Council approved the proposed changes to the LCP by
adopting the amendments to the zoning regulations. The proposed zoning regulation
amendments are to be carried out in a manner fully consistent with the Coastal Act and
become effective in the Coastal Zone immediately upon Coastal Commission
certification; and

WHEREAS, environmental documentation has been prepared, certified,
received and considered as required by law, and the City Council hereby finds that the
proposed amendments will not adversely affect the character, livability or appropriate
development of the surrounding properties and that the amendments are consistent with
the goals, objectives and provisions of the general plan;

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NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. The amendment to the Long Beach Zoning Regulations of the City of Long Beach adopted on _____, 2007, by Ordinance No. ORD-07-_____, a copy of which is attached to and incorporated in this resolution as Exhibit "A" and is hereby submitted to the California Coastal Commission for its earliest review as to that part of the ordinance that directly affects land use matters in that portion of the California Coastal Zone within the City of Long Beach.

Section. 2. The Director of Planning and Building of the City of Long Beach is hereby authorized to and shall submit a certified copy of this resolution, together with appropriate supporting materials, to the California Coastal Commission with a request for its earliest action, as an amendment to the Local Coastal program that will take effect automatically upon Commission approval pursuant to the Public Resources Code or as an amendment that will require formal City Council adoption after Coastal Commission approval.

Section. 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2007, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

MJM:kjm 5/4/07 #07-01961

Attachment #1
Planning Commission Staff Report, Minutes
and Conditions of Approval
March 15, 2007

**CITY OF LONG BEACH**

DEPARTMENT OF PLANNING & BUILDING

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

ZONING DIVISION

March 15, 2007

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Review the adequacy of Environmental Impact Report (EIR) No.19-05 in accordance with Section 15204 of the California Environmental Quality Act (CEQA) Guidelines; and

Request to amend the General Plan, Local Coastal Program, and Subarea 17 of the Southeast Area Development Improvement Plan (SEADIP) to allow residential use and adopt residential development standards; and

Request for approval of Site Plan Review, Local Coastal Development Permit and a Vesting Tentative Map to construct a mixed-use project consisting of 425 residential units, 170,000 square feet of commercial space, and 1,700 parking spaces, with the following code exceptions: 1) Less than code-required parking; 2) Building setback of 5 feet along 2nd Street (instead of not less than 20 feet); and 3) Less than required usable open space.

LOCATION: 6400 East Pacific Coast Highway

APPLICANT: Lennar Seaport, LLC
c/o Bea Bea Jimenez
25 Enterprise, Suite 500
Aliso Viejo, CA 92656

RECOMMENDATION

1. Adopt the resolution certifying EIR 19-05/SCH#2005051096;
2. Adopt the resolution with the Statements of Overriding Consideration;
3. Adopt the resolution with Findings of Fact and a Mitigation Monitoring Program;
4. Forward a recommendation of approval to the City Council with respect to the amendments to the General Plan, Local Coastal Program, and Subarea 17 of SEADIP; and

5. Approve the requests for Site Plan Review, Vesting Tentative Map, Local Coastal Development Permit, and Standards Variances, subject to conditions of approval.

REASON FOR RECOMMENDATION

1. The proposed project will replace an existing deteriorated hotel use with a new commercial and residential mixed-use development.
2. The project will provide public benefits including a new bicycle and pedestrian path, new landscaping and re-striping in the marina parking lot, and a new pedestrian connection to the marina.
3. The project is consistent with the intent of the Southeast Area Development Improvement Plan (SEADIP)
4. Positive findings can be made to support the Standards Variance requests.

BACKGROUND

This item was continued from the February 15, 2007 hearing to allow the applicant and staff additional time to address the outstanding issues of the project.

Subject Site and Surrounding Uses

The subject site encompasses approximately 11 acres and is bounded by 2nd Street to the North, Pacific Coast Highway to the east, Marina Drive to the west, and a commercial development to the south (see attached location map). The existing development on the site consists of the 250-room Seaport Marina Hotel, commercial uses including a car rental office and the Elks Club, and associated on-site parking.

The site is located within Subarea 17 of the Southeast Area Development Improvement Plan (SEADIP) (PD-1), and within General Plan Land Use District 7- Mixed Uses. SEADIP also includes the properties to the north, east and south, while the property to the west of the site is located within the Marina Planned Development (PD-4). The following table shows the zoning designation, General Plan designation, and existing land use for the subject site and surrounding area.

	Zoning	General Plan	Existing Land Use
Site	PD-1	LUD # 7 - Mixed Uses	Hotel/Commercial
North	PD-1	LUD # 7 - Mixed Uses	Commercial & Residential
South	PD-1	LUD # 7 - Mixed Uses	Commercial
East	PD-1	LUD # 7 - Mixed Uses	Commercial
West	PD-4	LUD # 7 - Mixed Uses	Marina/Public Parking Lot

The Alamitos Bay Marina, located to the west of the project site, is the predominant land use within the project vicinity. Aside from the marina, the majority of the surrounding uses are commercial shopping centers including Marina Pacifica, Marketplace, and Marina Shores, which are located north, east and south of the subject site, respectively. The Marina Pacifica Condominiums, located northwest of the subject site, are the only residential use within the immediate project vicinity.

Existing Zoning Regulations

The subject site is located within Subarea 17 of the Southeast Area Development Improvement Plan (SEADIP). Currently, the zoning regulations allow for commercial development. The following table shows the current requirements of Subarea 17 in comparison to the proposed project. As shown, the proposed project does not comply with the current standards with respect to allowed uses, required open space, setbacks, parking, and building height. As a result, approval of the mixed-use project requires an amendment to SEADIP, as well as approval of Standards Variance requests.

Development Standard	Current PD-1 Requirement	Proposed Project	Complies with Standards?
Land Uses Allowed	Commercial	Commercial / Residential	No
Min. Usable Open Space	30% of lot area	21% of lot area	No
Min. Setbacks	20 feet	10-28 feet	No
Parking	1,806 spaces	1,700 spaces	No
Max. Building Height	30 feet	68 feet	No

Guiding Principles

The City has been working with the applicant for approximately two years to develop a plan for the subject site. Recognizing that the applicant was interested in developing a project that did not meet the current requirements of SEADIP, the City and the applicant sought to provide a framework for discussion of the project that would enforce the intent of the Local Coastal Program, ensure potential impacts would be mitigated, attain community benefits, and facilitate a project that would recognize the unique location of the site near the coast. To that end, the City and applicant jointly developed five guiding principles for development on the subject site. Throughout the entitlement process, the City has reviewed the project for consistency with these principles. Additionally, conditions of approval have been recommended to bring the project in compliance with the principles:

Principle 1: The City will work with the applicant to create a vibrant retail center on the site. The City acknowledges that as part of this project, housing may be permitted, provided, however, that the housing is developed concurrently with the retail center, and that a truly integrated mixed-use project results.

Principle 2: The project should strive to meet public open space objectives currently set forth in SEADIP and consistent with the spirit and intent of the Parks, Recreation, and Marine Department's 2003 Strategic Plan.

Principle 3: The City will work with the applicant to ensure an aesthetically attractive, high quality design that reflects the property's unique orientation near a wetlands open space resource and adjacent to an active marina.

Principle 4: The City will work with the applicant to ensure that appropriate mitigation measures are adopted to ameliorate traffic conditions near and around the project site.

Principle 5: The project should strive to provide a high level of accessibility to and through the site. A well-defined circulation pattern will ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.

Proposed Project

The proposed project consists of approximately 170,000 square feet of commercial space, 425 residential units, and 1,700 subterranean and ground level parking spaces in a vertically integrated mixed-use development ranging from three to five stories in height. The project is divided into three blocks (Block A, Block B, and Block C), which

are bisected by two private streets (see attached plans). Access to the site would be provided via the two private streets along with a driveway along Pacific Coast Highway along Block B. The project is generally oriented toward Marina Drive, with the unit layout designed to provide views of the marina.

Block A, which is located at the northern portion of the site between 2nd Street and one of the private streets, would contain approximately 78,000 square feet of commercial space and 122 units. Block B, located in the center of the site between the two private streets, would contain approximately 57,000 square feet of commercial space and 130 units, while Block C, at the southern portion of the site, would consist of approximately 32,000 square feet of commercial space and 173 residential units. In general, the commercial use is located at the ground level and the residential units on the second level and above, with the exception of Block C, which contains ground floor residential use along the Marina Drive elevation. Each of the three blocks contains at least one public open space area.

The proposed residential component of the project would consist of 9 different floor plans ranging in size from approximately 800 square feet to 2000 square feet with a relatively even distribution of one, two, and three-bedroom units.

The proposed project is contemporary in style, with materials consisting of metal siding, brick veneer, painted plaster, and glass. The design attempts to break up the massing by using variation in building height, changes in materials, and varying the size and pattern of windows, door openings, and storefront glass.

Off-Site Improvements

Several off-site improvements to the surrounding area will be completed in conjunction with development of the mixed-use project, including a new bike and pedestrian path, reconfiguration of Marina Drive, installation of a new traffic signal along Pacific Coast Highway, and re-striping and landscaping of the existing marina parking lot.

Bike/Pedestrian Path: The project will include an off-street 10 feet wide Class I bike trail and a six-foot wide pedestrian path in the public right-of-way along the west side of Marina Drive, beginning at the south side of 2nd Street and continuing to the intersection of Marina Drive and Studebaker Road.

Marina Drive Improvements: The applicant is proposing to realign Marina Drive to provide two northbound travel lanes and one southbound lane, and the addition of 86 public parking spaces along Marina Drive consisting of parallel parking along the west

side of the street, angled parking along the Block B frontage of the east side of the street, and additional parallel parking along the Block C frontage. In addition, the applicant is proposing a signalized pedestrian crosswalk across Marina Drive connecting the project site to the marina parking lot.

Marina Parking Lot Improvements: The proposed improvements to the marina parking lot include re-striping and installation of landscaping and trees. These improvements will result in a reduction in the number of parking spaces from 924 to 885. However, with the additional parking provided in the Marina Drive right-of-way, the number of public parking spaces would be 971, a net increase of 47 spaces.

Pacific Coast Highway Improvements: Improvements along Pacific Coast Highway consist of the addition of a traffic signal at the intersection with the southern private street, and realignment of the driveway at the shopping center to the east of the project site to align with the proposed signalized intersection.

The applicant anticipates that project construction would be completed in one phase over approximately 22-months. Construction of the proposed project would involve demolition (two months); clearance and excavation (four months), and building construction (16-months). The anticipated construction would begin with Block A, continue with Block B and finish with Block C. Condition of approval #104 requires that the applicant obtain a Certificate of Occupancy for the commercial shell portion of the project prior to obtaining a Certificate of Occupancy for the residential portion.

Required Project Entitlements

General Plan Amendment/Local Coastal Plan Amendment/Planned Development Amendment

Since the current regulations of SEADIP Subarea 17 allow only for commercial use and the applicant proposes to develop a mixed-use commercial and residential development, approval of the project requires an amendment to SEADIP. The language contained in SEADIP is identical to the language in the Local Coastal Program, and the Local Coastal Program is a component of the General Plan; thus, the amendment to SEADIP also results in amendments to the General Plan and Local Coastal Program.

The applicant originally approached the City with a request to rezone the property to allow residential uses. Staff felt that the retail opportunity of this location could not be lost for the sake of a solely residential development. Based on this, Guiding Principle 1

calls for a vibrant retail center and mixed-use development. Staff has prepared text for the proposed amendment to Subarea 17 (attached for your review), which would allow residential use as a component of a larger mixed-use project, amend the height limit from 30 feet to 70 feet, and adopt new development standards for residential use. The proposed amendment limits the potential development to this application. Should this development not proceed, the permitted use of this site would remain a hotel use.

Site Plan Review

The applicant originally applied for Conceptual Site Plan Review in July 2005, and the City has been working with the applicant on the project design since that time. While staff supports the concept of a mixed-use project on the subject site, several issues with respect to the design remain unresolved. These issues relate to the building massing, repetitive building elements, and ensuring active ground floor uses along all street frontages.

Building Massing: Throughout the course of reviewing the proposed project, staff has raised concerns with the applicant related to the massing of the proposed building, particularly as the massing relates to creating a prominent commercial presence consistent with Guiding Principle 1, which calls for creating a vibrant retail center. The applicant's latest submittal has made significant progress with respect to building massing and increasing the prominence of the commercial portion of the project at the corners of 2nd Street and Marina Drive, as well as 2nd Street and Pacific Coast Highway. However, throughout the remainder of the project, staff believes that additional changes to the design are necessary to improve the building massing and bring the project into conformance with Guiding Principle 1. Condition #111 requires that the applicant redesign the project to provide additional building stepbacks above the commercial storefronts, and variation in the height, design, and proportion of storefront glass, similar to the changes incorporated at the 2nd Street/Marina Drive and 2nd Street/Pacific Coast Highway corners of the project.

Eliminating Repetitive Building Elements: Guiding Principle 3 relates to creating an aesthetically attractive high-quality design for the project. In reviewing the proposed designs, staff believes that the use of extensive repetitive building elements creates monotonous elevations that detract from the overall design of the project. While the design has been improved to eliminate these elements from a majority of the project, several building elevations still incorporate the use of these elements. In order to achieve a high level of design quality throughout the project, Condition #112 requires that the applicant revise the design to either provide variation in the width and spacing

of the repeating building elements or eliminate the use of these elements along the following elevations:

- Marina Drive elevation on Block A (Retail 3 as shown on the plans);
- North elevation along Street 1 (Retail 5 as shown on the plans);
- South elevation along Street 2 (Retail 8 & 9 as shown on the plans); and
- Pacific Coast Highway elevation along Block C (Recreation and Fitness Center).

The redesign of these elevations would be subject to Planning Commission approval. Staff believes that compliance with this condition will result in the project complying with Guiding Principle 3 related to creating an aesthetically attractive project.

Ensuring Active Ground Floor Uses: Guiding Principle 5 relates in part to creating a high quality pedestrian environment. Staff believes that active uses along the ground floor are a key component in creating this pedestrian environment. In reviewing the project, staff had concerns with respect to areas with blank walls and the areas adjacent to the plaza areas. The design has been refined throughout the course of the Site Plan Review process, and most of the blank walls have been eliminated. However, a portion of the Pacific Coast Highway elevation along Block B contains a blank wall. Condition #113 requires that this blank wall be redesigned to incorporate glazing, additional commercial use, or other method approved by the Planning Commission to eliminate the blank wall and provide sufficient activation of the building segment.

With respect to the tenant spaces adjacent to the open space areas, Condition #109 requires that the tenant spaces adjacent to the proposed plaza areas be occupied by retail or restaurant uses or other active use as determined by the Director of Planning and Building.

Tentative Map

To allow for sale of the proposed residential units, the project requires approval of a tentative map for condominium purposes.

Standards Variances

Approval of the project would require granting of the following Standards Variance requests; the Planning Commission must decide if these standards should be waived:

- *Less than code-required parking:* Based on the land uses proposed, the project requires 1,806 parking spaces with the following allocation of spaces:
 - 850 spaces for the 425 residential units (2 spaces per unit)
 - 850 spaces for the 170,000 square feet of commercial space (5 spaces per 1,000 square feet)
 - 106 guest parking spaces (1 space per 4 units)

With 1,700 parking spaces proposed, the project has a shortfall of 106 parking spaces. However, due to the mixed-use nature of the project, staff recognizes that some sharing of parking will occur, particularly between the guest parking and commercial parking. The applicant has submitted a shared parking analysis utilizing shared parking methodology developed by the Urban Land Institute. The study, which was reviewed by the City Traffic Engineer, indicated sufficient sharing of guest and commercial parking to result in a total peak parking demand of 1,683 spaces, which would occur at 8:00 p.m. on weekdays. Therefore, Staff believes that the 1,700 parking spaces are adequate to serve the parking needs of the proposed uses.

- *Usable Open Space:* SEADIP requires that a minimum of 30 percent of the site shall be developed and maintained as usable open space. In addition, Guiding Principle 2 relates to meeting striving to meet the open space requirements of SEADIP. In working with the applicant to develop the open space plan, Staff has emphasized development of a quality open space plan as opposed to simply meeting the 30 percent requirement. The applicant was also encouraged to explore methods for improving the surrounding public open space. The current open space plan consists of five plazas and park areas, landscaped setbacks, as well as hardscape areas with amenities including fountains, benches, and raised planters. In addition, the proposed off-site improvements including a bike and pedestrian path along the west side, landscaping improvements in the marina parking lot, and a new pedestrian path connecting the project site to the marina will provide additional public benefit consistent with the intent of the SEADIP requirement.

The current proposal falls short of the 30 percent open space required under SEADIP, providing approximately 21 percent of the site as open space. Staff believes that the open space plan needs several refinements to justify the request for a Standards Variance. In order to bring the open space into compliance with Guiding Principle 2 and provide a high-quality open space plan, three conditions of approval are recommended that require the open space to

be open to the sky (Condition #105); removal of the escalator from the Marina Drive plaza or increasing the size of the plaza (Condition #106); and require all open space areas to contain amenities such as benches, water features, raised planters, artwork, or other amenities approved by the Director of Planning and Building (Condition #108).

- **Building Setback of 5 feet along 2nd Street (instead of not less than 20 feet):** The applicant is requesting a building setback of 5 feet along 2nd Street, as the applicant believes that a larger setback would not allow for an adequate pedestrian-oriented retail environment on this street. In reviewing this request, staff attempted to balance the desire to have an active pedestrian environment with the need to ensure that the building provides a setback large enough to not overwhelm the street and surrounding uses. Upon review of the plans, staff believes that the 5 feet setback is appropriate for the site, provided that a minimum distance of 21 feet is maintained from the curb on 2nd Street to the building. The 21 feet must consist of 6 feet of landscaping, 10 feet of sidewalk, and 5 feet of setback, as specified in Condition #2c.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, an Environmental Impact Report (EIR 19-05) has been prepared for the proposed project. Following are the significant unavoidable impacts identified in the EIR. If the project is approved, the Planning Commission must adopt a Statement of Overriding Considerations (SOC) for these impacts:

- **Air Quality (Section 3B of the EIR):** During construction of the project, demolition, grading, and construction activities will result in air pollutant emissions would exceed South Coast Air Quality Management District (SCAQMD) construction thresholds for Reactive Organic Compounds. During project operation, traffic in the vicinity of the project will result in air pollutant emissions will exceed SCAQMD thresholds for Reactive Organic Compounds, Oxides of Nitrogen, and Carbon Monoxide.
- **Traffic (Section 3L of the EIR):** project-generated traffic, in combination with cumulative traffic growth, would result in significant unavoidable impacts at several intersections in the vicinity of the subject site. The EIR lists several mitigation measures to address the significant adverse effects of the proposed development, including construction and restriping of turn lanes, and upgrading of traffic signals in the area. However, the mitigation is not sufficient to bring the

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traffic impacts below a level of significance. The most substantial traffic mitigation measure is the construction of Shopkeeper Road extension, a new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center. This roadway will provide a "bypass" route for some traffic to avoid the congested Second Street/PCH intersection, divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The analysis of this mitigation measure showed that there would be improvement in the level of service at the Second Street and PCH intersection and the PCH at Studebaker Road intersection, which would fully mitigate project impacts at these intersections.

The applicant is concerned about the feasibility of the mitigation measure, which relate to the ability to acquire the property and the potential existence of wetlands in the area where the roadway would be constructed. Staff believes that the measure is feasible, but has added the following language to the mitigation measure and condition of approval (Condition #98) to establish a course of action in the event that the mitigation measure proves infeasible:

"In the event that the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify alternative mitigation measures."

CONCLUSION

The subject site is currently developed with a deteriorated hotel use. Due to the location at a major intersection in the City and given the size of the site, staff believes that a multi-story mixed-use project is appropriate. The project will result in the demolition of the hotel and construction of a new mixed-use development consisting of 425 residential units and approximately 170,000 square feet of commercial space. Staff and the applicant developed the five Guiding Principles for development, and have made significant progress on the design. However, staff has concerns with respect to the building massing, height variation, and configuration of the public open space. Staff believes that these remaining issues can be addressed through the conditions of approval, and that incorporation of these conditions will bring the project into conformance with the Guiding Principles as follows:

Principle 1: The City will work with the applicant to create a vibrant retail center on the site. The City acknowledges that as part of this project, housing may be

permitted, provided, however, that the housing is developed concurrently with the retail center, and that a truly integrated mixed-use project results.

The proposed project is an integrated mixed-use development. The applicant's latest submittal has made significant progress with respect to creating a vibrant retail center, particularly at the intersections of 2nd Street and Marina Drive, as well as 2nd Street and Pacific Coast Highway. However, staff believes that revisions to the design are necessary to bring the project into conformance with this principle. Condition #111 requires that the applicant redesign the project to provide additional building setbacks above the commercial storefronts, and variation in the height, design, and proportion of storefront glass, similar to the changes incorporated at the 2nd Street/Marina Drive and 2nd Street/Pacific Coast Highway corners of the project.

Principle 2: The project should strive to meet public open space objectives currently set forth in SEADIP and consistent with the spirit and intent of the Parks, Recreation, and Marine Department's 2003 Strategic Plan.

The current proposal falls short of the 30 percent open space required under SEADIP, providing approximately 21 percent of the site as open space. Staff believes that the open space plan needs several refinements to justify the request for a Standards Variance. Three conditions of approval are recommended that require the open space to be open to the sky (Condition #105); removal of the escalator from the Marina Drive plaza or increasing the size of the plaza (Condition #106); and require all open space areas to contain amenities such as benches, water features, raised planters, artwork, or other amenities approved by the Director of Planning and Building (Condition #108). Staff believes that incorporation of these conditions will bring the project into conformance with this Guiding Principle.

Principle 3: The City will work with the applicant to ensure an aesthetically attractive, high quality design that reflects the property's unique orientation near a wetlands open space resource and adjacent to an active marina.

Staff believes that the use of extensive repetitive building elements creates monotonous elevations that detract from the overall design of the project. In order to achieve a high level of design quality throughout the project, Condition #112 requires that the applicant revise the design to either provide variation in the width and spacing of the repeating building elements or eliminate the use of these. Staff believes that compliance with this condition will result in the project complying with this principle.

Principle 4: The City will work with the applicant to ensure that appropriate mitigation measures are adopted to ameliorate traffic conditions near and around the project site.

This guiding principle is addressed in EIR Section 3L. Transportation and Circulation. As discussed in Section 3L, many project-related traffic effects can be mitigated to a less than significant level, but some significant unavoidable effects will result from construction of the project. The EIR includes all feasible mitigation measures to address the impacts of the proposed project.

Principle 5: The project should strive to provide a high level of accessibility to and through the site. A well-defined circulation pattern will ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.

The City believes that the proposed project has succeeded in providing a high level of accessibility to and through the site. The project incorporates two private streets through the project, which provide both vehicular and pedestrian access. In addition, the site has frontage on three public streets; all three provide pedestrian access to the site, while two (PCH and Marina Drive) provide vehicular access. Paseos, courtyards, and other open space areas assist in creating an environment amenable for pedestrian access through the site. Access to mass transit is available from stops located on both PCH and Marina Drive.

PUBLIC HEARING NOTICE

One hundred twenty-six (126) notices of public hearing were sent on January 30, 2007, and a revised notice sent on February 2, 2007 to all property owners within a radius of 300 feet, and all occupants of property within a radius of 100 feet, and the elected representative of the 3rd Council District. Notice also appeared in the Press-Telegram on February 1, 2007.

RECOMMENDATION

1. Adopt the resolution certifying EIR 19-05/SCH#2005051096; and
2. Adopt the resolution with the Statements of Overriding Consideration; and
3. Adopt the resolution with Findings of Fact and a Mitigation Monitoring Program;

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4. Forward a recommendation of approval to the City Council with respect to the amendments to the General Plan, Local Coastal Program, and Subarea 17 of SEADIP.
5. Approve the requests for Site Plan Review, Vesting Tentative Map, Local Coastal Development Permit and Standards Variances, subject to conditions of approval.

Respectfully submitted,

SUZANNE M. FRICK
DIRECTOR OF PLANNING AND BUILDING

By:



DEREK BURNHAM
PLANNER

Approved:



CAROLYNE C. BIHN
ZONING OFFICER

Attachments:

1. Conditions of Approval
2. Location map;
3. Proposed SEADIP Amendment Text
4. Project Plans
5. EIR 19-05
6. Letters

CURRENT ACTION REQUESTED

The applicant is requesting approval of the aforementioned project entitlements. In order to approve these requests, the Planning Commission must conclude that the subject request is consistent with the required findings set forth by the Zoning Regulations.

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 project will be a vertically integrated mixed-use commercial and residential development. Throughout the Site Plan Review process, Staff has worked with the applicant to develop a design that is both consistent across the project site and compatible with the surrounding community. The applicant has continued to refine the design, particularly with respect to height variation. Staff believes that the conditions of approval will ensure that the design is both consistent and complete within itself, as well as with the neighboring structures.

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

The subject site is located within the Southeast Area Development and Improvement Plan (SEADIP). The project is requesting an amendment to the allowable uses and maximum building height allowed in SEADIP. The project is designed within other parameters of SEADIP, with the exception of usable open space and parking. However the project proposes to share parking between residential guests and the commercial uses, which has been justified by a shared parking study. In addition, the conditions of approval require enhancements to the open space plan, and the applicant is proposing significant off-site open space including a bicycle and pedestrian path, as well as landscaping and walkway enhancements in the adjacent marina parking lot. Therefore, the proposed project will conform to the intent of SEADIP.

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

No mature street trees will be removed in conjunction with the project, and the project will provide additional street trees along Marina Drive, 2nd Street, and Pacific Coast Highway. On the project site, construction of the project would remove some mature palm trees. However, no alternative design is possible to save the palm trees due to the location of the trees. In addition, the development includes substantial on-site landscaping improvements, including the installation of new palm trees as well as other landscaping.

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

The Environmental Impact Report identified several traffic effects that would result from the proposed project, and included several mitigation measures, including improvements to the existing roadway system, which would reduce the significance of these effects. These mitigation measures have been incorporated as conditions of approval for the proposed project and are tied directly to potential effects of the project.

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

The project has been designed to include many of the Transportation Demand Management requirements set forth in Chapter 21.64, including providing bicycle and pedestrian access, bus stop locations and improvements, and passenger loading and unloading areas. The conditions of approval require that the applicant comply with all requirements of Chapter 21.64 prior to the issuance of a building permit.

VESTING TENTATIVE PARCEL MAP FINDINGS

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

The subdivision map will divide the property into three lots, and also create condominium lots to allow for the sale of the residential units. No specific development standards exist in SEADIP regarding this type of subdivision and the tentative map has been prepared in compliance with the applicable requirements of Chapter 20 (Subdivision Regulations) of the 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 property into three lots, and also create condominium lots to allow for the sale of the residential units. No specific development standards exist in either the General Plan or SEADIP regarding this type of subdivision and the tentative map has been prepared in compliance with the applicable requirements of Chapter 20 (Subdivision Regulations) of the Municipal Code.

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

The subject site has no unusual topographic features. Due size of the site (approximately 11 acres) and the location of the site at a major intersection in the City, 2nd Street and Pacific Coast Highway, a large-scale mixed-use development is appropriate for the subject site.

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

Approval of the project requires an amendment to SEADIP to allow residential uses. The proposed project currently complies with allowable commercial density. With respect to the residential density proposed, the amendments to SEADIP would allow residential densities consistent with the standards of the R-4-N zone, and the proposed 425 units are within the density allowed in the R-4-N zone. Staff believes that a mixed-use development on the site is appropriate given the size of the site and the location of the site at a major intersection in the City. Therefore, the site is physically suited for the proposed density of development.

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 an Environmental Impact Report (EIR 19-05) for the proposed project. The EIR identified no adverse environmental effects related to fish, wildlife, or their habitat as a result of the proposed project.

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

The Planning Bureau prepared EIR 19-05 to analyze the environmental effects of the proposed project. A majority of the impacts can be mitigated to a less-than-significant level. However, the following impacts cannot be mitigated to a less than significant level:

- **Air Quality (Section 3B of the EIR):** During construction of the project, air pollutant emissions would exceed South Coast Air Quality Management District (SCAQMD) construction thresholds for Reactive Organic Compounds. During project operation, air pollutant emissions will exceed SCAQMD thresholds for Reactive Organic Compounds, Oxides of Nitrogen, and Carbon Monoxide.
- **Traffic (Section 3L of the EIR):** project-generated traffic, in combination with cumulative traffic growth, would result in significant unavoidable impacts at the following intersections:
 - 7th Street/Pacific Coast Highway (PCH)

- SR-22 westbound on-ramp/Studebaker Road
- 2nd Street/Studebaker Road
- Loynes Drive/PCH
- 2nd Street/PCH
- 2nd Street/Marina Drive
- Atherton Street/Bellflower Boulevard
- 7th Street/Park Avenue
- 7th Street/PCH
- 2nd Street/Bellflower Boulevard
- 2nd Street/Bay Shore Avenue
- PCH/Seal Beach Boulevard
- Studebaker Road/PCH

The EIR contains several mitigation measures, which have been incorporated into the conditions of approval for the project (Conditions #59 through 102). In order to approve the project the Planning Commission must adopt a Statement of Overriding Considerations for the proposed project.

- 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.**

The proposed subdivision includes the provision of all required public easements for access through or use of the property.

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 improvements are physically unique when compared to other sites in the SEADIP area. A majority of the SEADIP area is used for residential purposes, oil extraction, and energy production or as open space. The subject site is developed with a blighted hotel use; the City desires a more functional use on the site, which the proposed project would provide in the form of a mixed-use project. There are no other mixed-use developments in the SEADIP area. SEADIP instead proposed to create a mixed-use community by describing specific uses for individual parcels or subareas. The implementation of that concept has been brought into question over recent years due to increased awareness of wetlands preservation and restoration issues. This unique use creates constraints with respect to complying with the existing SEADIP requirements, including setbacks, open space, and parking.

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.

With respect to the request for less than code-required parking, the zoning code requires the 1,806 parking spaces with the following distribution:

- 850 spaces for the 425 residential units (2 spaces per unit)
- 850 spaces for the 170,000 square feet of commercial space (5 spaces per 1,000 square feet)
- 106 guest parking spaces (1 space per 4 units)

A mixed-use development is unique in the sense that demand for the parking allocated to the uses varies throughout the day. As a result, some sharing of required parking can occur, particularly with respect to residential guest parking and commercial parking. Adhering strictly to the code requirement would create a hardship for the applicant by requiring additional parking that would not be used. The parking demand study prepared for the project indicated a maximum demand of 1,693 spaces, which is less than the 1,700 parking spaces provided. Therefore, Staff believes that the parking provided is adequate to serve the proposed project.

Regarding the Variance request for usable open space, the applicant is proposing to provide 21 percent of the site as usable open space as opposed to the 30 percent required by SEADIP. Staff believes that the intent of this requirement is to provide a functional open space plan that provides meaningful connections, allows for some passive recreational uses within a development, and provides some visual relief from the building massing on the site. With conditions of approval incorporated, Staff believes that the open space plan will meet the intent of the SEADIP requirement. In addition, the applicant is proposing enhancements to the open space off-site, including a bike and pedestrian path along the west side of Marina Drive, landscaping improvements to the marina parking lot, and a new pedestrian path connecting the project site to the marina. These improvements coupled with the on-site open space plan far exceed the 30 percent requirement in SEADIP and are consistent with the intent of the SEADIP requirement.

With respect to the request for a building setback of 5 feet along 2nd Street, the proposed development is designed with commercial spaces facing the public rights-of-way. In order to foster a healthy retail environment, the City must ensure that the buildings are setback far enough so as not to overwhelm the street but close enough to the public sidewalk to facilitate pedestrian traffic and

provide visibility to the commercial spaces. Staff believes that a building setback of 5 feet accomplishes this goal, as the 10 feet wide public sidewalk and adjoining 5 feet wide landscaped setback will create a healthy pedestrian and retail environment, while not allowing the building massing to overwhelm the street.

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

With incorporation of the conditions of approval for the project, including conditions related to improvement of the open space areas, the Variance requests would not have any adverse effect on the surrounding community. The applicant has proposed significant off-site open space improvements, which would provide a community benefit to the surrounding area.

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.

Following are the findings with respect to conformance with the certified Local Coastal Program:

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 development will not result in the removal of any low and moderate-income housing, and thus conforms to the requirements with respect to low and moderate-income housing. With respect to other Local Coastal Program (LCP) requirements, the applicant is proposing to amend the LCP to allow residential uses on the subject site. Approval of this amendment would result in the project complying with all Local Coastal Program requirements governing the site.

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 project complies with the public access and recreation policies of the Coastal Act. Development of the project would result in improved public access to the adjacent marina as a result of the bike/pedestrian path along Marina Drive, the crosswalk connecting the proposed development to the marina parking lot, and

walkway improvements within the marina parking lot and along the water's edge of the marina.

**General Plan Amendment
Local Coastal Program Amendment
Planned Development Amendment
Site Plan Review
Vesting Tentative Map
Standards Variance
Local Coastal Development Permit**

**Conditions of Approval
Case No. 0507-19**

March 15, 2007

General Conditions

1. The use permitted hereby on the site, in addition to other uses permitted in Subarea 17 of the Southeast Area Development Improvement Plan (SEADIP) Planned Development (PD-1), shall be a mixed-use development consisting of approximately 425 residential units, 170,000 square feet of commercial use, and 1,700 parking spaces.
2. All operational conditions of approval of this permit must be posted in a location visible to the public, in such a manner as to be readable when the use is open for business.
3. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. 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.
4. The code exception(s) approved for this project is (are) as follows:
 - a. 1,700 parking spaces (instead of not less than 1,806 parking spaces)
 - b. Usable open space of 21 percent (instead of not less than 30 percent), subject to compliance with the conditions of approval contained herein.
 - c. Building setback of 5 feet from the future 2nd Street property line (instead of not less than 20 feet), but not less than 21 feet from curb line consisting of a 6 feet wide landscaped parkway, 10 feet wide sidewalk, and 5 feet wide landscaped setback.

6. 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 from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
7. 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.
8. All conditions of approval must be printed verbatim on all plans submitted for plan review as required by 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. The Zoning Administrator or Planning Commission shall review any major modifications, 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. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street unless deemed infeasible by the Director of Planning and Building. Furthermore, landscaping or any other screening method approved by the Director of Planning and Building shall properly screen this equipment.
12. Where feasible, 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

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and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.

13. 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.
14. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
15. 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).
16. Any graffiti found on site must be removed within 24 hours of its appearance.
17. Energy conserving equipment, lighting and construction features shall be utilized on the building in compliance with Title 24 of the California Code of Regulations.
18. 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.
19. 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.
20. 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

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new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.

21. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic reinspection conducted at the discretion of city officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per special building inspection specifications established by City Council. (LBMC Sections 21.25.412, 21.25.212)
22. 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.

Permitting/Construction

23. 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. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. For landscaping and irrigation affecting Pacific Coast Highway, such plans will be subject to review and approval by Caltrans, as applicable.
24. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide for the construction of a 10 feet wide Class I bicycle trail and 6 feet wide pedestrian path along the west side of Marina Drive as shown in substantial compliance with the plans submitted December 22, 2006 beginning at the 2nd Street and continuing to Studebaker Road. The final design of this pathway shall be subject to review and approval by the Director of Planning and Building.
25. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide for the construction of all improvements to Marina Drive in substantial compliance with

the plans submitted December 22, 2006 to the satisfaction of the director of Planning and Building and the Director of Public Works.

26. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259. Other security measures may be required to be provided to the satisfaction of the Chief of Police.
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. The applicant shall file separate plan check submittals to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
30. A grading plan with hydrology and hydraulic calculations showing building elevations and drainage patterns and slopes shall be submitted for the review and approval to the Director of Planning and Building and the Director of Public Works prior to the issuance of a building permit.
31. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:
 - a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.
 - b. Water material being excavated and stockpiled.
 - c. Water grading and cover materials being transported.
 - d. Maintain grading and construction equipment in proper tune.
 - e. Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays).
 - f. Discontinue construction during stage II smog alerts (ozone more than or equal to 0.35 ppm.)
32. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):

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- 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
33. All required utility easements shall be provided to the satisfaction of the concerned department or agency.
 34. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Director of Planning and Building and/or the Planning Commission.
 35. Prior to the start of any on-site/off-site construction, the Subdivider shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.). Plans shall be submitted for review and approval of the City Engineer, the City Traffic Engineer, Police and Fire departments, public utility agencies and Long Beach Transit, as applicable.
 36. The final map shall be based upon criteria established by the Director of Public Works.
 37. Prior to approval of the final map, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by Section 66436(c)(1) of the Subdivision Map Act.
 38. All required facilities required by the Department of Public Works not in place and accepted prior to the approval of the final map must be guaranteed by cash deposit or bond to the satisfaction of the Director of Public Works.
 39. The Subdivider shall construct or bond for all public right-of-way improvements prior to recordation of the final map.
 40. East Pacific Coast Highway is a State highway under the jurisdiction of the California Department of Transportation (Caltrans). Therefore, both Caltrans and the City of Long Beach will review off-site improvement plans for this project. Plans should clearly show the existing traffic lanes, all traffic deceleration lanes specified in the traffic study for this project, all proposed traffic control devices, existing and proposed curb lines, all driveway access locations and widths and sidewalks with all proposed tree wells and other landscaping features. Sidewalk connections to the adjacent property to the south must also be shown on the plans. Because a bike path is being developed along the adjacent portion of Marina Drive, the City of Long

Beach is not requiring a bike path along East Pacific Coast Highway; however, Caltrans may require it. The final property line location on the street frontages of this project site will not be known until plans showing all these features are satisfactorily developed and approved.

41. Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, roadway and alley pavements, removal and relocation of utilities, traffic signal modifications and installations, 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 Works counter, 10th Floor of City Hall, 333 West Ocean Boulevard, telephone (562) 570-6784.
42. Prior to the start of any off-site construction, the Subdivider shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.). Plans shall be submitted for review and approval of the City Engineer, the City Traffic Engineer, Police and Fire departments, public utility agencies, Long Beach Transit, as applicable.
43. 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 shall perform all work within City of Long Beach public rights-of-way. 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.
44. The Subdivider shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. Any such off-site improvements found damaged by the construction of the on-site improvements shall be repaired or replaced by the Subdivider to the satisfaction of the Director of Public Works.
45. The Subdivider shall provide for the resetting to grade of existing manholes, pull boxes, and utility meters in conjunction with the required off-site improvements.
46. The Subdivider shall provide for a 10-foot-wide pedestrian sidewalk with street trees on existing City property adjacent to the westerly limit of the project site along Marina Drive. All street trees shall be provided with root barrier and irrigation. The Subdivider and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
47. Caltrans must approve the location of proposed site access along East Pacific

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- Coast Highway, connector road, and any proposed driveways, prior to City approval of the street improvement plan for the project
48. The Subdivider shall reconstruct the medians on Marina Drive, as specified by the City, in order to permit turning movements into and out of the proposed site driveways.
 49. The Subdivider may be required to install a physical barrier, or medians, as required by Caltrans and the City to prohibit northbound East Pacific Coast Highway traffic from turning left to access the site or to prevent traffic exiting the site from turning left across southbound East Pacific Coast Highway.
 50. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
 51. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected to the satisfaction of the Director of Public Works.
 52. The Subdivider shall submit grading and related storm drain plans with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes for review and approval by the Director of Planning and Building Services, and the Director of Public Works.
 53. The Subdivider shall submit detailed off-site improvement plans and storm drain plans to the Department of Public Works for review and approval. Contact the Plan Check Coordinator, Jorge M. Magaña, at (562) 570-6678, to obtain additional information regarding off-site improvement plan check submittals.
 54. After completion of the required off-site improvements, the Subdivider or project representative shall contact the Engineering Bureau to initiate the process of clearing any Public Works holds attached to the development project. Contact Plan Check Coordinator, Jorge M. Magaña, at (562) 570-6678.
 55. The Subdivider shall contact Long Beach Transit prior to the commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations on East Pacific Coast Highway. Contact Shirley Hsiao, Manager of Service Development Planning, at (562) 591-8753.
 56. The Subdivider shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.

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57. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
58. A street improvement permit from Caltrans will be required for all work within the East Pacific Coast Highway right-of-way. Contact Joyce Minzey at (213) 897-7632 to request additional information regarding the Caltrans permitting process.
59. The project applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which ensure an acceptable interior noise environment. Specifically, the project applicant shall submit an acoustical report prior to the issuance of building permits that demonstrates that the proposed building design and materials would ensure that interior noise levels attributable to exterior sources are no greater than 45 dBA CNEL (mitigation measure 3H.1).
60. Prior to the issuance of any grading permit, the applicant shall provide documentation that an archaeologist who is listed on the County of Los Angeles list of certified archaeologists has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee. If archaeological resources, such as chipped or ground stone, dark or friable soil, large quantities of shell, historic debris, or human bone, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 250 feet of the find until the City of Long Beach has been notified and a qualified archaeologist can be secured to determine if the resources are significant per the Criteria of Eligibility in the NRHP regulations (36 CFR 60.4) and the California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet these standards of significance, construction shall proceed. If the archaeologist determines that further information is needed to evaluate significance, the City of Long Beach shall be notified and a data recovery plan shall be prepared.

The Data Recovery Plan shall delineate a plan and timetable for evaluating the find. The plan shall also emphasize the avoidance or preservation, if possible, of significant impacts to significant archaeological resources. If avoidance or preservation is not possible, the acquisition of data from the site or salvage through excavation that produces qualitative and quantitative data sets of scientific value may be considered an effective mitigation measure damage to or destruction of the deposit or components of it (Public Resources Code Section 21083.2(d)). Upon approval of this Plan by the City staff, the plan shall be implemented prior to reactivation of any project activities within 250 feet of the resources' boundary. The results of the fossil recovery program shall be documented in a technical report that includes an itemized inventory of specimens. Specimens recovered during grading activities shall be prepared to a point of identification and permanent preservation.

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All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with this recovery program and report preparation. (mitigation measure 3C.1).

61. The project applicant shall ensure that construction contractors use architectural coatings limited to a VOC content of 75 grams per liter or less (mitigation measure 3B.7).
62. Prior to the issuance of any demolition permit, the applicant shall prepare a "Construction Staging and Management Plan" to be approved by the Director of Planning and Building that will establish entry and exit points for construction employees, location of temporary office facilities, location of demolition materials marshalling areas, location of construction materials staging areas, the height and location of a security fence and procedures for keeping the construction site clear of trash and weeds to minimize to the extent reasonably feasible impacts to the visual character and quality of the site, and require covering of material that can be carried by winds in accordance with the SCAQMD regulations (mitigation measure 3A.1).
63. Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that all exterior lighting shall be limited to ground level and the plazas to accent project landscaping areas. Security lighting shall be used in the proposed project area such as in the plazas of the building and limited to project entrances, landscaping, as well as loading areas. All lighting shall be shielded to prevent "spillover" to adjacent properties. Demonstration shall be to the satisfaction of the Director of Planning or Building (mitigation measure 3A.2).
64. Prior to the issuance of any grading permit, the applicant shall provide documentation that a Native American Monitor, who is listed with the Native American Heritage Commission, has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee. If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The county coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the NAHC, which shall determine and notify a most likely descendant (MLD). With the permission of the landowner or an 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 3C.2).

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65. In conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained and shall be on site during all rough grading and other significant ground disturbing activities in paleontologically sensitive sediments. In the event that fossil resources are noted within the project area, construction in the vicinity of the find shall 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 (mitigation measure 3.C.3).
66. Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that the proposed project shall use non-reflective building materials and careful selection of exterior building materials as well as window glass treatments. Prior to the completion of final plans and specifications for each structural element of the proposed project, plans and specifications shall be submitted to the Department of Planning and Building for review to ensure that the selection of exterior building materials and window glass treatments would not create uncomfortable levels of glare on public roadways or surrounding redirected areas for the structural elements of the proposed project. Demonstration shall be to the satisfaction of the Director of Planning or Building (mitigation measure 3A.3).
67. NO_x Control Measures. The following shall be implemented throughout construction to reduce emissions of nitrogen oxides:
- When feasible, electricity from temporary power poles on-site shall be utilized rather than temporary diesel or gasoline generators.
 - When feasible, on-site mobile equipment shall be fueled by methanol or natural gas (to replace diesel-fueled equipment) or propane or butane (to replace gasoline-fueled equipment).
 - Aqueous diesel fuel or biodiesel (B20 with retarded fuel injection timing), if available, shall be used in diesel-fueled vehicles when methanol or natural gas alternatives are not available (mitigation measure 3B.2).
68. Ozone Precursor Control; Measures. The following shall be implemented throughout construction to reduce emissions of ozone precursors ROC and NO_x:

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- Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications.
 - Schedule construction periods to occur over a longer time period (i.e., lengthen from 60 days to 90 days) during the smog season so as to minimize the number of vehicles and equipment operating simultaneously.
 - Use new technologies to control ozone precursor emissions as they become readily available (mitigation measure 3B.3).
69. Fugitive Dust Control Measures. The following shall be implemented during construction to minimize fugitive dust and associated particulate emissions:
- Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this will require twice daily applications (once in late morning and once at the end of the workday). Increased watering shall be required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.
 - The amount of disturbed area shall be minimized and on-site vehicle speeds shall be limited to 15 mph or less.
 - If importation, exportation and stockpiling of fill material is involved, earth with five percent or greater silt content that is stockpiled for more than two days shall be covered, kept moist or treated with earth binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.
 - After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading earth binders until the area is paved or otherwise developed.
 - All material transported off-site shall be securely covered to prevent excessive amounts of dust (mitigation measure 3B.1).
70. Prior to the issuance of any building permits, the applicant shall demonstrate on the final site drawings that earthquake-resistant design has been incorporated into the drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee. The project structural engineer shall determine ultimate site seismic design acceleration during the project design phase (mitigation measure 3D.1).

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71. Prior to the issuance of any building permit, the applicant shall demonstrate that the design and construction of the proposed structures include methods for densifying and thus increasing the strength of loose, liquefaction susceptible soils at depth, such as columns and compaction grouting, as specified in the geotechnical report. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee (mitigation measure 3D.2).
72. Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or a supplemental geotechnical report that where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompacted in accordance with the requirements of the appropriate governmental agencies (mitigation measure 3D.3).
73. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a temporary shoring system with lagging shall be required during project excavation (mitigation measure 3D.4).
74. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system (mitigation measure 3D.5).
75. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a registered geotechnical engineer shall be present on-site to observe grading operations and foundation excavations (mitigation measure 3D.6).
76. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that on-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas would not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes (mitigation measure 3D.7).
77. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that where there is sufficient space for sloped excavations, temporary cut slopes may be made according to the recommendations of the geotechnical report. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Vertical

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excavations heights shall be in accordance with the geotechnical investigation recommendations (mitigation measure 3D.8).

78. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that if temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope (mitigation measure 3D.9).
79. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation (mitigation measure 3D.10).
80. Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or shoring plans that where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging (mitigation measure 3D.11).
81. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer (mitigation measure 3D.12).
82. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a drainage system shall be placed at the bases of building walls below grade (mitigation measure 3D.13).
83. Prior to the issuance of a grading permit the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMP's that would be implemented on the site to control predictable pollutant runoff (mitigation measure 3D.14).
84. As specified in the geotechnical investigation, 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 the geotechnical investigation, subject to review by the Director of Planning and Building or their designee prior to the issuance of any grading permits (mitigation measure 3D.15).

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85. 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, subject to review and approval by the Director of Planning and Building or their designee prior to the issuance of any grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soil testing as necessary, consistent with local, state, and federal regulations (mitigation measure 3D.16).
86. Prior to the issuance of any demolition permit, 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. The plan shall identify methods for promoting recycling and reuse of construction materials and safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods for incorporating source reduction and recycling techniques into project construction and operation in compliance with state and local requirements such as AB 939 (mitigation measure 3J.1).
87. Prior to the issuance of any 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 and waste collection points throughout the site has been included in the design of the buildings to encourage recycling (mitigation measure 3J.2).
88. Prior to the issuance of any grading permit, the following measures shall be incorporated on to the final grading plans to ensure that dewatering will not violate water quality standards and or waste discharge requirements:
 - Applicant shall submit a Report of Waste Discharge (ROWD) to the RWQCB prior to dewatering. As part of the ROWD, groundwater quality testing shall be conducted to determine that dewatered water quality is adequate for discharge. Groundwater sample analysis results shall be submitted to the RWQCB prior to discharge.
 - Dewatering shall be conducted in accordance with the Field Guide to Construction Site Dewatering, October 2001, CTSW-RT-01-010. Periodic water quality samples shall be collected and analyzed during the dewatering activities to ensure quality of the discharged water.
 - If contaminants are reported in water sample results that exceed the RWQCB's discharge limits, discharge of dewatered water to surface waters

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shall cease immediately. Contaminated dewatered water shall be collected and treated prior to discharge, pursuant to RWQCB approval (mitigation measure 3F.1).

89. Prior to the issuance of any demolition permits, the project applicant shall submit an application to the Long Beach Fire Department (LBFD) for approval to re-abandon wells and remove any pipeline conveyance systems from the property. The LBFD shall review the application for compliance with local, state, and federal requirements with well- and pipeline-handling procedures including sampling of subsurface soils and transport and disposal of tanks and soils/liquids. The LBFD shall oversee and monitor the operation in accordance with local, state, and federal requirements (mitigation measure 3E.1).
90. Prior to the issuance of any demolition permits, all identified mercury, asbestos containing materials (ACMs), and lead-based paints (LBPs) shall be removed, handled, and properly disposed of by appropriately licensed and qualified individuals in accordance with 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 (for example, SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (for example, all required waste manifests, sampling, and air monitoring test results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, 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). A survey for mercury shall be undertaken on the site and any mercury shall be removed in accordance with applicable regulations (mitigation measure 3E.2).
91. Prior to the issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the Long Beach Fire Department for review and approval. 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 conveyance systems and associated equipment (mitigation measure 3E.3).
92. Prior to the issuance of any precise grading permit and after removal of the pipeling conveyance systems, and hazardous materials storage area(s), a detailed soil matrix investigation workplan shall include sampling for petroleum. The purpose of the investigation will be to confirm the previously reported remediation at the site and to delineate the reported soil impact at the site. The findings of the investigation and the results of any sampling will be summarized in the workplan.

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The Long Beach CUPA or RWQCB will determine whether groundwater sampling is required. The Long Beach CUPA or the RWQCB shall review the workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the Long Beach CUPA or the RWQCB for compliance with local, state, and federal regulations. Any additional sampling or soil or groundwater removal shall be subject to these same regulations. After remediation activity is completed to the satisfaction of the Long Beach CUPA or the RWQCB, a No Further Action letter is to be issued prior to issuance of a building permit (mitigation measure 3E.4).

93. Prior to the issuance of any precise grading permit, the project applicant shall perform a soil gas survey for fixed gases including methane, hydrogen sulfide, and volatile organic compounds (VOCs) in the area of the abandoned oil well to assess the possible presence of methane or other vapors associated with abandoned wells (mitigation measure 3E.6).
94. Prior to the issuance of any 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, SCAQMD, and the Long Beach CUPA for review and approval. The program shall be consistent with local, state, and federal regulations and shall encompass all soil-disturbance activities. The Health and Safety Plan shall include the following components:
 - A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures; The identification of a site health and safety officer;
 - Methods of contact, phone number, office location, and responsibilities of the site health and safety officer;
 - Specification that the site health and safety officer shall be immediately contacted 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 the Long Beach CUPA shall be notified of evidence of soil contamination is encountered; and
 - Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut and fill operations (mitigation measure 3E.5).
95. The proposed project shall pay a per dwelling unit fee to the City of Long Beach in lieu of park land dedication in accordance with the City's Municipal Code Chapter 18.18 (mitigation measure 3K.1).

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96. At Second Street/Marina Avenue, the project shall restripe the northbound approach to provide two left, one through and one right turn lane; restripe the southbound approach to provide one left, one through and one right turn lane; and upgrade the traffic signal to provide protected left turns and overlap phases. This improvement will fully mitigate this project's impacts at this location (mitigation measure 3L.1).
97. Prior to the issuance of a Certificate of Occupancy, the project shall construct a shared northbound right turn-through lane on Loynes Drive/PCH, along with the installation of new curb and gutter. The turn lane length would be approximately 150 feet. This improvement combined with the new traffic signal at the PCH main driveway would fully mitigate this project's impacts at this location (mitigation measure 3L.2).
98. Prior to the issuance of a Certificate of Occupancy, a new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center shall be constructed as project mitigation. This roadway will provide a "bypass" route for some traffic to avoid the congested Second Street/PCH intersection. It will divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The proposed new roadway shall include the following improvements:
 - It will be a new four-lane public roadway connection between the intersection of Studebaker Road/PCH and Second Street/Shopkeeper Road behind the Market Place shopping center. The project applicant will be responsible for acquiring the necessary right-of-way and the project applicant will be responsible for the design and construction of the new roadway facility. The applicant will secure necessary approvals from other county, state and federal agencies with jurisdiction over such projects to the satisfaction of the Director of Planning and Building.
 - At the Second Street/Shopkeeper Road intersection, Second Street shall be modified to provide an additional westbound left turn lane (two total) and Shopkeeper Road shall be modified to provide an additional right turn lane (two total). Shopkeeper Road shall also be modified to provide two receiving lanes at the intersection. The traffic signal shall be upgraded to provide a northbound right turn overlap operation (mitigation measure 3L.3).

In the event that the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify alternative mitigation measures.

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99. Prior to the issuance of a Certificate of Occupancy, at the intersection of PCH/Studebaker, the roadway shall have three departure lanes and two receiving lanes. Specific land configurations will be determined at the time of design (mitigation measure 3L.4).
100. To address the potential presence of nesting migratory birds and resulting MBTA and CFG Code impacts, within 15 days of any project actions that will cause a potentially substantial increase or other change in existing disturbance, the project proponent shall have a qualified biologist conduct a preconstruction migratory bird nesting survey. This survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site. If an active nesting effort is confirmed or considered very likely by the biologist, no construction activities shall occur within at least 500 feet of the nesting site until measures to address the constraint are agreed to by the project proponent, U.S. Fish and Wildlife Service (USFWS) personnel, and California Department of Fish and Game (CDFG) personnel. Potentially appropriate measures to take may include one or more of the following as authorized by the USFWS and CDFG: (1) delaying work at the nest site location until either the nest has failed (for non-project-related reasons) or seven days after the last young leaves the nest, or (2) taking the young nestlings to a qualified wildlife rehabilitation center. Note that in the latter situation, it will normally be necessary for the biologist retrieving the young to be properly experienced and permitted for the specific work required (mitigation measure 3M.1).
101. The applicant shall use light-colored roofing materials to deflect heat away from buildings (mitigation measure 3B.4).
102. The applicant shall install automatic lighting on/off controls and energy-efficient lighting (mitigation measure 3B.6).
103. The applicant shall use double-paned windows to reduce thermal loss in buildings in compliance with Title 24 of the California Code of Regulations (mitigation measure 3B.5).
104. Prior to the issuance of a certificate of occupancy for the residential units, the applicant shall complete construction of and obtain a temporary certificate of occupancy for the commercial shell portion of the project.

Open Space/Building Design

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105. All ground level open space areas accounting for the 21% public open space requirement, as shown on sheets L 4.5 through I 4.7 of the plans dated December 22, 2006 shall be open to the sky. No podium shall cover any of the proposed open space areas. The final design of the ground level open space shall be to the satisfaction of the Planning Commission.
106. The escalator located in the center of the Marina Drive plaza area in Block A shall be removed in order to improve the usability of the plaza. Alternatively, the plaza shall be increased in area equal to the size of the escalator to compensate for the loss of open space resulting from the stairwell.
107. The two proposed private streets shall provide a minimum sidewalk width of 10 feet, and shall include landscaped planters to the satisfaction of the Director of Planning and Building.
108. All open space areas shall be designed with amenities including benches, water features, raised and in ground planters, paving patterns, artwork, or other amenities to the satisfaction of the Director of Planning and Building.
109. The tenant spaces adjacent to the proposed plaza areas shall be occupied by retail or restaurant uses unless the property owner can demonstrate to the satisfaction of the Director of Planning and Building that an alternative use is equally active and pedestrian oriented.
110. The final plans submitted for review shall indicate a minimum floor-to-floor height of 18 feet for the ground floor commercial spaces.
111. In order to provide greater architectural emphasis for the commercial component of the project, the project shall be redesigned along Marina Drive, 2nd Street, and Pacific Coast Highway to incorporate additional building step backs above the commercial store fronts, as well as provide additional variation in the height, design, and proportions of the store front glass for each building segments to the satisfaction of the Planning Commission.
112. In order to reduce the repetitive appearance of the building elevations, the project shall be redesigned to provide additional variation in the width and/or spacing of the repeating vertical elements of the buildings or avoid the use of the repeating elements along the following elevations:
 - Marina Drive Elevation on Block A (Retail 3 as shown on the plans dated December 22, 2006);

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- North elevation along Street 1 (Retail 5 as shown on the plans dated December 22, 2006);
 - South elevation along Street 2 (Retail 8 & 9 as shown on the plans dated December 22, 2006);
 - Pacific Coast Highway elevation along Block C (Recreation and Fitness center as shown on the plans dated December 22, 2006).
113. The Pacific Coast Highway building elevation along Block B shall be redesigned to eliminate blank walls through the use of glazing, additional commercial uses, or other method approved by the Planning Commission.
114. Prior to the issuance of a building permit, the applicant shall submit a sign program detailing the proposed sign type, size materials and lighting of all signs proposed for the project. The sign program shall not include billboard-type rear projection displays, changeable copy signs, electronic message center signs, off-premises advertising, nor internally lit cabinet signs. Individual channel letter signs and projecting blade signs are recommended for the project.
115. Prior to the issuance of any building permit, the applicant shall submit a detailed plan showing the location and design of all gates and fencing. The gates and fencing shall be attractively designed and subject to review and approval by the Director of Planning and Building.
116. Prior to the sale of any residential units, the applicant shall submit Covenants, Conditions, and Restrictions (C.C.&Rs) for review and approval by the Director of Planning and Building, and shall record the Covenants Conditions and Restrictions prior to the sale of any units. The C.C.&Rs shall contain the following provisions:
- a. The subject condominium consists of 425 residential units, and 850 parking spaces for residents.
 - b. A statement that the parking spaces shall be permanently maintained, used solely for the parking of personal vehicles, and shall not be sold or given to any individual who is not an owner of a condominium unit within the development.
 - c. A statement that each pair of tandem parking space shall be reserved for a single unit.
 - d. Provision for all necessary reciprocal parking, access, maintenance, drainage, and utility easements.

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- e. A statement that the Homeowners Association shall be responsible for the maintenance of the site drainage system, common areas, street trees, and for the operation and maintenance of the sewer connections to the public sewer in the abutting public right-of-way.
- f. A parking access and security plan with a diagram shall be included in the C.C. &Rs for the parking garage that addresses the method of separation of residential parking from commercial parking, garage security, access restriction, and allocation of parking spaces.
- g. The Homeowners Association shall be responsible for managing all refuse collection for the residential portion of the project as described in the refuse collection plan.

117. The final tract map shall contain the following notes:

- a. The subject condominium consists of 425 residential units and 850 parking spaces for residents.
- b. A statement that each pair of tandem parking spaces shall be reserved for a single unit.

118. The project as shown on the plans dated December 22, 2006 shall be developed and constructed by the applicant shown on the Planning Permit Application filed with the City of Long Beach (Lennar Seaport Partners, LLC). In the event that the applicant fails to develop and/or construct the project as approved by the City, the development entitlements shall be considered null and void.

119. The approval of the General Plan Amendment, Local Coastal Plan Amendment Tentative Map, Site Plan Review, Standards Variances, and Local Coastal Development Permit shall not be effective unless and until approved by the California Coastal Commission.

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Attachment #2
Final Conditions of Approval

**General Plan Amendment
Local Coastal Program Amendment
Planned Development Amendment
Site Plan Review
Vesting Tentative Map
Standards Variance
Local Coastal Development Permit**

**Conditions of Approval
Case No. 0507-19
Adopted March 15, 2007**

General Conditions

1. The use permitted hereby on the site, in addition to other uses permitted in Subarea 17 of the Southeast Area Development Improvement Plan (SEADIP) Planned Development (PD-1), shall be a mixed-use development consisting of approximately 425 residential units, 170,000 square feet of commercial use, and 1,700 parking spaces.
2. All operational conditions of approval of this permit must be posted in a location visible to the public, in such a manner as to be readable when the use is open for business.
3. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. 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.
4. The code exception(s) approved for this project is (are) as follows:
 - a. 1,700 parking spaces (instead of not less than 1,806 parking spaces)
 - b. Usable open space of 21 percent (instead of not less than 30 percent), subject to compliance with the conditions of approval contained herein.
 - c. Building setback of 5 feet from the future 2nd Street property line (instead of not less than 20 feet), but not less than 21 feet from curb line consisting of a 6 feet wide landscaped parkway, 10 feet wide sidewalk, and 5 feet wide landscaped setback.

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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 from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
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. All conditions of approval must be printed verbatim on all plans submitted for plan review as required by the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.
8. 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. The Zoning Administrator or Planning Commission shall review any major modifications, respectively.
9. 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.
10. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street unless deemed infeasible by the Director of Planning and Building. Furthermore, landscaping or any other screening method approved by the Director of Planning and Building shall properly screen this equipment.

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11. Where feasible, 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.
12. 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.
13. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
14. 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).
15. Any graffiti found on site must be removed within 24 hours of its appearance.
16. Energy conserving equipment, lighting and construction features shall be utilized on the building in compliance with Title 24 of the California Code of Regulations.
17. 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.
18. 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.

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19. 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.
20. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic reinspection conducted at the discretion of city officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per special building inspection specifications established by City Council. (LBMC Sections 21.25.412, 21.25.212)
21. 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.

Permitting/Construction

22. 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. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. For landscaping and irrigation affecting Pacific Coast Highway, such plans will be subject to review and approval by Caltrans, as applicable.
23. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide for the construction of a 10 feet wide Class I bicycle trail and 6 feet wide pedestrian path along the west side of Marina Drive as shown in substantial compliance with the plans submitted December 22, 2006 beginning at the 2nd Street and continuing

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to Studebaker Road. The final design of this pathway shall be subject to review and approval by the Director of Planning and Building.

24. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide for the construction of all improvements to Marina Drive in substantial compliance with the plans submitted December 22, 2006 to the satisfaction of the director of Planning and Building and the Director of Public Works.
25. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259. Other security measures may be required to be provided to the satisfaction of the Chief of Police.
26. 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.
27. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
28. The applicant shall file separate plan check submittals to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
29. A grading plan with hydrology and hydraulic calculations showing building elevations and drainage patterns and slopes shall be submitted for the review and approval to the Director of Planning and Building and the Director of Public Works prior to the issuance of a building permit.
30. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:
 - a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.
 - b. Water material being excavated and stockpiled.
 - c. Water grading and cover materials being transported.
 - d. Maintain grading and construction equipment in proper tune.

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- e. Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays).
 - f. Discontinue construction during stage II smog alerts (ozone more than or equal to 0.35 ppm.)
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
32. All required utility easements shall be provided to the satisfaction of the concerned department or agency.
33. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Director of Planning and Building and/or the Planning Commission.
34. Prior to the start of any on-site/off-site construction, the Subdivider shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.). Plans shall be submitted for review and approval of the City Engineer, the City Traffic Engineer, Police and Fire departments, public utility agencies and Long Beach Transit, as applicable.
35. The final map shall be based upon criteria established by the Director of Public Works.
36. Prior to approval of the final map, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by Section 66436(c)(1) of the Subdivision Map Act.
37. All required facilities required by the Department of Public Works not in place and accepted prior to the approval of the final map must be guaranteed by cash deposit or bond to the satisfaction of the Director of Public Works.
38. The Subdivider shall construct or bond for all public right-of-way improvements prior to recordation of the final map.
39. East Pacific Coast Highway is a State highway under the jurisdiction of the California Department of Transportation (Caltrans). Therefore, both Caltrans and

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the City of Long Beach will review off-site improvement plans for this project. Plans should clearly show the existing traffic lanes, all traffic deceleration lanes specified in the traffic study for this project, all proposed traffic control devices, existing and proposed curb lines, all driveway access locations and widths and sidewalks with all proposed tree wells and other landscaping features. Sidewalk connections to the adjacent property to the south must also be shown on the plans. Because a bike path is being developed along the adjacent portion of Marina Drive, the City of Long Beach is not requiring a bike path along East Pacific Coast Highway; however, Caltrans may require it. The final property line location on the street frontages of this project site will not be known until plans showing all these features are satisfactorily developed and approved.

40. Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, roadway and alley pavements, removal and relocation of utilities, traffic signal modifications and installations, 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 Works counter, 10th Floor of City Hall, 333 West Ocean Boulevard, telephone (562) 570-6784.
41. Prior to the start of any off-site construction, the Subdivider shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.). Plans shall be submitted for review and approval of the City Engineer, the City Traffic Engineer, Police and Fire departments, public utility agencies, Long Beach Transit, as applicable.
42. 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 shall perform all work within City of Long Beach public rights-of-way. 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.
43. The Subdivider shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. Any such off-site improvements found damaged by the construction of the on-site improvements shall be repaired or replaced by the Subdivider to the satisfaction of the Director of Public Works.
44. The Subdivider shall provide for the resetting to grade of existing manholes, pull

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boxes, and utility meters in conjunction with the required off-site improvements.

45. The Subdivider shall provide for a 10-foot-wide pedestrian sidewalk with street trees on existing City property adjacent to the westerly limit of the project site along Marina Drive. All street trees shall be provided with root barrier and irrigation. The Subdivider and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
46. Caltrans must approve the location of proposed site access along East Pacific Coast Highway, connector road, and any proposed driveways, prior to City approval of the street improvement plan for the project
47. The Subdivider shall reconstruct the medians on Marina Drive, as specified by the City, in order to permit turning movements into and out of the proposed site driveways.
48. The Subdivider may be required to install a physical barrier, or medians, as required by Caltrans and the City to prohibit northbound East Pacific Coast Highway traffic from turning left to access the site or to prevent traffic exiting the site from turning left across southbound East Pacific Coast Highway.
49. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
50. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected to the satisfaction of the Director of Public Works.
51. The Subdivider shall submit grading and related storm drain plans with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes for review and approval by the Director of Planning and Building Services, and the Director of Public Works.
52. The Subdivider shall submit detailed off-site improvement plans and storm drain plans to the Department of Public Works for review and approval. Contact the Plan Check Coordinator, Jorge M. Magaña, at (562) 570-6678, to obtain additional information regarding off-site improvement plan check submittals.
53. After completion of the required off-site improvements, the Subdivider or project representative shall contact the Engineering Bureau to initiate the process of clearing any Public Works holds attached to the development project. Contact Plan Check Coordinator, Jorge M. Magaña, at (562) 570-6678.

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54. The Subdivider shall contact Long Beach Transit prior to the commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations on East Pacific Coast Highway. Contact Shirley Hsiao, Manager of Service Development Planning, at (562) 591-8753.
55. The Subdivider shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
56. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
57. A street improvement permit from Caltrans will be required for all work within the East Pacific Coast Highway right-of-way. Contact Joyce Minzey at (213) 897-7632 to request additional information regarding the Caltrans permitting process.
58. The project applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which ensure an acceptable interior noise environment. Specifically, the project applicant shall submit an acoustical report prior to the issuance of building permits that demonstrates that the proposed building design and materials would ensure that interior noise levels attributable to exterior sources are no greater than 45 dBA CNEL (mitigation measure 3H.1).
59. Prior to the issuance of any grading permit, the applicant shall provide documentation that an archaeologist who is listed on the County of Los Angeles list of certified archaeologists has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee. If archaeological resources, such as chipped or ground stone, dark or friable soil, large quantities of shell, historic debris, or human bone, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 250 feet of the find until the City of Long Beach has been notified and a qualified archaeologist can be secured to determine if the resources are significant per the Criteria of Eligibility in the NRHP regulations (36 CFR 60.4) and the California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet these standards of significance, construction shall proceed. If the archaeologist determines that further information is needed to evaluate significance, the City of Long Beach shall be notified and a data recovery plan shall be prepared.

The Data Recovery Plan shall delineate a plan and timetable for evaluating the find.

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- The plan shall also emphasize the avoidance or preservation, if possible, of significant impacts to significant archaeological resources. If avoidance or preservation is not possible, the acquisition of data from the site or salvage through excavation that produces qualitative and quantitative data sets of scientific value may be considered an effective mitigation measure damage to or destruction of the deposit or components of it (Public Resources Code Section 21083.2(d)). Upon approval of this Plan by the City staff, the plan shall be implemented prior to reactivation of any project activities within 250 feet of the resources' boundary. The results of the fossil recovery program shall be documented in a technical report that includes an itemized inventory of specimens. Specimens recovered during grading activities shall be prepared to a point of identification and permanent preservation. All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with this recovery program and report preparation. (mitigation measure 3C.1).
60. The project applicant shall ensure that construction contractors use architectural coatings limited to a VOC content of 75 grams per liter or less (mitigation measure 3B.7).
 61. Prior to the issuance of any demolition permit, the applicant shall prepare a "Construction Staging and Management Plan" to be approved by the Director of Planning and Building that will establish entry and exit points for construction employees, location of temporary office facilities, location of demolition materials marshalling areas, location of construction materials staging areas, the height and location of a security fence and procedures for keeping the construction site clear of trash and weeds to minimize to the extent reasonably feasible impacts to the visual character and quality of the site, and require covering of material that can be carried by winds in accordance with the SCAQMD regulations (mitigation measure 3A.1).
 62. Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that all exterior lighting shall be limited to ground level and the plazas to accent project landscaping areas. Security lighting shall be used in the proposed project area such as in the plazas of the building and limited to project entrances, landscaping, as well as loading areas. All lighting shall be shielded to prevent "spillover" to adjacent properties. Demonstration shall be to the satisfaction of the Director of Planning or Building (mitigation measure 3A.2).
 63. Prior to the issuance of any grading permit, the applicant shall provide documentation that a Native American Monitor, who is listed with the Native American Heritage Commission, has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement

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shall be verified by the Director of Planning and Building or their designee. If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The county coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the NAHC, which shall determine and notify a most likely descendant (MLD). With the permission of the landowner or an 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 3C.2).

64. In conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained and shall be on site during all rough grading and other significant ground disturbing activities in paleontologically sensitive sediments. In the event that fossil resources are noted within the project area, construction in the vicinity of the find shall 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 (mitigation measure 3.C.3).
65. Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that the proposed project shall use non-reflective building materials and careful selection of exterior building materials as well as window glass treatments. Prior to the completion of final plans and specifications for each structural element of the proposed project, plans and specifications shall be submitted to the Department of Planning and Building for review to ensure that the selection of exterior building materials and window glass treatments would not create uncomfortable levels of glare on public roadways or surrounding redirected areas for the structural elements of the proposed project. Demonstration shall be to the satisfaction of the Director of Planning or Building (mitigation measure 3A.3).
66. NO_x Control Measures. The following shall be implemented throughout construction to reduce emissions of nitrogen oxides:

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- When feasible, electricity from temporary power poles on-site shall be utilized rather than temporary diesel or gasoline generators.
 - When feasible, on-site mobile equipment shall be fueled by methanol or natural gas (to replace diesel-fueled equipment) or propane or butane (to replace gasoline-fueled equipment).
 - Aqueous diesel fuel or biodiesel (B20 with retarded fuel injection timing), if available, shall be used in diesel-fueled vehicles when methanol or natural gas alternatives are not available (mitigation measure 3B.2).
67. Ozone Precursor Control; Measures. The following shall be implemented throughout construction to reduce emissions of ozone precursors ROC and NOx:
- Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications.
 - Schedule construction periods to occur over a longer time period (i.e., lengthen from 60 days to 90 days) during the smog season so as to minimize the number of vehicles and equipment operating simultaneously.
 - Use new technologies to control ozone precursor emissions as they become readily available (mitigation measure 3B.3).

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68. Fugitive Dust Control Measures. The following shall be implemented during construction to minimize fugitive dust and associated particulate emissions:
- Water trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this will require twice daily applications (once in late morning and once at the end of the workday). Increased watering shall be required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.
 - The amount of disturbed area shall be minimized and on-site vehicle speeds shall be limited to 15 mph or less.
 - If importation, exportation and stockpiling of fill material is involved, earth with five percent or greater silt content that is stockpiled for more than two days shall be covered, kept moist or treated with earth binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.
 - After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading earth binders until the area is paved or otherwise developed.
 - All material transported off-site shall be securely covered to prevent excessive amounts of dust (mitigation measure 3B.1).
69. Prior to the issuance of any building permits, the applicant shall demonstrate on the final site drawings that earthquake-resistant design has been incorporated into the drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee. The project structural engineer shall determine ultimate site seismic design acceleration during the project design phase (mitigation measure 3D.1).
70. Prior to the issuance of any building permit, the applicant shall demonstrate that the design and construction of the proposed structures include methods for densifying and thus increasing the strength of loose, liquefaction susceptible soils at depth, such as columns and compaction grouting, as specified in the geotechnical report. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee (mitigation measure 3D.2).

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71. Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or a supplemental geotechnical report that where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompacted in accordance with the requirements of the appropriate governmental agencies (mitigation measure 3D.3).
72. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a temporary shoring system with lagging shall be required during project excavation (mitigation measure 3D.4).
73. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system (mitigation measure 3D.5).
74. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a registered geotechnical engineer shall be present on-site to observe grading operations and foundation excavations (mitigation measure 3D.6).
75. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that on-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas would not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes (mitigation measure 3D.7).
76. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that where there is sufficient space for sloped excavations, temporary cut slopes may be made according to the recommendations of the geotechnical report. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Vertical excavations heights shall be in accordance with the geotechnical investigation recommendations (mitigation measure 3D.8).
77. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that if temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or

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- permanent slope (mitigation measure 3D.9).
78. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation (mitigation measure 3D.10).
 79. Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or shoring plans that where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging (mitigation measure 3D.11).
 80. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer (mitigation measure 3D.12).
 81. Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a drainage system shall be placed at the bases of building walls below grade (mitigation measure 3D.13).
 82. Prior to the issuance of a grading permit the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMP's that would be implemented on the site to control predictable pollutant runoff (mitigation measure 3D.14).
 83. As specified in the geotechnical investigation, 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 the geotechnical investigation, subject to review by the Director of Planning and Building or their designee prior to the issuance of any grading permits (mitigation measure 3D.15).
 84. 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, subject to review and approval by the Director of

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- Planning and Building or their designee prior to the issuance of any grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soil testing as necessary, consistent with local, state, and federal regulations (mitigation measure 3D.16).
85. Prior to the issuance of any demolition permit, 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. The plan shall identify methods for promoting recycling and reuse of construction materials and safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods for incorporating source reduction and recycling techniques into project construction and operation in compliance with state and local requirements such as AB 939 (mitigation measure 3J.1).
86. Prior to the issuance of any 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 and waste collection points throughout the site has been included in the design of the buildings to encourage recycling (mitigation measure 3J.2).
87. Prior to the issuance of any grading permit, the following measures shall be incorporated on to the final grading plans to ensure that dewatering will not violate water quality standards and or waste discharge requirements:
- Applicant shall submit a Report of Waste Discharge (ROWD) to the RWQCB prior to dewatering. As part of the ROWD, groundwater quality testing shall be conducted to determine that dewatered water quality is adequate for discharge. Groundwater sample analysis results shall be submitted to the RWQCB prior to discharge.
 - Dewatering shall be conducted in accordance with the Field Guide to Construction Site Dewatering, October 2001, CTSW-RT-01-010. Periodic water quality samples shall be collected and analyzed during the dewatering activities to ensure quality of the discharged water.
 - If contaminants are reported in water sample results that exceed the RWQCB's discharge limits, discharge of dewatered water to surface waters shall cease immediately. Contaminated dewatered water shall be collected and treated prior to discharge, pursuant to RWQCB approval (mitigation measure 3F.1).
88. Prior to the issuance of any demolition permits, the project applicant shall submit an application to the Long Beach Fire Department (LBFD) for approval to re-abandon

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- wells and remove any pipeline conveyance systems from the property. The LBFD shall review the application for compliance with local, state, and federal requirements with well- and pipeline-handling procedures including sampling of subsurface soils and transport and disposal of tanks and soils/liquids. The LBFD shall oversee and monitor the operation in accordance with local, state, and federal requirements (mitigation measure 3E.1).
89. Prior to the issuance of any demolition permits, all identified mercury, asbestos containing materials (ACMs), and lead-based paints (LBPs) shall be removed, handled, and properly disposed of by appropriately licensed and qualified individuals in accordance with 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 (for example, SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (for example, all required waste manifests, sampling, and air monitoring test results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, 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). A survey for mercury shall be undertaken on the site and any mercury shall be removed in accordance with applicable regulations (mitigation measure 3E.2).
90. Prior to the issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the Long Beach Fire Department for review and approval. 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 conveyance systems and associated equipment (mitigation measure 3E.3).
91. Prior to the issuance of any precise grading permit and after removal of the pipeling conveyance systems, and hazardous materials storage area(s), a detailed soil matrix investigation workplan shall include sampling for petroleum. The purpose of the investigation will be to confirm the previously reported remediation at the site and to delineate the reported soil impact at the site. The findings of the investigation and the results of any sampling will be summarized in the workplan. The Long Beach CUPA or RWQCB will determine whether groundwater sampling is required. The Long Beach CUPA or the RWQCB shall review the workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the Long Beach CUPA or the RWQCB for compliance with local, state, and federal regulations. Any additional sampling or soil or groundwater removal

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shall be subject to these same regulations. After remediation activity is completed to the satisfaction of the Long Beach CUPA or the RWQCB, a No Further Action letter is to be issued prior to issuance of a building permit (mitigation measure 3E.4).

92. Prior to the issuance of any precise grading permit, the project applicant shall perform a soil gas survey for fixed gases including methane, hydrogen sulfide, and volatile organic compounds (VOCs) in the area of the abandoned oil well to assess the possible presence of methane or other vapors associated with abandoned wells (mitigation measure 3E.6).
93. Prior to the issuance of any 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, SCAQMD, and the Long Beach CUPA for review and approval. The program shall be consistent with local, state, and federal regulations and shall encompass all soil-disturbance activities. The Health and Safety Plan shall include the following components:
 - A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures; The identification of a site health and safety officer;
 - Methods of contact, phone number, office location, and responsibilities of the site health and safety officer;
 - Specification that the site health and safety officer shall be immediately contacted 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 the Long Beach CUPA shall be notified of evidence of soil contamination is encountered; and
 - Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut and fill operations (mitigation measure 3E.5).
94. The proposed project shall pay a per dwelling unit fee to the City of Long Beach in lieu of park land dedication in accordance with the City's Municipal Code Chapter 18.18 (mitigation measure 3K.1).
95. At Second Street/Marina Avenue, the project shall restripe the northbound approach to provide two left, one through and one right turn lane; restripe the southbound approach to provide one left, one through and one right turn lane; and upgrade the traffic signal to provide protected left turns and overlap phases. This improvement

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will fully mitigate this project's impacts at this location (mitigation measure 3L.1).

96. Prior to the issuance of a Certificate of Occupancy, the project shall construct a shared northbound right turn-through lane on Loynes Drive/PCH, along with the installation of new curb and gutter. The turn lane length would be approximately 150 feet. This improvement combined with the new traffic signal at the PCH main driveway would fully mitigate this project's impacts at this location (mitigation measure 3L.2).
97. Prior to the issuance of a building permit, plans for a new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center shall be approved and permits shall be issued by all agencies having review authority. This roadway will provide a "bypass" route for some traffic to avoid the congested Second Street/PCH intersection. It will divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The roadway (or alternative mitigation as discussed below) shall be constructed prior to the issuance of a Certificate of Occupancy. The proposed new roadway shall include the following improvements:
 - It will be a new four-lane public roadway connection between the intersection of Studebaker Road/PCH and Second Street/Shopkeeper Road behind the Market Place shopping center. The project applicant will be responsible for acquiring the necessary right-of-way and the project applicant will be responsible for the design and construction of the new roadway facility. The applicant will secure necessary approvals from other county, state and federal agencies with jurisdiction over such projects to the satisfaction of the Director of Planning and Building.
 - At the Second Street/Shopkeeper Road intersection, Second Street shall be modified to provide an additional westbound left turn lane (two total) and Shopkeeper Road shall be modified to provide an additional right turn lane (two total). Shopkeeper Road shall also be modified to provide two receiving lanes at the intersection. The traffic signal shall be upgraded to provide a northbound right turn overlap operation (mitigation measure 3L.3).

In the event that the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify and approve alternative mitigation measures prior to the issuance of a building permit.

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98. Prior to the issuance of a Certificate of Occupancy, at the intersection of PCH/Studebaker, the roadway shall have three departure lanes and two receiving lanes. Specific land configurations will be determined at the time of design (mitigation measure 3L.4).
99. To address the potential presence of nesting migratory birds and resulting MBTA and CFG Code impacts, within 15 days of any project actions that will cause a potentially substantial increase or other change in existing disturbance, the project proponent shall have a qualified biologist conduct a preconstruction migratory bird nesting survey. This survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site. If an active nesting effort is confirmed or considered very likely by the biologist, no construction activities shall occur within at least 500 feet of the nesting site until measures to address the constraint are agreed to by the project proponent, U.S. Fish and Wildlife Service (USFWS) personnel, and California Department of Fish and Game (CDFG) personnel. Potentially appropriate measures to take may include one or more of the following as authorized by the USFWS and CDFG: (1) delaying work at the nest site location until either the nest has failed (for non-project-related reasons) or seven days after the last young leaves the nest, or (2) taking the young nestlings to a qualified wildlife rehabilitation center. Note that in the latter situation, it will normally be necessary for the biologist retrieving the young to be properly experienced and permitted for the specific work required (mitigation measure 3M.1).
100. The applicant shall use light-colored roofing materials to deflect heat away from buildings (mitigation measure 3B.4).
101. The applicant shall install automatic lighting on/off controls and energy-efficient lighting (mitigation measure 3B.6).
102. The applicant shall use double-paned windows to reduce thermal loss in buildings in compliance with Title 24 of the California Code of Regulations (mitigation measure 3B.5).
103. Prior to the issuance of a certificate of occupancy for the residential units, the applicant shall complete construction of and obtain a temporary certificate of occupancy for the commercial shell portion of the project.

CHAIRMAN AND PLANNING COMMISSIONERS

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Open Space/Building Design

104. All ground level open space areas accounting for the 21% public open space requirement, as shown on sheets L 4.5 through I 4.7 of the plans dated December 22, 2006 shall be open to the sky. No podium shall cover any of the proposed open space areas. The final design of the ground level open space shall be to the satisfaction of the Planning Commission.
105. The escalator located in the center of the Marina Drive plaza area in Block A shall be removed in order to improve the usability of the plaza. Alternatively, the plaza shall be increased in area equal to the size of the escalator to compensate for the loss of open space resulting from the stairwell.
106. The two proposed private streets shall provide a minimum sidewalk width of 10 feet, and shall include landscaped planters to the satisfaction of the Director of Planning and Building.
107. All open space areas shall be designed with amenities including benches, water features, raised and in ground planters, paving patterns, artwork, or other amenities to the satisfaction of the Director of Planning and Building.
108. The tenant spaces adjacent to the proposed plaza areas shall be occupied by retail or restaurant uses unless the property owner can demonstrate to the satisfaction of the Director of Planning and Building that an alternative use is equally active and pedestrian oriented.
109. The final plans submitted for review shall indicate a minimum floor-to-floor height of 18 feet for the ground floor commercial spaces.
110. In order to provide greater architectural emphasis for the commercial component of the project, the project shall be redesigned along Marina Drive, 2nd Street, and Pacific Coast Highway to incorporate additional building step backs above the commercial store fronts, as well as provide additional variation in the height, design, and proportions of the store front glass for each building segments to the satisfaction of the Planning Commission.
111. In order to reduce the repetitive appearance of the building elevations, the project shall be redesigned to provide additional variation in the width and/or spacing of the

CHAIRMAN AND PLANNING COMMISSIONERS

Case No 0507-19

March 15, 2007

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repeating vertical elements of the buildings or avoid the use of the repeating elements along the following elevations:

- Marina Drive Elevation on Block A (Retail 3 as shown on the plans dated December 22, 2006);
 - North elevation along Street 1 (Retail 5 as shown on the plans dated December 22, 2006);
 - South elevation along Street 2 (Retail 8 & 9 as shown on the plans dated December 22, 2006);
 - Pacific Coast Highway elevation along Block C (Recreation and Fitness center as shown on the plans dated December 22, 2006).
112. The Pacific Coast Highway building elevation along Block B shall be redesigned to eliminate blank walls through the use of glazing, additional commercial uses, or other method approved by the Planning Commission.
113. Prior to the issuance of a building permit, the applicant shall submit a sign program detailing the proposed sign type, size materials and lighting of all signs proposed for the project. The sign program shall not include billboard-type rear projection displays, changeable copy signs, electronic message center signs, off-premises advertising, nor internally lit cabinet signs. Individual channel letter signs and projecting blade signs are recommended for the project.
114. Prior to the issuance of any building permit, the applicant shall submit a detailed plan showing the location and design of all gates and fencing. The gates and fencing shall be attractively designed and subject to review and approval by the Director of Planning and Building.

Operation

115. Prior to the sale of any residential units, the applicant shall submit Covenants, Conditions, and Restrictions (C.C.&Rs) for review and approval by the Director of Planning and Building, and shall record the Covenants Conditions and Restrictions prior to the sale of any units. The C.C.&Rs shall contain the following provisions:
- a. The subject condominium consists of 425 residential units, and 850 parking spaces for residents.
 - b. A statement that the parking spaces shall be permanently maintained, used solely for the parking of personal vehicles, and shall not be sold or given to

CHAIRMAN AND PLANNING COMMISSIONERS

Case No 0507-19

March 15, 2007

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- any individual who is not an owner of a condominium unit within the development.
- c. A statement that each pair of tandem parking space shall be reserved for a single unit.
 - d. Provision for all necessary reciprocal parking, access, maintenance, drainage, and utility easements.
 - e. A statement that the Homeowners Association shall be responsible for the maintenance of the site drainage system, common areas, street trees, and for the operation and maintenance of the sewer connections to the public sewer in the abutting public right-of-way.
 - f. A parking access and security plan with a diagram shall be included in the C.C. &Rs for the parking garage that addresses the method of separation of residential parking from commercial parking, garage security, access restriction, and allocation of parking spaces.
 - g. The Homeowners Association shall be responsible for managing all refuse collection for the residential portion of the project as described in the refuse collection plan.
117. The final tract map shall contain the following notes:
- a. The subject condominium consists of 425 residential units and 850 parking spaces for residents.
 - b. A statement that each pair of tandem parking spaces shall be reserved for a single unit.
118. The project shall be developed in accordance with the terms of agreement, subject to the satisfaction of the Office of the City Attorney, contained in the letter (Exhibit A) dated March 7, 2007, from Seaport Marina LLC to Gerald Miller, City Manager.
119. The approval of the General Plan Amendment, Local Coastal Plan Amendment Tentative Map, Site Plan Review, Standards Variances, and Local Coastal Development Permit shall not be effective unless and until approved by the California Coastal Commission.
120. The amount of commercial floor area dedicated to restaurant use shall be limited to

CHAIRMAN AND PLANNING COMMISSIONERS

Case No 0507-19

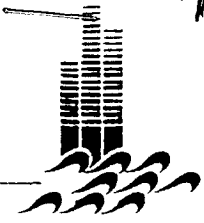
March 15, 2007

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25 percent of the total gross floor area of the project.

121. Prior to the issuance of a Certificate of Occupancy, the applicant shall landscape the existing medians along 2nd Street from Pacific Coast Highway to Bayshore Avenue, as feasible, subject to the satisfaction of the Director of Planning and Building and the Director of Public Works.
122. Prior to the issuance of a Certificate of Occupancy, the applicant shall narrow the existing medians along 2nd Street between Appian Way and Bayshore Avenue as feasible and provide striping and signage to create a bike lane connecting to the existing bike lanes to the satisfaction of the Director of Planning and Building and the Director of Public Works.

Attachment #3
Appeal Forms



Coalition for a Beautiful EAST Long Beach

CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802 • (562) 570-6194
FAX (562) 570-6068

(10 speakers)

RECEIVED

MAR 26 2006

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 15 day of MARCH 2007
 Planning Commission

Planning and Building Dept.
Plan Check Division

APPELLANT: SANDIE VAN HORN *

APPLICANT: TAKI SUN, Inc Lessee (+ Century Support LLC)

Project address: 6400 E. Pacific Coast Hwy.

Permits requested: General Plan Amendment, Coastal Development Permit, Site Plan Review, STANDARD VARIANCES

Project description: A multi use 170,000 sq foot retail w. 425 CONDO UNITS ON TOP. Not code-approved parking - NOT ZONED for this use.

Reason for appeal: FLAWED EIR, VIOLATION OF CEQUA, NO MITIGATION REGARDING TRAFFIC ON 2nd + PCH

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or Planning Commission and () approve or deny this application.

Signature of Appellant: Sandra L. Van Horn

Print name of Appellant: SANDRA L. VAN HORN

Mailing Address: 845 Stevely Ave, Long Beach 90815

Phone No. (562) 596-695

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: DB

Case No. 0507-19 Date: 3/26/07

Filing Fee Required: Yes () No Application complete: Yes () No

CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING
333 West Ocean Boulevard | Long Beach, CA 90802 | (562)570-6194 FAX: (562)570-6068

Application for Appeal

An appeal is hereby made to Your Honorable Body from the decision of the:

- Planning Commission on the 15th day of March 2007
 Zoning Officer on the _____ day of _____ 20____
 Cultural Heritage Commission on the _____ day of _____ 20____
 Site Plan Review Committee on the _____ day of _____ 20____

Appellant: Nancy L Buchanan

Applicant: Lerner

Project Address: PCH # 229 6400 East PCH

Permit(s) Requested: 0507-19 GPA, SPR

Project Description: Mixed use 425 residential units
170,000 sqft commercial, 1,700 parking spaces

Reason for Appeal: Density too high; traffic impact;
uncertainty of Sheepkeeper Road; variances
on every aspect of development; architecture
doesn't fit arcadia/walkway open space

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the:

- Planning Commission, Zoning Officer, Cultural Heritage Commission or
 Site Plan Review Committee only;
 Approve or Deny this application

Signature of the Appellant: Nancy L Buchanan

Print name of the Appellant: Nancy L Buchanan

Mailing Address: 36 La Verne Avenue

Long Beach, CA 90803

Phone No.: 562-439-8649

Note: Please be sure to review the filing instructions on the reverse side of this form.

(Staff Use Only)

Counter Staff: DB Case No.: 0507-19 Date: 3/26

Application Complete: yes No

CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING
333 West Ocean Boulevard | Long Beach, CA 90802 | (562)570-6194 FAX: (562)570-6068

Application for Appeal

An appeal is hereby made to Your Honorable Body from the decision of the:

- Planning Commission on the 15th day of March 2007
 Zoning Officer on the _____ day of _____ 20_____
 Cultural Heritage Commission on the _____ day of _____ 20_____
 Site Plan Review Committee on the _____ day of _____ 20_____

Appellant: Nancy Ondeck

Applicant: Lennar

Project Address: 6400 E. Pacific Coast Hwy.

Permit(s) Requested: 0507-19 GPA, SPR

Project Description: Mixed-use project consisting of 425 residential units, 170,000 squarefeet of commercial space

Reason for Appeal: Traffic congestion, too dense, too many Condos, It will take away open space and many palm trees. Shopkeeper Lane is too small to accomodate more traffic.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the:

- Planning Commission, Zoning Officer, Cultural Heritage Commission or
 Site Plan Review Committee and?
 Approve or Deny this application

Signature of the Appellant: Nancy Ondeck

Print name of the Appellant: Nancy S. Ondeck

Mailing Address: 44 LaVerne Ave. Long Beach, CA 90803

Phone No.: 562-433-16451

Note: Please be sure to review the filing instructions on the reverse side of this form.

(Staff Use Only)

Counter Staff: DB Case No.: 0507-19 Date: 3/26/07

Application Complete: Yes No

492609

CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING
333 West Ocean Boulevard Long Beach, CA 90802 (562)570-6194 FAX: (562)570-6068

Application for Appeal

An appeal is hereby made to Your Honorable Body from the decision of the:
(X) **Planning Commission** on the 15th day of March 2007
() **Zoning Officer** on the _____ day of _____ 20____
() **Cultural Heritage Commission** on the _____ day of _____ 20____
() **Site Plan Review Committee** on the _____ day of _____ 20____

Appellant: Melinda Cotton and Jeff Miller
Applicant: Lennar Seaport, LLC, Case No. 0507-19
Project Address: 6400 E. Pacific Coast Highway (Seaport Marina Project)
Permit(s) Requested: General Plan Amendment, Local Coastal Program Amendment, Local Coastal Development Permit, Site Plan Review, Vesting Tentative Map, Standards Variances

Project Description: Mixed use project consisting of 425 residential units, 170,000 commercial space with less than code-required parking; building setback of less than 5 feet along 2nd Street, less than required usable space, etc. etc.
Reason for Appeal: Inadequate EIR, Violation of CEQA, violates SEADIP, Local Coastal Plan and approved uses for the area. Project does not comply with the current standards with respect to allowed uses, required open space, setbacks, parking and building height. Traffic mitigation proposed is either not possible, or not feasible. There is no reason for a finding of "overriding considerations for this site."

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the:
(X) **Planning Commission**, () **Zoning Officer**, () **Cultural Heritage Commission** or () **Site Plan Review Committee**
() **Approve** or (X) **Deny** this application (Deny the Lennar Seaport LLC project.)

Signature of the Appellant:
Melinda Cotton Jeff Miller

Print name of the Appellant: Melinda Cotton and Jeff Miller
Mailing Address: PO Box 3310, Long Beach, CA 90803
Phone No.: 562/433-2795

Note: Please be sure to review the filing instructions on the reverse side of this form.

(Staff Use Only)

Counter Staff: JM Case No.: 0507-19 Date: 3-20-07

Application Complete: () yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

• (562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the 15th day of March 19-2007

() Planning Commission

APPELLANT: The Las Cerritas Wetlands Land Trust

APPLICANT: Lennar Seaport LLC

Project address: 6400 E. Pac. Coast Hwy,

Permits requested: _____

Project description: 425 Residential units, 170,000 sq. ft.
Commercial, 1700 parking

Reason for appeal: Inadequate EIR, Less than code-required
parking setback and open space. Not zoned
for residential by SFADIP. Inadequate traffic mitigations

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: Ann Cantrell, Treasurer, LCW Land Trust

Print name of Appellant: Ann Cantrell

Mailing Address: 3106 Claremore Ave. L.B. 90808

Phone No. 562/596-7288

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

493041

333 West Ocean Boulevard ! Long Beach, CA 90802 ! (562)570-6194 FAX: (562)570-6068

Application for Appeal

An appeal is hereby made to Your Honorable Body form the decision of the:

- Planning Commission** on the 15th day of MARCH 2007
- Zoning Officer** on the _____ day of _____ 20_____
- Cultural Heritage Commission** on the _____ day of _____ 20_____
- Site Plan Review Committee** on the _____ day of _____ 20_____

Appellant: George Jones

Applicant: LENNAR SEAPORT, LLC

Project Address: 6400 E. Pacific Coast Hwy.

Permit(s) Requested: LOCAL COASTAL DEVELOPMENT

Project Description: 425 RESIDENTIAL units

Reason for Appeal:

- 1 TRAFFIC mitigation problems
- 2 Preclusive effect on other future development in Area
- 3 EVISCERATES existing ZONING

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the:

- Planning Commission**, **Zoning Officer**, **Cultural Heritage Commission** or
- Site Plan Review Committee**

Approve or **Deny** this application

Signature of the Appellant: [Signature]

Print name of the Appellant: GEORGE M. JONES

Mailing Address: 6475 E. Pacific Coast Hwy, #338
Long Beach, CA 90803

Phone No.: (562) 983-8003

Note: Please be sure to review the filing instructions on the reverse side of this form.

(Staff Use Only)

Counter Staff: [Signature] Case No.: 0507-19 Date: 3/26/07
 Application Complete: yes No

493107



CITY OF LONG BEACH
DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard | Long Beach, CA 90802 | (562)570-6194 FAX: (562)570-6068

Application for Appeal

An appeal is hereby made to Your Honorable Body from the decision of the:

- X Planning Commission on the 15 day of MARCH 2007
X Zoning Officer on the ___ day of ___ 20___
() Cultural Heritage Commission on the ___ day of ___ 20___
() Site Plan Review Committee on the ___ day of ___ 20___

Appellant: KERRIE ALEY

Applicant: LENNAR SEAPORT LLC

Project Address: 6400 E. PCH (SEAPORT MARINA PROJECT)

Permit(s) Requested: _____

Project Description: HIGH DENSITY MIXED USE PROJECT 425 CONDOS, 170,000 SQ FEET OF COMMERCIAL SPACE WITH INADEQUATE OPEN SPACE, PARKING, OR TRAFFIC MITIGATION.

Reason for Appeal: THE SEAPORT MARINA ENVIRONMENTAL IMPACT REPORT (EIR) DOES NOT MEET THE MINIMUM STANDARDS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND FAILS TO DISCLOSE PROJECT AND CUMULATIVE SIGNIFICANT RESIDENTIAL NEIGHBORHOOD TRAFFIC IMPACTS. BASIS OF

Your appellant herein respectfully requests that Your Honorable Body reject the APPEAL IS ON ATTACHED PAGES. decision of the:

- X Planning Commission, X Zoning Officer, () Cultural Heritage Commission or () Site Plan Review Committee

() Approve or X Deny this application

Signature of the Appellant: [Signature]

Print name of the Appellant: KERRIE ALEY

Mailing Address: 279 PARK AVENUE LONG BEACH, CA 90803

Phone No.: (562) 433-7642

Note: Please be sure to review the filing instructions on the reverse side of this form.

(Staff Use Only)

Counter Staff: [Signature] Case No.: 0507-19 Date: 3-26-07
Application Complete: (X) Yes () No

Appeal-Seaport Marina Project Number
South-East Long Beach City Growth and Neighborhood Traffic Impact

Appellant-Kerrie Aley

The following is a warning now posted on the Harbor Areas Farmers Market website:

"People!!! Be sure to be careful crossing the street (Marina Drive) between the market and the Wild Oats store. We did ask for a crosswalk, but it was denied on the grounds that pedestrians would get a false sense of security on a very busy street where many cars go way too fast. Cross over, but be extremely careful!!!"

HAFM Website <http://www.harborareafarmersmarkets.org/LBSE-News.html>

Last year two women were killed while crossing Ocean Blvd., one was hit while in a crosswalk another was not in a crosswalk. Last week members of the Belmont Shores Residents Association requested a crosswalk and were similarly denied.

I live on Park Avenue where 85% of the cars speeding in front of my home are at 38 mph with measured speeds exceeding 55 mph. On Park Avenue vehicles involved in accidents roll over and regularly land on residential property. A few years ago a neighbor's daughter and friend were nearly crushed when a car collided with a parked car and pushed it up pinning them to the garage door. Another neighbor at Park/Vista has had his fence taken out five times by accidents. Many of my neighbors have had their car sideswiped two to three times in one year. A few months ago a senior citizen living near Park/6th was hit at high speeds backing out of her driveway and is now afraid to leave her property. The current traffic volumes and speeds make it difficult for many Long Beach residents to safely access their property. Pedestrians and bicyclists are in harms way because of the high speed traffic in our neighborhoods.

The accidents in my neighborhood are severe. For example on Park Avenue:

- 32% of accidents involve injuries. The injury rate per M VMT accident is 375% (7th-5th St) to 163% (4th-Livingston) higher than the California expected motor vehicle injury rate of 92.1 M MTM (this includes all CA roads including highways and arterial streets).
- 25% of accidents involve residential parked cars.
- 6.5% of accidents involve "fixed objects" other than cars.
- 5% of accidents involve pedestrians or bicyclists.
- 70% of all accidents were so severe that the vehicles require towing.
- 25% of accidents were caused by trucks weighing over 3 tons (Includes pick-up/panel trucks, pick-up/panel trucks with trailers, 10-14 semi-tractor trailers).
- Vehicles involved in accidents are regularly leaving the roadway and landing on sidewalks and residential front yards due to the narrowness of Park Avenue.

Long Beach residents have been asking the City for over 15 years to fix the traffic problem in my neighborhood. Because nothing was done vehicle speeds continued to climb, the number of accidents increased, and the traffic volume increased with the expected accident rates. In the last 6 years, the accident rate on Toledo has risen from 325% (1997) to 825% (2002) higher than the statewide expected accident.

Because street noise increases logarithmically with speed and with volume the traffic noise invading our homes is disturbing our sleep and quality of life. A neighbor near Park/6th is spending \$5,000 to install sound proof windows. We have measured traffic noise levels exceeding 70 dbs outside of our homes. A number of rental homes near Park/7th and south of Park/Vista are frequently vacant because of the traffic and high speed accidents. Last year I spoke to a renter on Park Avenue who witnessed 3 major multiple vehicle accidents in front of her rental duplex and told me she liked the neighborhood but felt unsafe about the traffic and was moving out.

Sixteen years ago "The Neighborhood Traffic and Parking Mitigation Program" was initiated by the mayor and the City Council in response to public comments on the 1991 Transportation Element of the General Plan. In 1994 the City began a study of over 23 neighborhoods in Long Beach- with Belmont Heights having the greatest citizen response to questions about traffic problems. Unfortunately major elements in both the 1991 Transportation Plan and the 1995 Neighborhood Traffic and Parking Mitigation Program for the Belmont Heights Neighborhood were never started or completed.

I've spent the last six months reviewing 2003-2006 LB EIR Traffic Analysis, the City's traffic analysis methodology, other Cities transportation plans and traffic analyses, and over 225 Long Beach Traffic Surveys containing accident rates and speed.

Today-It is more dangerous to live/travel on many Long Beach residential streets than the City's primary arterial roads. The accident rate and vehicle speeds in my neighborhood are higher than traffic on nearby primary arterials.

The City has chosen a path of uncontrolled high density development without proper traffic analysis, planning, mitigation, or money allocated to preserve the health and safety of existing residential neighborhoods from severe traffic impacts. Traffic mitigation money is used solely to increase roadway capacity to allow for more high density development.

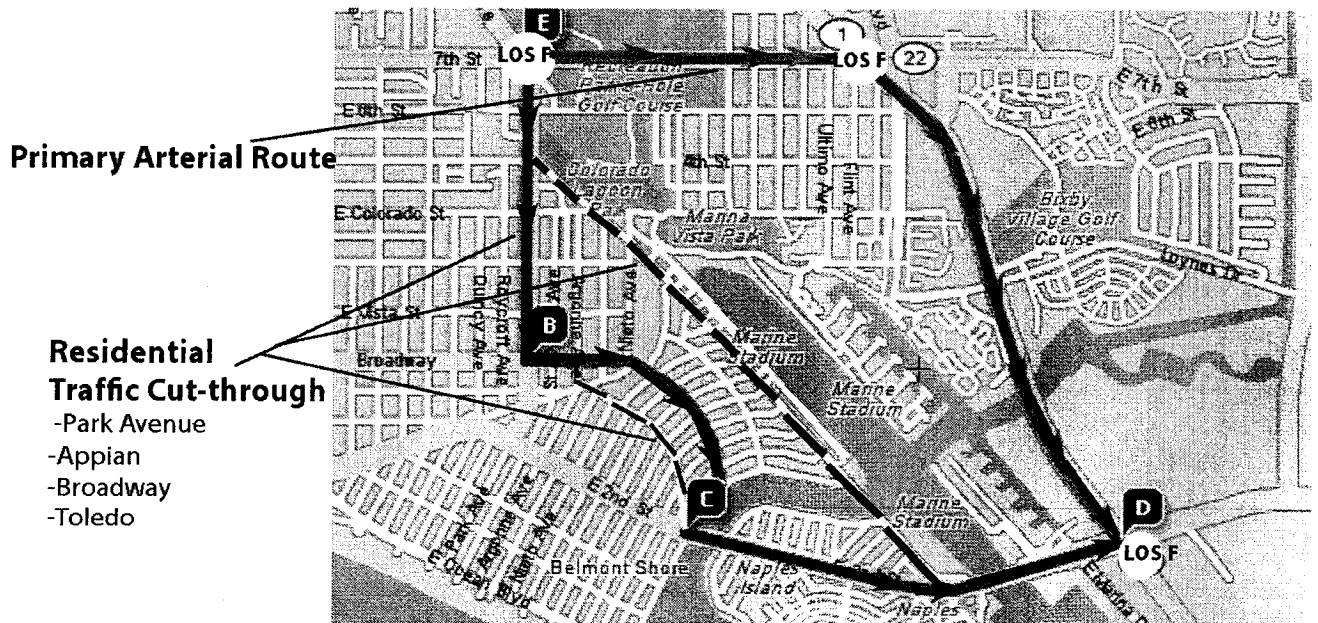
I am appealing the Planning Commissions approval of the Seaport Marina Project and EIR for these specific reasons:

A. The Seaport Marina project EIR traffic analysis has deficient, conclusory or nonexistent residential street traffic impact analysis and inconsistent, erroneous, and misleading Seaport Marina Project Trip Distributions.

Neighborhood Traffic Cut-Through Traffic:

When the intersections at 7th/Park, 7th/PCH, PCH/2nd approach gridlock the residential routes will be the fastest and preferred route to PCH/2nd. The Seaport Marina EIR does not address probable residential cut-through traffic to the Seaport Marina project. The project trip distributions are arbitrary. There is no neighborhood traffic mitigation.

For more information on trip distributions refer to attached Feb. 12 2007 EIR comments.



Reason: Here is a map showing current cut-through traffic to PCH/2nd using residential routes.

- | | |
|---|--------------------------|
| 1. Park Avenue- Broadway-Bayshore-2 nd - PCH | Total Distance 2.7 Miles |
| 2. Park Avenue-Toledo-Bayshore-2 nd -PCH | Total Distance 2.6 Miles |
| 3. Park Avenue-Appian-2 nd -PCH | Total Distance 2.6 Miles |

Distance traveled using primary arterials 7 th at Park-PCH/2 nd	Total Distance 2.2 miles
---	--------------------------

B. Undisclosed street functional classifications deviate from the 1991 LB Transportation Plan which negatively affect land access, health, and safety of residential homeowners.

The Home Depot /Seaport Marina EIRs considers Loynes an arterial road in conflict with the City's General/Transportation Plan classification as a residential collector road Home Depot Traffic Impact Analysis (LSA Associates April 2005) page 47 states "Therefore, when the project site is generating the most traffic. It is faster to use the **arterial streets** (i.e., 7th street, Studebaker Road, **Loynes Drive**) than it is to use the neighborhood streets (i.e. Margo Avenue, Silveria Avenue).

The Seaport Marina Traffic Impact Analysis uses a 1% City growth factor on residential streets such as Park Avenue yet states that "Growth on residential streets would likely be less than one percent per year" What exactly is the expected increase in traffic on our residential streets? The Seaport Marina EIR provides no residential street traffic analysis. The project trip distributions appear to be arbitrary.

Page 5 of the 2005 Long Beach Airport Terminal Improvements EIR Traffic Impact Analysis states that "The City of Long Beach is currently updating the Mobility Element of the General Plan, and **any changes to the functional classifications of any of the project roadways is unknown at this time**".

Page 75 of the 2004 Pacific Center (Douglas Park) EIR states that "Next traffic growth estimates, without any Pacific Center developments, were identified by a computerized transportation model created for the Pacific Center traffic study. This transportation model was developed by **expanding the street network in the current SCAG regional traffic model**, as well as updating the vehicle trip distribution data provided by SCAG".

The current CALTRANS and SCAG RTMIS database contains show over 120 residential streets whose street classifications are in conflict (local, collector changed to arterial roads) with the City's General/Transportation Plan Street Function classifications. Despite the discrepancy the City is using the SCAG regional traffic model for Downtown, Douglas Park, Airport Improvement, and the CalTrans CMP traffic predictions. For more information on street classifications and land use issues refer to the attached Feb.12 2007 EIR comments.

C. The City's non-compliance with the California Public Records Act requests for relevant traffic documents.

After 7 months the City Attorney has not produced a complete set of documents I have asked for. Is this is a public review process or not? For more information on the City's Public Records policy refer to the attached Feb 12 2007 EIR comments.

D. Between 2003 and 2006 the City has changed the traffic analysis methodology and significant impact criteria without public review or disclosure. The City will has not provided me with a copy of their past and current guidelines for traffic analysis methodology.

The City's 1991 Transportation Plan states that the intersection service levels should: "Maintain traffic and transportation service levels at Levels of Service (LOS) "D" or at the 1987 LOS where that LOS was worse than "D".

In 2004 the Douglas Park EIR Significant Impact Criteria was changed as shown:
"The City of Long Beach, the lead agency, considers a traffic impact to be significant if the traffic/circulation increases generated by a project result in an intersection level of service falling below the minimum acceptable level of D or a worsening of the volume to capacity ration by 0.02 or more of an intersection that currently operates at LOS E or F defines a significant traffic impact as an increase in the CMA value (or volume-to capacity ratio) of 0.020 or more with the final ("With Project") level of service being E or F. "

The City will not provide me with a copy of their past and current traffic analysis guidelines. The Home Depot Traffic Analysis (LSA Associates 2005) states that "*The traffic impact analysis is conducted in a format consistent with the objectives and methodologies set forth in the City Traffic and Transportation Bureau Development Traffic Impact-Preliminary Assessment Form, 2002 CMP for LA County, CalTrans Guide for the Preparation of Traffic Impact Studies, and applicable provisions of CEQA.*" The City's "Development Traffic Impact-Preliminary Assessment Form" does not specifically define the type of intersection LOS analysis to be used. Between 2003 and 2006 the City has changed both the type of LOS analysis used and the Significant Impact Criteria without any disclosure or public review.

D. Traffic Analysis Methodology Continued

In the Seaport Marina the City has changed the cumulative baseline City growth factor from 1.3% to 1%. The Home Depot EIR Traffic Impact Analysis (2005 LSA Associates) page 14 states "To determine the cumulative baseline traffic conditions, traffic generated by the approved/pending projects were added to existing traffic volumes at the study area intersections. An ambient growth rate of **1.3 percent per year** (a total of 2.6 percent) was also added to existing baseline traffic volumes to develop the cumulative conditions." The 2006 Seaport Marina EIR Traffic Impact Analysis (2006 Meyer, Mohhaddes Associates) Traffic Impact Analysis page 18 states that "Based on discussions with City of Long Beach staff, and annual background growth rate of **1.00 percent** was factored into the future traffic volumes,..." The City will not provide documents or explain how either cumulative growth factor was generated.

The City's criteria for significant impact of residential streets is inadequate and dangerous. The City of San Diego considers a collector street to be at capacity when the traffic exceeds 8,000 average daily traffic. The City of San Carlos Circulation Plan guidelines state that "*Frequently there are serious conflicts between the land-service and traffic-service function of arterial streets. If the land adjacent to the arterial is intensively used, the conflict is hazardous and the accident potential is high. The land function of an arterial that of moving relatively large volumes of vehicles, is most important. Land access is a secondary function. For this reason driveways and intersections should be kept to a minimum*". The City of Pasadena definition of significant impact is "the addition of one trip per day to a residential street already functioning at 90% of capacity".

The City's criteria for evaluating residential street impact only considers that an "A neighborhood street impact may be significant when the project adds at least 50 peak hours or 500 daily trips. An impact may also be significant where specific traffic safety issues have been identified."

The Seaport Marina Traffic Impact Analysis ignores the current vehicle volume on residential streets, the high accident rates, and the prospect of arterial traffic congestion increasing the cut-through traffic in our neighborhoods. Currently there is inadequate gap spacing between cars for a resident to back safely out of their driveways on many Long Beach residential streets. Per the City's current guidelines a project would have no significant impact even with the project is adding 1 car per minute. There is no upper limit on the total number traffic flooding a residential street from City growth.

The City's guidelines for residential streets state that "An impact may also be significant where specific traffic safety issues have been identified". Given the high accident rate on many Belmont Heights streets why was there no consideration of significant traffic impact or mitigation? The traffic volume on Park Avenue is over the street's design capacity (13,000 vehicles per day) and accident rate is very high yet the Seaport Marina EIR contains no residential traffic analysis or mitigation.

E. The 1% growth factor in the Seaport Marina EIR Traffic Impact Analysis greatly underestimates the cumulative impact of Downtown and Douglas Park developments.

The most direct route to the 22/405/605 freeway from Downtown is via 7th street (7 ½ mile shortcut when compared to the 710-405-22 route) and the 1% yearly growth factor does not adequately account for both Downtown & Douglas Park traffic impact on Southeast Long Beach.

The Seaport Marina Project will guarantee gridlock at 7th/Park and 2nd/ PCH and will lead to additional high speed cut-through traffic on our residential neighborhood streets. **My conservative calculation using 7000 new Downtown Condos shows a 45% increase in peak AM Eastbound through traffic at 7th@ PCH to the 22/405/605 freeways--- not 4% growth as shown in the Seaport Marina FEIR!**

E. Cumulative Growth Factor Continued

Consider the impact of 7000 residential condos on South-East Long Beach Traffic:

7th @ PCH Peak East AM Eastbound Through Traffic Predictions (Seaport Marina EIR Traffic Impact Analysis)

2006 AM Peak	1969 Vehicles per hour (Through traffic-Current Volume)
2010 AM Peak+4 %	2048 Vehicles per hour (+1% Growth Factor x 4 years)
2010 AM Peak+4%+Project	2051 Vehicle per hour (+ 3 Vehicles Seaport Marina)

Now look at this intersection including downtown growth impact:

New Downtown Condos 2869 Vehicle per hour (+900 Vehicles Downtown)

This is a 45% increase in peak Am Eastbound through traffic at 7th@ PCH AM East to 22/405/605 freeway

--- Not 4% growth!

Conservative Assumptions:

Eliminate 1% growth factor for 4 years.

Estimate 7000 Downtown Condos x trip factor of 2.58 =18,000 daily trips (9,000 AM)

Assume 10% of condo residents are heading East in AM to the 405/605 freeway=900 vehicles

The 1991 Transportation Plan states that 40% of residents work in Orange County

The most direct route is the 7 1/2 mile short cut using 7th Street to the 22/405/605 freeway

South-East Long Beach traffic patterns are affected by City Growth. PCH /7th and PCH /2nd funnel traffic from other parts of the City. The loss of Douglas Aircraft (50,000 employees) and new Downtown construction have changed traffic patterns on the South East-side of LB It should be apparent that the use of a 1% blanket growth factor cannot accurately predict future traffic patterns and underestimates cumulative traffic impact.

The AM Peak intersection levels at PCH@7th are at their lowest level in years!

The following are the changes in CMP LOS/V/C at PCH /7th and PCH /2nd (1992/2003):

2003/1992:

PCH @ 7th 2003 V/C AM Peak-1.04, PM Peak-1.13
 1992 V/C AM Peak-1.07, PM Peak- 1.00

PCH @2nd 2003 V/C AM Peak-0.78, PM Peak-.98
 1992 V/C AM Peak-1.00, PM Peak-1.07

F. The Seaport Marina's EIR use of unrealistic build year horizons in the traffic analysis under estimates the congested LOS and V/C conditions in the area when the project is built.

Both dates minimize the disclosure of cumulative City traffic growth impact on intersection LOS. The Home Depot was not built as projected in 2006. At the March 15 2007 Seaport Marina Planning Commission meeting the developer Lennar Homes stated that it would take them at least 3 years to obtain a permit for Shopkeeper road. Using the City's 1% per year growth factor (assuming that Shopkeeper road can be built) the build horizon for Seaport Marina traffic analysis should be 2013 (growth adjust. 1.07) not 2010 (growth adjust 1.03). Using the Cities own methodology the intersection V/C and LOS numbers cumulative project impacts are underestimated by at least 4%. The City use of unrealistic short build horizons lack prudence and are deceptive.

January 31 2007

Leslie Gentile, Chair
Charles Greenberg
Matthew Jenkins
Mitch Rouse, Vice-Chair
Nick Sramek
Morton Stuhlberg
Charles Winn

Long Beach Planning Commission
Planning Bureau
333 West Ocean Blvd. 5th Floor
Long Beach, CA 90802

Copies: Councilpersons: Gary DeLong, Patrick O'Donnell, Gerrie Schipske
Mayor: Bob Foster
Chief Traffic Engineer: Dave Roseman

Re: Case No. 0507-19; **Seaport Marina Final EIR Agenda Packet** for 2/15/07
Alamitos Heights/Belmont Heights, Park Avenue Traffic & Noise Impacts

Enclosures: Appendix A- Long Beach General Plan Transportation Element (Excerpt)
Appendix B- CalTrans Long Beach Street Functional Classifications
Appendix C- Park Avenue Accident Rates
Appendix D- Development Traffic Impact-Preliminary Assessment Check Sheet
Appendix E- LB City Attorney CA Public Records Requests
All Appendix A-E on file with City.

Dear Planning Commissioner

I am a concerned Park Avenue homeowner and am submitting these comments on the Environmental Impact Report for the Seaport Marina Development which is on the agenda for final approval on February 15 2007.

Because of the high accident rate and traffic volume on Belmont Heights' streets, my neighbors and I have good reason to be concerned about the traffic impact of new local developments on our neighborhood. I have tried to be as factual and concise as possible. Please spend time carefully reading my comments before you consider the approval of the Seaport Marina FEIR, mitigation measures and all project entitlements.

The Seaport Marina FEIR does not approach the minimum standards required by the California Environmental Quality Act (CEQA) because of the following deficiencies.

- Deficient, conclusory, or nonexistent residential street traffic impact analysis
- Inconsistent, erroneous, and misleading Seaport Marina Project Trip Distributions
- Undisclosed street functional classifications which deviate from the 1991 LB Transportation Plan which negatively affect land access, health, and safety of residential homeowners.
- The City's non-compliance with the California Public Records Act requests for relevant traffic documents.

After reviewing the Douglas Park FEIR, LB Airport Terminal Improvements FEIR, Home Depot FEIR, the Seaport Marina DEIR, and Seaport Marina FEIR, I have found that there has been a steady decline in the quality of analysis, information, and mitigation provided in the City's EIR traffic analysis. For your quick reference I have included the associated relevant source material as noted either in Figures or in Appendixes.

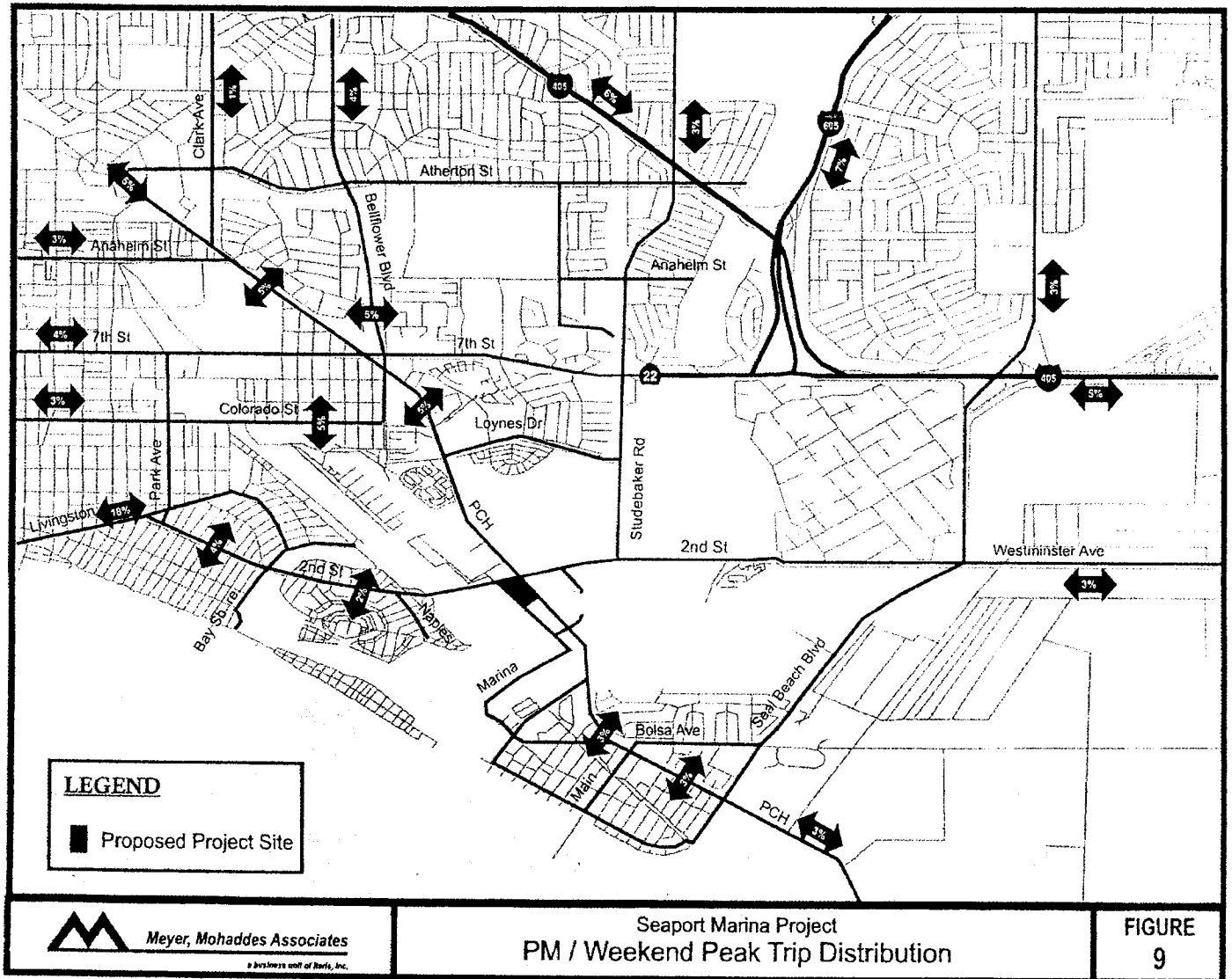
- **Douglas Park:** The January 2004 the Douglas Park EIR clearly analyses residential street impacts and proposes mitigation based on the current City 1991 Transportation Plan street functional classifications.
- **LB Airport:** In November 2005 the Long Beach Airport Terminal Improvement Traffic Impact Analysis under "2.1 Field Inventory" states that *"The City of Long Beach is currently updating the Mobility Element of the General Plan, and any changes to the functional classifications of any of the project roadways is unknown at this time."*
- **Home Depot:** By March 2005 the Home Depot FEIR Traffic Analysis Figure 4.11.2 identifies Loynes, Margo Avenue, and Silvera as a "Collector Arterials". The Home Depot FEIR neglects to note that Loynes has been reclassified from a residential collector to a minor arterial road, that Margo and Silvera are considered collectors, and that Studebaker has been changed a minor arterial to a principle arterial.

Project impacts on residential streets west of PCH are lumped into a statement that *"Approximately 10 percent of the trips are destined northwest via PHC; 15 percent north via Bellflower Boulevard; 20 percent north via Studebaker Road; 5 percent south via PCH; 20 percent east via SR-22 and 2nd Street; and 30 percent west via 2nd Street, Loynes Drive, and 7th street."* A closer inspection of the traffic analysis shows a significant volume of project traffic using streets west of PCH on Loynes and south on Bellflower but there is no mention of residential street impact.

- **Seaport Marina:** The Seaport Marina Traffic Analysis becomes even more cryptic and misrepresents the project's impact on residential streets. In May 2006 the Home Depot FEIR included peak trip distributions from the Seaport Marina Project to show cumulative impact. (See Figure 1). The Seaport Marina DEIR shows another set of numbers (Figures 2) which claims to be the Seaport Marina's project peak distributions- Note that the distributions percentages have been changed dramatically from the Home Depot FEIR data with no explanation. The newer set of peak distribution numbers contained in Figure 2 misleads the reader that there is little impact on residential streets.

The Seaport Marina DEIR north bound project trips are not shown on probable routes like Park Avenue, Ximeno, Appian, or Nieto but floating mysteriously over the island of Naples. Nor are there any project trips shown for likely East-West travel on Broadway and 4th. The 2% Seaport Marina residential street north/south project impact on residential streets shown over the Colorado Lagoon shown on the Home Depot FEIR has been removed completely and the east/west impact has been reduced from 3% to 1%. The 4% Seaport Marina North/South residential street impact shown above Belmont Shores (Home Depot FEIR) has been completely removed from the Seaport Marina DEIR. The 5% Seaport Marina North/South residential street impact shown near Loynes and Bellflower has also been removed from the Seaport Marina DEIR.

Even more concerning is at this last minute- on January 29 2007 I received notice that the Seaport Marina Final Environmental Impact Report was available. The FEIR has now revised to reflect the earlier Home Depot FEIR Seaport Marina Peak Distributions replacing these figures without any explanation as to why the numbers have changed again. (See Figure 3)

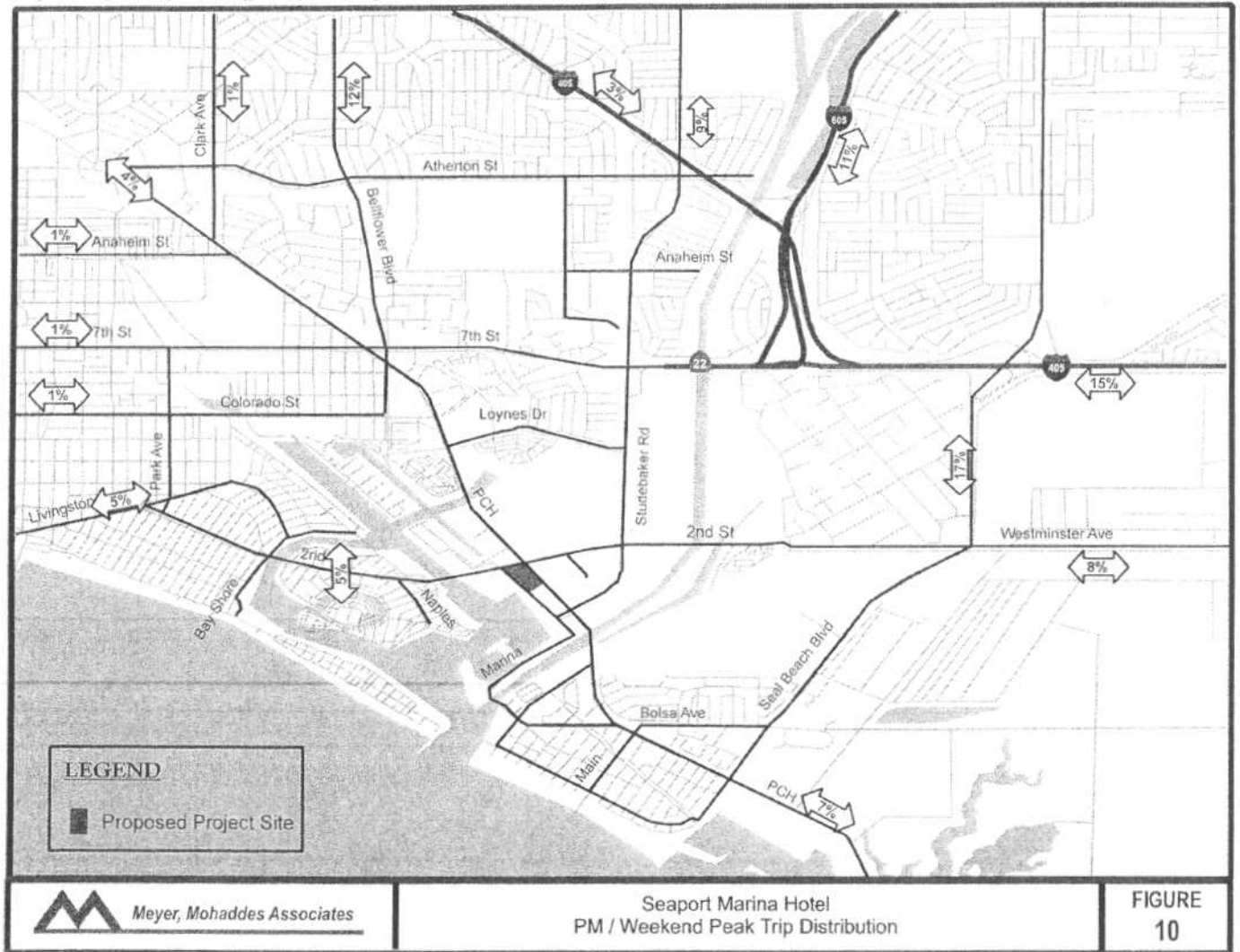


Home Depot FEIR

Figure 1 Seaport Marina Project Peak Trip Distribution

Used in cumulative analysis for Home Depot FEIR.

City of Long Beach
Seaport Marina Project - Traffic Impact Analysis



Meyer, Mohaddes Associates

Seaport Marina Hotel
PM / Weekend Peak Trip Distribution

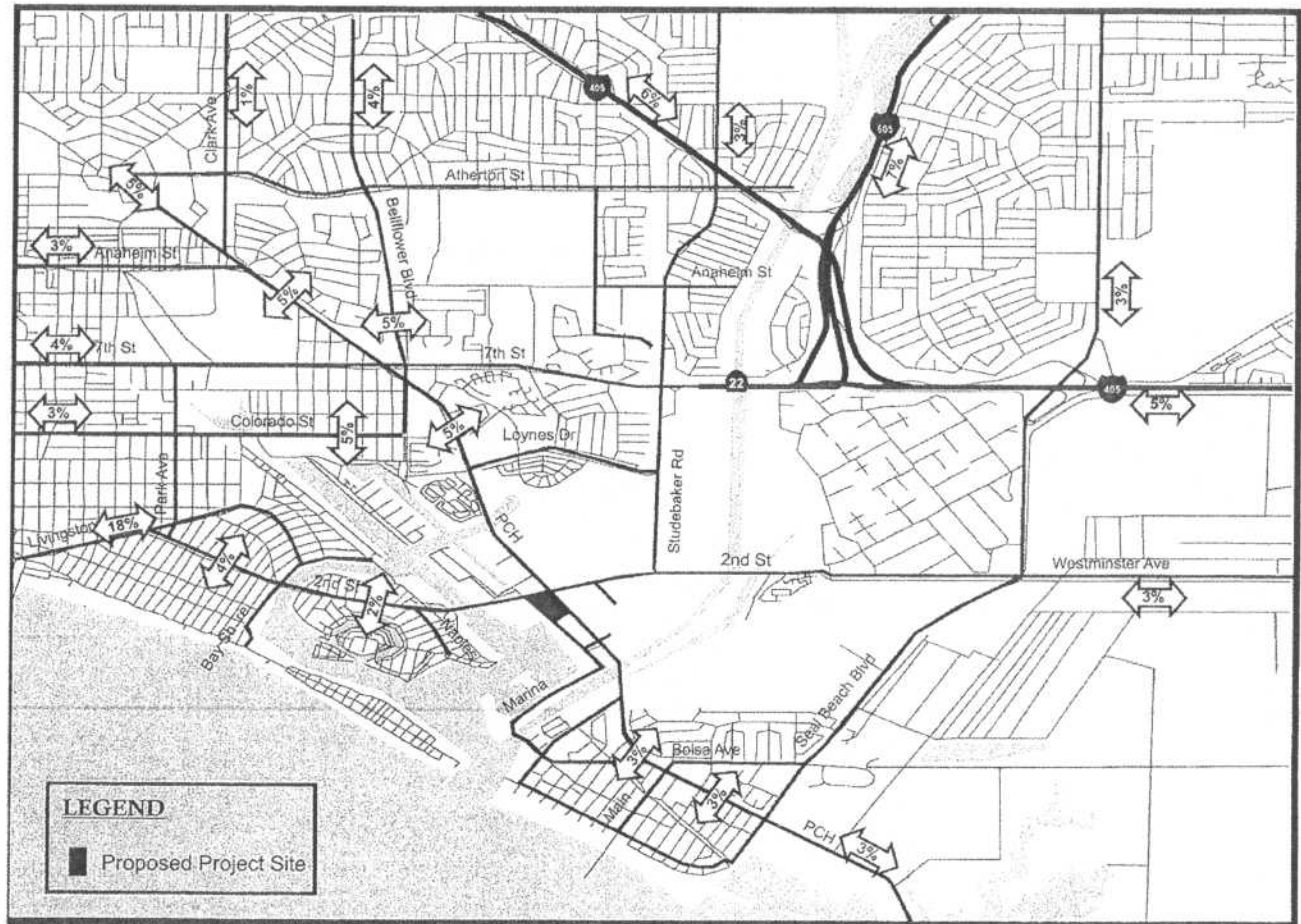
FIGURE
10

Meyer, Mohaddes Associates

Seaport Marina DEIR

Figure 2 Seaport Marina Project Peak Trip Distributions

Seaport Marina DEIR



SOURCE: Meyer, Mohaddes Associates, 2007.

Long Beach Marina EIR . 204452
Revised Figure 3L.3
PM and Weekend Peak Hour Trip Distribution

Seaport Marina FEIR

Figure 3 Seaport Marina Project Peak Trip Distributions

Seaport Marina FEIR

In the FEIR EIR Revisions on Page 3L-15 in the second paragraph a sentence has been added that says "*The proposed project is expected to generate 354 net trips in the AM peak hour, 726 net trips in the PM peak hour, and 885 net trips in the weekend peak hour. The figures show trips that are destined to/from areas outside of the study area as well as trips to/from the local vicinity within the study area. The trips that access the project from neighborhoods within the study area are shown as internal zone trips in the graphics, and those that originate or are destined to farther locations outside the study area are also illustrated*".

The FEIR is deficient because no attempt is made to separate cross-town from neighborhood traffic. The Seaport Marina FEIR seems to indicate that project trips vehicles approach residential streets in Belmont Heights and Alamosa Heights and the traffic just disappears. Even more concerning is that the Seaport Marina DEIR makes no mention of any residential street analysis, impact, or mitigation. The only clue in the Seaport Marina DEIR that residential streets are used as arterial cross-town routes is in the detailed Traffic LOS computation reports at 7th street where traffic on Park Avenue (a residential collector street) is shown to increase 1% a year yet mysteriously there is no Seaport Marina project impact included. Looking at the new FEIR Peak Trip Distribution Figures, why are there no project trips shown on collector roads like Park Avenue, Appian, and Broadway?

Residential Street Functional Classifications:

A comparison of Table II Functional Classification of Streets in the current City Transportation Plan and the CalTrans HPMS Street Functional Classification Database shows that the City has changed a significant number (over 120) of residential streets without disclosure, analysis of adjacent land use, or traffic safety evaluation. (See Appendix A and B).

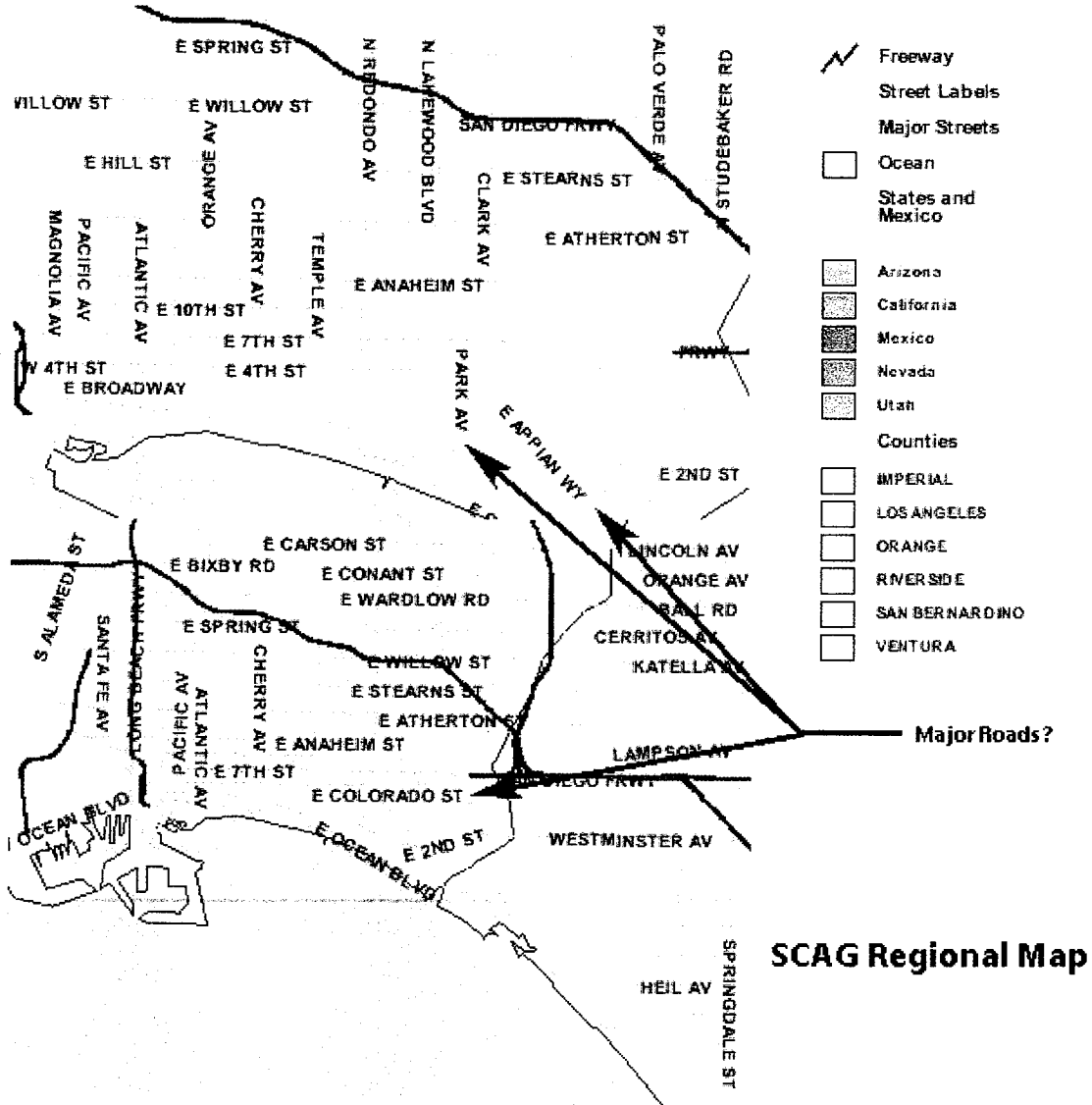
Relative to the Seaport Marina FEIR cumulative traffic impacts are the reclassifications of streets such as Park Avenue, Nieto, Ximeno, Appian, Eliot, Colorado, Termino, Obispo, Loynes, Livingston, Eliot, Temple, Junipero, Broadway, and Ocean (Livingston to 72 pl) from residential collector streets to minor arterial roads.

CEQA requires that cumulative impacts on the environment that results from the incremental impact of the action when added to other past, present, and reasonable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate.

The Federal Census numbers for Belmont Shores, Belmont Heights, Alamosa Heights, and Naples show that the population in our neighborhood has been stable because the land is built-out. Given that there has been very little growth in our our neighborhood, why have the road classifications of so many of our residential streets been changed from "collector" to "arterials"?

Figures 4 and 5 show how the City's reclassifications of our residential streets have already been incorporated into SCAG regional planning, NAVTEQ transportation logistics, and even Yahoo Maps. SCAG Map specifically shows that Colorado, Park, Appian are now considered "Major Roads".

On Yahoo Maps my residential street, Park Avenue is shown as a "yellow line" arterial road like Newport Blvd, Edinger, and Lakewood Blvd. I have overlaid Google Earth over Yahoo Mapping and could not find one other City in California who used a narrowing residential street with adjacent single family homes with street fronting driveways as a "yellow line arterial". Where is the City's concern for home owner's safety?



SCAG Regional Map

Figure 4 SCAG Regional Maps

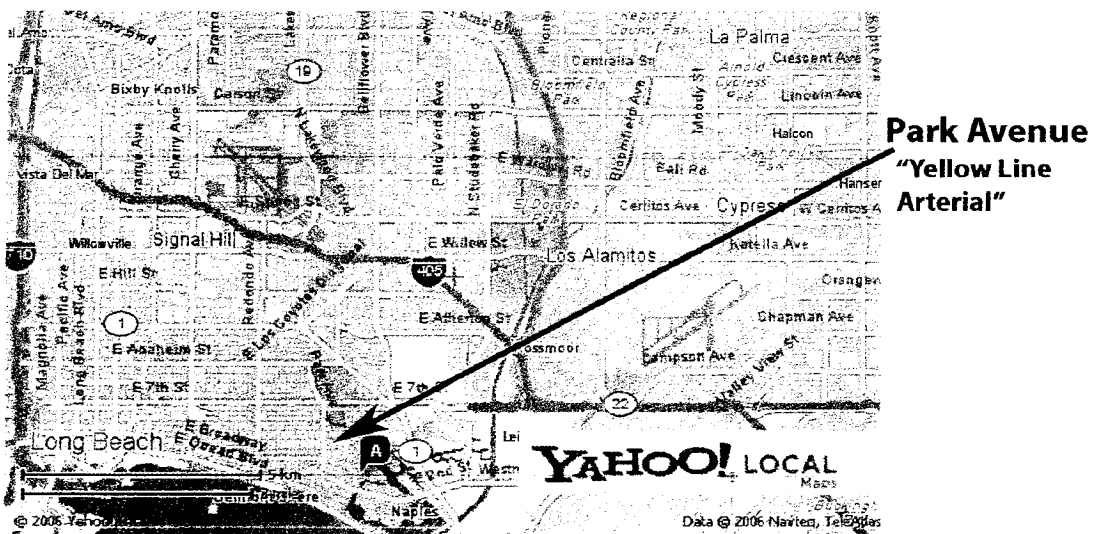


Figure 5 Yahoo Map of Belmont Heights

The FEIR Response 3C.1-18 to my question regarding cumulative growth states that
"The traffic study used the one percent rates on all study intersections, including arterial and residential streets, as a conservative methodology, while realizing the growth on residential streets would likely be less than one percent per year. It is not the intent of the study to imply that residential streets should be used for mitigation of traffic on arterial streets".

This statement is misleading. The FEIR does not state whether the traffic analysis uses the current City Transportation Plan or the CalTrans HPMS/SCAG RTMIS street functional classifications. Does the City consider Park Avenue, Broadway, Nieto, Colorado, Santiago, Colorado, Termino, Loynes, Ximeno and other residential streets- as "collector" or "arterial" roads in their traffic analysis? Is the 1% growth shown on a street like Park Avenue a conservative intersection service calculation, or does it reflect projected growth?

In my comments to the DEIR I stated that: "the 1991 Transportation Plan stated the need to evaluate roads for their "Environmental Capacity.", "Environmental capacity reflects the volume of traffic that can be accommodated without having severe negative impact upon adjacent uses. As such the environmental capability of a street is often lower than its physical capacity. When traffic volumes exceed the physical capacity of a street, drivers complain. When traffic volumes exceed the environment capacity, adjacent and neighboring property owners and resident complain." The DEIR should be amended to discuss not only LOS effects of the projects but also the effect on the environmental capacity of the effected streets".

The FEIR Response 3C.1-22 states *"As noted in the City's General Plan, "priority is given to preserving the environment of Local Streets and Collector Streets by classifying other parallel roadways (Principals and Major Arterials) above their environmental capacity." Thus, the concept of environmental capacity is intended to address issues primarily on residential streets, not arterial streets. All project impacts are projected to occur on arterial streets, not residential streets. The environmental capacity of residential streets is not expected to be impacted by the proposed project."*

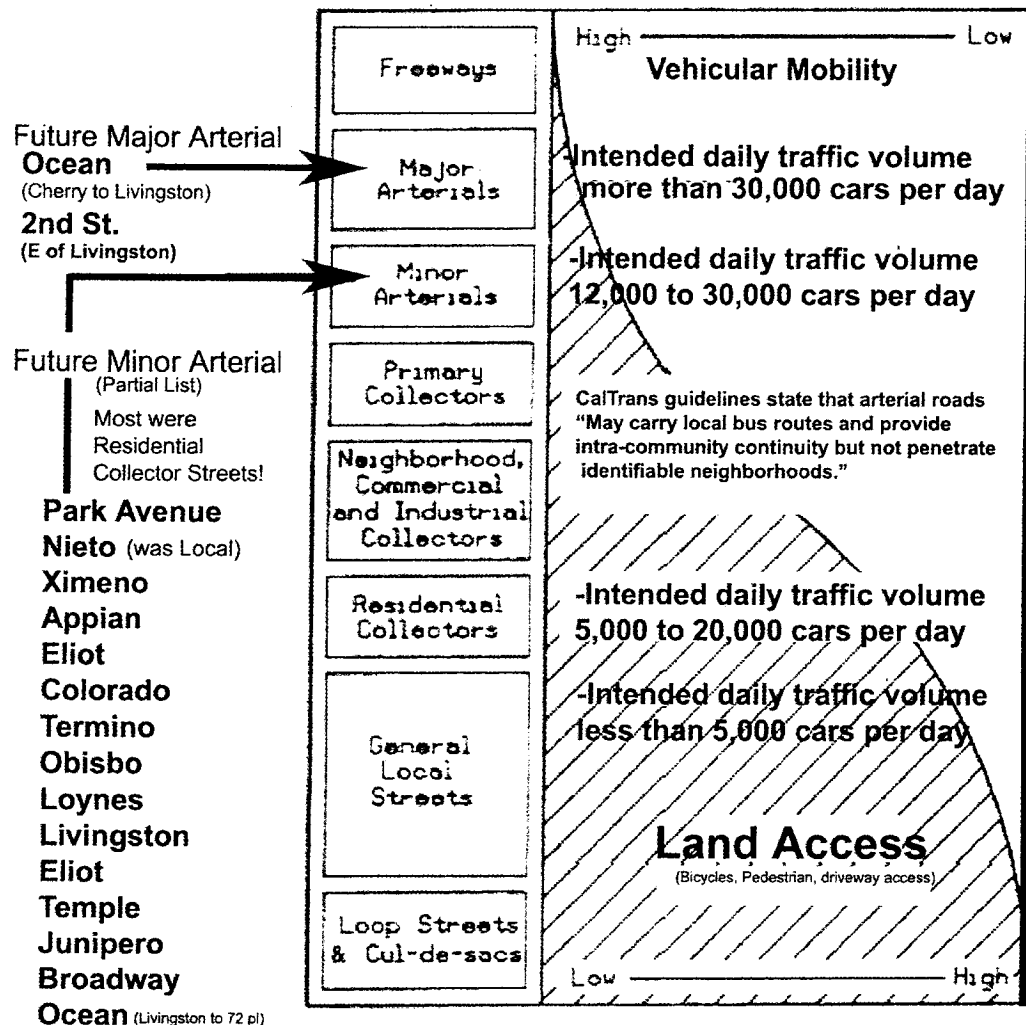
The above FEIR Response is not sufficient. Given the above FEIR statement that all project impacts are projected to occur on arterial streets and priority is given to preserving the environment of local streets and collector streets- The Seaport Marina FEIR must disclose to homeowners what is the functional classification of their street, has the City changed their street's classification from the General Plan/Transportation Plan, and what exactly is the traffic impact.

Why do street functional classifications matter?

Figure 5 shows the relative decrease in land accessibility and the increase in vehicular volume and speed as classifications change.

The City of San Carlos Circulation Plan guidelines state that *"Frequently there are serious conflicts between the land-service and traffic-service function of arterial streets. If the land adjacent to the arterial is intensively used, the conflict is hazardous and the accident potential is high. The land function of an arterial that of moving relatively large volumes of vehicles, is most important. Land access is a secondary function. For this reason driveways and intersections should be kept to a minimum".*

Noise impacts to residential homeowners are directly tied to traffic volume. The City of Berkeley Planning guidelines state that interior noise levels of homes may exceed California interior residential standards of 45 db when the exterior sound levels exceed 55db. Noise measurements of streets carrying minor arterial traffic range from 55-60 db and major arterial range from 65-70 db. The FEIR contains no noise analysis of impacted residential streets from either the Seaport Marina project or cumulative traffic growth.



Land Access Versus Street Classification

Source: Curve adapted from AASHTO-Geometric Design of Highway & Street Traffic Volumes from 1991 LB Transportation Plan

Figure 5 Land Access versus Street Classification (Revised)

Park Avenue Accidents:

The following is an excerpt from a letter I sent to Councilman Delong in October 2006 (Appendix C) which outlines Park Avenue residents concerns about safety on our residential street:

A. Park Avenue Accident Rate is 250% to 320% higher than Expected State Average

- The 2003 Long Beach Traffic survey set the speed limit at 30 mph based on the "roadside characteristics". Actual vehicle speeds are 34 mph (50%ile), 38 mph (85%ile) to 50 mph.
- The 2003 Traffic survey shows an actual accident rate of 6.21 accidents per million vehicle mile (MVM) which is 200% higher than the statewide expected accident rate of 3.05 MVM. The accident rate using a 10 year average of accidents is 7.8 MVM (Park between 4th & Livingston) more than 250% higher than the statewide expected accident rate of 3.05 MVM. On Park between 7th and 5th the accident rate using a 10 year average is 6.0 MVM or 320% higher than the expected rate.

B. The severity of accidents on Park Avenue is unacceptable for a residential street.

- 32% of accidents involve injuries. The injury rate per M VMT accident is 375% (7th-5th St) to 163% (4th-Livingston) higher than the California expected motor vehicle injury rate of 92.1 M MTM (this includes all CA roads including highways and arterial streets).
- 25% of accidents involve residential parked cars.
- 6.5% of accidents involve "fixed objects" other than cars.
- 5% of accidents involve pedestrians or bicyclists.
- 70% of all accidents were so severe that the vehicles require towing.
- 25% of accidents were caused by trucks weighing over 3 tons (Includes pick-up/panel trucks, pick-up/panel trucks with trailers, semi-tractor trailers). Park Avenue has a problem with large trucks and 10-14 ton semi-trailers cutting through to 2nd Street.
- Vehicles involved in accidents are regularly leaving the roadway and landing on sidewalks and residential front yards due to the narrowness of Park Avenue.

C. Park Avenue's accidents are caused by roadway conditions not readily apparent to drivers.

Detrimental roadway conditions specific to Park Avenue are:

- Intermittent driveways where line of sight is blocked by roadside parking.
- Inadequate intersection line of sight at Park @ Vista. (steep grade at hill and corner view)
- Inadequate and irregular traffic gap spacing for vehicles and pedestrians entering Park Avenue.
- Large variations in vehicle speeds caused by
 - a) Higher vehicle speeds caused by bundling from traffic control lights at 7th, 4th and Livingston
 - b) Slower vehicles entering Park from driveways, roadside parking and cross streets.
 - c) Conflicts caused by pedestrian, bicyclists, and driveways and roadside parked cars.
 - d) Excessive vehicle speed from cross town cut through traffic from 7th, downtown Ocean Avenue and 2nd street avoiding arterial road congestion.
- Misaligned intersections at Park @ 7th street and @ 4th and street narrow width reduce the margin of error for turning and collision avoidance.

In the first three weeks of 2007 my neighbors have reported three accidents on Park Avenue between 7th and 4th. The most recent one last week occurred at Park Avenue/6th indicating that the newly installed "uncontrolled intersections" signs may not be effective. The two recent accidents at Park Avenue/7th indicate that the Starbucks median signs are not working as planned.

Long Beach Traffic Engineering has worked with Park Avenue residents to develop a traffic calming plan that may slow down traffic. The speed and volume is so bad now that I have seen one of my neighbors regularly go out into the northern stream of Park Avenue traffic, stand in the middle of the lane waving his hands, in the blind hope that cars will slow down enough so that he can protect his wife while she backs out of her driveway to go to work. Another neighbor is installing sound proof windows and speaks of Long Beach leaders creating "Traffic Ghettos" in upper middle class residential neighborhoods.

Residential Street Level of Service

Figure 6 shown below contains City of San Diego roadway levels of service as a function of roadway classifications. This table shows that a two lane residential collector street with adjacent homes (wider than Park Avenue) approaches a level of service "E" when traffic exceeds 8,000 average daily traffic. I estimate Park Avenues average daily traffic volume varies from 13,500 at Park/7th to 8,000 at Park/Broadway. Where is the safety analysis that determined that Park Avenue or any of our residential streets can safely handle any more traffic?

Table 2

**ROADWAY CLASSIFICATIONS, LEVELS OF SERVICE (LOS)
AND AVERAGE DAILY TRAFFIC (ADT)**

STREET CLASSIFICATION	LANES	CROSS SECTIONS* (APPROX.)	LEVEL OF SERVICE W/ADT**				
			A	B	C	D	E
Expressway	6 lanes	102-160/122-200	30,000	42,000	60,000	70,000	80,000
Prime Arterial	6 lanes	102-108/122-128	25,000	35,000	50,000	55,000	60,000
Major Arterial	6 lanes	102/122	20,000	28,000	40,000	45,000	50,000
Major Arterial	4 lanes	78-82/98-102	15,000	21,000	30,000	35,000	40,000
Secondary Arterial/ Collector	4 lanes	64-72/84-92	10,000	14,000	20,000	25,000	30,000
Collector (no center lane) (continuous left- turn lane)	4 lanes	64/84 50/70	5,000	7,000	10,000	13,000	15,000
	2 lanes						
Collector (no fronting property)	2 lanes	40/60	4,000	5,500	7,500	9,000	10,000
Collector (commercial- industrial fronting)	2 lanes	50/70	2,500	3,500	5,000	6,500	8,000
Collector (multi-family)	2 lanes	40/60	2,500	3,500	5,000	6,500	8,000
Sub-Collector (single-family)	2 lanes	36/56	---	---	2,200	---	---

Park Avenue
13,500 to
7,500 ADT
estimated

LEGEND:

- * Curb to curb width (feet)/right of way width (feet): based upon the City of San Diego Street Design Manual and other jurisdictions within the San Diego region.
- ** Approximate recommended ADT based upon the City of San Diego Street Design Manual.

NOTES:

1. The volumes and the average daily level of service listed above are only intended as a general planning guideline.
2. Levels of service are not applied to residential streets since their primary purpose is to serve abutting lots, not carry through traffic. Levels of service normally apply to roads carrying through traffic between major trip generators and attractors.

Figure 6 San Diego Traffic LOS Analysis Guidelines

Residential Street Traffic Analysis

I asked that the Seaport Marina DEIR be amended to include neighborhood street segment analysis and time traffic studies showing impact of alternate routes through residential neighborhoods with adjacent intersection levels of service E or F. I also asked that the EIR include full disclosure of how increased congestion or gridlock (from this project and city growth) will affect cut-through traffic into residential neighborhoods.

The FEIR Response 3C.1-20 states that *"The comment is not clear as to which neighborhood streets the commenter believes should be analyzed. It is important to note that neighborhood streets were considered and it was found that the number of project trips would be below the City's threshold that requires a neighborhood traffic analysis. It is not anticipated that the project would have neighborhood cut-through traffic impacts"*.

The FEIR response is insufficient. The FEIR does not contain any neighborhood street analysis. The FEIR shows a 4% AM Seaport Marina Project Peak Trip Distribution impact on Colorado. Colorado is another residential street that has been changed from a "local" to "collector"/"minor arterial" street. What exactly are the Home Depot or Seaport Marina's traffic impacts on Colorado? In addition to the Seaport Marina impact, the Home Depot FEIR states that 30% of its traffic will head west via Loynes, 7th, and 2nd street.

FEIR Response 3C.1-21 that *"The traffic study analyzed the proposed project using City of Long Beach guidelines; these guidelines do not require the analysis of traffic accidents."* is not accurate.

The City of Long Beach Traffic & Transportation Bureau Development Traffic Impact-Preliminary Assessment check sheet includes the requirement that *"The potential for impact to residential neighborhood streets must be evaluated. Specifically, peak hour and 24 hour traffic volumes must be estimated for the following roadway segment". The assessment also includes a requirement that "Preliminary results must be review with City staff for the determination of locations significantly impacted by project related traffic." And that "A neighborhood street impact may be significant, when the project adds at least 50 peak hour or 500 daily trips. An impact may also be significant where specific traffic safety issues have been identified."* See Appendix D showing the Home Depot check sheet. A similar check sheet was not included in the Seaport Marina DEIR.

The FEIR does not even consider the likely event that given the severe traffic congestion on PCH at 7th that vehicles would choose an already established routes such as Park Avenue to Bayshore to 2nd to arrive at the Seaport Marina Project. There is little mileage difference between this route and one that uses 7th to PCH. Looking at the FEIR congestion predicted for 2nd street between Livingston and Bayshore it should be expected that drivers would use Belmont Heights residential streets like Park, Broadway, Toledo, and Bayshore to avoid using 2nd street.

The FEIR response that my question is not clear is not an answer. If neighborhood streets were considered where is this analysis? It's even unclear which streets the traffic analysis considers "residential" or "neighborhood" streets.

The Seaport Marina DEIR traffic analysis shows a 1% year traffic volume increase on Park Avenue. When the Seaport Marina project impact is added to this increase volume the daily trips should have required a neighborhood street impact analysis. Given Park Avenue's high rate of accidents and numerous safety issues a traffic safety, traffic analysis, and a monitored traffic mitigation plan should be included in this FEIR.

The City of Long Beach's "Development Traffic Impact-Preliminary Assessment for impacted residential streets is not included in the FEIR, DEIR, or NOP.

Does the City consider streets like Park Avenue, Colorado, or Broadway no longer to be "residential streets" and therefore not requiring to project impact traffic impact studies, roadway segment or safety analysis despite our adjacent homes? Careful residential street traffic analysis is needed because very small volume increase on one leg or turn and/or movement of an unsignalized intersection can substantially affect the delay for the entire intersection thereby creating more spurt vehicle speeding, cut-through and congestion. Expected accident rates increase with traffic volume. The safety of homeowners accessing their property is directly related to traffic speed and volume.

CEQA Impacts

CEQA Guidelines state that "*Cumulative impacts*" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other impacts." Guidelines Section 15064(h)(4) "*Projects can cause significant impacts by direct physical changes to the environment or by triggering reasonable foreseeable indirect physical changes. Physical changes caused by a project can contribute incrementally to the cumulative effects that are significant, even if individual changes resulting from a project are limited. You must determine whether the cumulative impact is significant as well as whether an individual effect is "cumulatively considerable." Individual project are significant when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects.*"

Growth Inducing: The City's reclassification of a significant number of residential streets in a built-out neighborhood is in effect growth inducing. The reclassification of residential streets from a "collector" to an "arterial" creates the illusion of increased City roadway traffic volume capacity, underestimates future intersection congestion on major roads, allows new developments without the necessary traffic mitigation, and misrepresents the true costs to the public when expensive roadway construction results.

The CEQA analysis must identify feasible mitigation measures for each significant environment effect identified in the EIR.

The City has reclassified a significant number of residential roads from local to collector to arterials without any public discussion, safety/noise analysis, or mitigation. CEQA requires that significant impacts be specifically identified and disclosed. As stated in the Guidelines, "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. Cumulative impact-Impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

California Public Records Act Requests

The FEIR Response 3C.1-1 "*In compliance with the California Public Records Act, requested traffic data has been provided to the commenter by the City Attorney's office and the Traffic Engineer's office.*" is not true. I have attached in Appendix D the numerous letters I have written to the City Attorney requesting this information. For over six month the City Attorney has refused to provide even a date when the office will determine whether these records are "disclosable". In another letter again requesting access to these public records, I also asked City Attorney office for a copy of the City's Public Records policy and received a letter from back stating that the only policy was the State law.

While Dave Roseman in the Traffic Engineers Office has tried to helpful, he has made it clear that any traffic documents I receive must be obtained through the City Attorney's office. In 2006 at Angela Reynold's request I faxed her my letters (to Mr. Shannon) a few days prior to the end of the comment period for the Seaport Marina DEIR- but never heard back from her. In January 2007 I sent letters to the City's Transportation Committee asking for assistance obtaining these documents and other information. I have also left several unanswered messages for Sumir Gant in Transportation Planning asking for information on the street classifications and regional traffic planning issues.

In the past three years I have only received one traffic document from the City Attorneys office, a Park Avenue Traffic Survey. Planning has provided a copy of the Seaport Marina DEIR Traffic Analysis Appendix (Not part of the CA Public Records request).

I have included my CA Public Records Requests in Appendix D.

Because there is so much traffic information missing from this EIR I have been forced to look elsewhere either in other City EIRs, CalTrans, SCAG and the CHP to obtain information so that I could attempt to provide reasoned comments to

the Seaport Marina EIR. When I finally obtain the documents I've requested I may have additional comments or objections. Please understand that I am a homeowner not a City Planner or Traffic Engineer. My motives are well meaning and I need access to City guidelines and traffic data to form a complete educated opinion on this EIR.

The Seaport Marina FEIR needs to be revised before it can provide sufficient accurate information to the decision makers and the public about the potential, significant environmental effects of the City's growth and this project.

For all of the above reasons, the Seaport Marina Final Environmental Impact Report should be not approved and amended to address the serious issues raised in these comments and all other valid comments and then re-circulated for another full public comment period. Only then should approval of the Final Environmental Impact Report ("FEIR") be considered along with the approval of the Seaport Marina project.

Respectfully,

A handwritten signature in black ink, appearing to read 'KA', is positioned below the closing 'Respectfully,'.

Kerrie Aley
279 Park Avenue
Long Beach, CA

Attachment #4
Project Plans



May 15, 2007

**ATTACHMENT #4
PROJECT PLANS**

**A SCANNED IMAGE OF THIS PORTION
OF THIS AGENDA ITEM WILL BE FORTHCOMING**

OR

PLEASE CONTACT

THE LONG BEACH CITY CLERK DEPARTMENT AT

**(562) 570-6101
(562) 570-6789 (FAX)
cityclerk@longbeach.gov**

Attachment #5
Findings of Facts,
Statement of Overriding Consideration
and Mitigation Monitoring Program

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 RESOLUTION NO. R-

2
3 A RESOLUTION OF THE PLANNING COMMISSION
4 OF THE CITY OF LONG BEACH CERTIFYING THAT: (i) THE
5 FINAL ENVIRONMENTAL IMPACT REPORT FOR SEAPORT
6 MARINA PROJECT (STATE CLEARINGHOUSE NO.
7 200501096) HAS BEEN COMPLETED IN ACCORDANCE
8 WITH THE PROVISIONS OF THE CALIFORNIA
9 ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL
10 GUIDELINES AND MAKING CERTAIN FINDINGS AND
11 DETERMINATIONS RELATIVE THERETO; (ii) ADOPTING A
12 MITIGATION MONITORING AND REPORTING PROGRAM
13 (MMRP); AND (iii) A STATEMENT OF OVERRIDING
14 CONSIDERATIONS

15
16 WHEREAS, Lennar Seaport, LLC has proposed the construction of a
17 mixed use development consisting of 170,000 square feet of retail uses and 425
18 residential units on a 10.9 acre parcel of land located at the southwest corner of Pacific
19 Coast Highway in the City of Long Beach (the "Project"). Said Project is more fully
20 described in the Draft Environmental Impact Report (DEIR), a copy of which DEIR is
21 incorporated herein by this reference as though set forth in full, word for word.

22 WHEREAS, discretionary Project approvals include amendments to the
23 Local Coastal Program (LCP), the General Plan of the City of Long Beach and SEADIP
24 (PD-1), a Site Plan Review, Tentative Subdivision Map, Standards Variances and a
25 Local Coastal Development permit;

26 WHEREAS, the City began an evaluation of the proposed project in May
27 of 2005 by issuing a Notice of Preparation (NOP) followed by a thirty (30) day comment
28 period, together with a public scoping meeting held on May 25, 2005, Planning

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

7 NOW, THEREFORE, the Planning Commission of the City of Long Beach
8 does hereby find, determine and resolve that:

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

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

13 Sec. 3. The FEIR, which reflects the Planning Commission's independent
14 judgment and analysis, is hereby adopted, approved, and certified as complete and
15 adequate under CEQA.

16 Sec. 4. Pursuant to Public Resources Code section 21081 and State
17 CEQA Guidelines section 15091, the Planning Commission has reviewed and hereby
18 adopts the CEQA Findings and Facts in Support of Findings for the Seaport Marina
19 Project as shown on the attached Exhibit "A", which document is incorporated herein by
20 reference as though set forth in full, word for word.

21 Sec. 5. Although the FEIR identifies certain significant environmental
22 effects that would result if the Project is approved, most environmental effects can
23 feasibly be avoided or mitigated and will be avoided or mitigated by the imposition of
24 mitigation measures included with the FEIR. Pursuant to Public Resources Code
25 section 21081.6, the Planning Commission has reviewed and hereby adopts the
26 Mitigation Monitoring and Reporting Program ("MMRP") as shown on Exhibit A, which
27 document is incorporated herein by reference as though set forth in full, word for word,
28 together with any adopted corrections or modifications thereto, and further finds that the

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1 mitigation measures identified in the FEIR are feasible, and specifically makes each
2 mitigation measure a condition of project approval.

3 Sec. 6. The Planning Commission finds and determines that on balance,
4 there are specific considerations associated with the proposed Project that serve to
5 override and outweigh those Project impacts that cannot be mitigated to a level of
6 insignificance, and the Planning Commission hereby adopts that certain document, and
7 the contents thereof, entitled "Statement of Overriding Considerations" for the Seaport
8 Marina Project, a copy of which document is attached hereto as Exhibit "B" and
9 incorporated herein by this reference as though set forth in full, word for word.

10 Sec. 7. Pursuant to State CEQA Guidelines section 15091(e), the record
11 of proceedings relating to this matter has been made available to the public at, among
12 other places, the Department of Planning and Building, 333 West Ocean Boulevard, 5th
13 Floor, Long Beach, California, and is, and has been, available for review during normal
14 business hours.

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

21 Sec. 9. This resolution shall take effect immediately upon its adoption by
22 the Planning Commission, and the Planning Commission Secretary shall certify to the
23 vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the Planning Commission of the City of Long Beach at its meeting of _____, 2007, by the following vote:

Ayes: Commissioners: _____

Noes: Commissioners: _____

Absent: Commissioners: _____

Secretary

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SECTION 1

Introduction

A Statutory Requirements for Findings

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

- (a) No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final Environmental Impact Report (EIR).
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially

lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

B Record of Proceedings

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

- Notice of Preparation, Notice of Availability, and Notice of Completion, which were issued by the City in conjunction with the proposed project.
- The Final EIR (dated January 2007) and Errata (dated March 2007), which include all written comments submitted by agencies or members of the public during the public comment period on the Draft EIR (dated August 2006) and responses to those comments and all of the documents referenced therein.
- The Mitigation Monitoring and Reporting Program (MMRP).
- The Long Beach Seaport Marina Site Plan.
- All findings, statements of overriding consideration, and resolutions adopted by the City in connection with the proposed project, and all documents cited or referred to therein.
- All final reports, studies, memorandums, maps, correspondence, and all planning documents prepared by the City, or the consultants or responsible or trustee agencies, with respect to: (1) the City's compliance with CEQA; (2) development of the project site; or (3) the City's action on the proposed project.
- All documents submitted to the City by agencies or members of the public in connection with development of the proposed project.
- All documents compiled by the City in connection with the study of the proposed project and the alternatives.
- The testimony and evidence presented at the public scoping meeting on May 25, 2005, the Long Beach Planning Commission public study sessions on October 5, 2006 and November 3, 2006, and Long Beach Planning Commission meeting on March 15, 2007.
- The record of proceeding.

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- The record of proceeding.

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

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

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

C Organization/Format of Findings

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

SECTION 2

Long Beach Seaport Marina

A Project Objectives

The proposed project as evaluated in the EIR would result in the development and operation of a mixed use retail and housing complex that includes 170,000 square feet of retail space and 425 residential units. This development would take place on a 10.9-acre development parcel, which is located at the southwest corner of Pacific Coast Highway (PCH) and Second Street (site of the existing Seaport Marina Hotel) in the City of Long Beach. The City developed the following guiding principles for the proposed project and they are:

Principle 1: The City will work with the applicant to create a vibrant retail center on the site. The City acknowledges that as part of this project, housing may be permitted, provided, however, that the housing is developed concurrently with the retail center, and that a truly integrated mixed-use project results.

Principle 2: The project should strive to meet public open space objectives currently set forth in SEADIP and consistent with the spirit and intent of the Parks, Recreation, and Marine Department's 2003 Strategic Plan.

Principle 3: The City will work with the applicant to ensure an aesthetically attractive, high quality design that reflects the property's unique orientation near a wetlands open space resource and adjacent to an active marina.

Principle 4: The City will work with the applicant to ensure that appropriate mitigation measures are adopted to ameliorate traffic conditions near and around the project site.

Principle 5: The project should strive to provide a high level of accessibility to and through the site. A well-defined circulation pattern will ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.

The following project objectives are based upon these guiding principles:

- Create a mixed-use project that includes a vibrant retail center on the site.
- Create an aesthetically attractive, high quality design that reflects the property's unique orientation adjacent to an active marina.
- Provide amenities that encourage and promote public access to the marina.

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- Provide a high level of accessibility to and through the site to ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.
 - Provide an economical reuse of the project site while minimizing adverse impacts to surrounding properties.
 - Design and implement comprehensive site development standards that minimize adverse impacts to the environment.
 - Enhance the economic vitality of the City and provide property tax, sales tax, and other revenue opportunities.

B Project Description

Project Location

The proposed project site is located in between the San Gabriel River and the Los Cerritos Channel at the southwest corner of PCH and Second Street. The project site is roughly bounded by Second Street to the north, a retail center to the south, PCH to the east, and Marina Drive to the west. The site is located approximately five miles east of downtown Long Beach and approximately two miles south of the I-405.

The project site is primarily occupied by the 250-room Seaport Marina Hotel. Commercial uses within the hotel include an Enterprise Car Rental, The Elks Club and a nightclub, which are located near the hotel lobby. Vehicular access is provided via an existing system of roadways with direct access from PCH, Second Street, and Marina Drive. Portions of the project site were used as both a former oil well site and service station. Although the service station has been removed and remediated, there is ongoing groundwater monitoring; the former oil wells are required to be re-abandoned according to current state regulations; and any contaminated soil and groundwater associated with the abandoned oil wells (e.g., mud sumps) would be remediated during site excavation. In addition, a crude oil pipeline is located along the eastern boundary of the project site.

The project site is designated in the General Plan as Land Use District (LUD) No. 7 and zoned Planned Development (PD-1) (Southeast Area Development and Improvement Plan [SEADIP]), Subarea 17.¹

The project site is located in an urbanized area with retail and commercial uses that are located along the major roadways bordering the site and surrounding uses are described below:

¹ City of Long Beach, Department of Planning and Building, *Land Use Element of the Long Beach General Plan*, revised and reprinted April 1997, page 169; City of Long Beach Department of Planning and Building, *Zoning Ordinance (Title 21 of the City of Long Beach Municipal Code)*.

- North: Uses along Second Street include a one-story grocery store and bank. The Marina Pacifica Mall, which includes larger retail, restaurant and entertainment uses, is located north of the grocery store and bank. These uses are setback along PCH, and all have surface and some subterranean parking. The area to the northwest of the project site is Marina Pacifica, a private waterfront community consisting of attached residences. The residences are condominiums, ranging from three to five stories in height. Also to the northwest is the Long Beach Marina with a boat launch located south of the Marina Pacifica condominiums. The area northeast of the site consists of a fast food restaurant (northwest corner of Second Street and PCH), oil wells and the Los Cerritos wetlands.
- South: Adjacent to the project site along PCH is Marina Shores, a retail center with restaurants, a grocery store, services, and other retail. This center continues to the intersection of PCH and Studebaker Road. Beyond Studebaker Road, southeast of the project site, are more oil infrastructure facilities and a two-story office building, to the southwest, and the San Gabriel River.
- East: Land uses near the intersection of Second Street and PCH include a service station (southeast corner of Second and PCH). Across from the site on PCH, is The Marketplace, a one-story retail center that includes several restaurants, a grocery store, many small retail shops, and movie theaters. South of the retail center on the east side of PCH, are several one- and two-story office buildings and the Los Cerritos wetlands. In addition, a crude oil pipeline and easement is located along the eastern boundary of the site.
- West: Directly west of the project site (across Marina Drive) is the publicly-owned Alamitos Bay Marina. The parking lot for the Marina occupies most of the area west of the project site (approximately 1,177 parking spaces). Along Marina Drive are restaurants and some boat related retail.

Project Characteristics

The project applicant, Seaport Marina, LLC, is seeking to redevelop the proposed project site with up to 170,000 square feet of retail development and 425 residential units in structures up to five stories in height (maximum 68 feet). The proposed project is a retail/residential development divided into three blocks as follows:

- Block A is the northern block on the site bordered by Second Street and would include approximately 80,000 square feet of street level retail space and 127 residential units. This block also includes three outdoor plazas, one along Second Street and two along Marina Drive;
- Block B is the central portion of the site and would include approximately 60,000 square feet of street level retail space and 144 residential units. This

block includes a large outdoor plaza on the west side of the site along Marina Drive; and

- Block C is the southern most block, adjacent to Marina Shores, and would include 154 residential units, a 16,659 square foot recreational/fitness center for residents and approximately 30,000 square feet of street level retail space.

The project would be oriented toward Alamitos Bay Marina to allow for visitor and residential access and linkages to the marina and other area amenities. The project would be designed to be compatible with surrounding uses in terms of building height and size. The proposed project would provide approximately 20 percent of the site as open space. The proposed project would also include a bike/pedestrian pathway along Marina Drive, and would encourage pedestrian activity between the development and the marina.

Demolition of the existing on-site buildings (164,736 square foot Seaport Marina Hotel) would be required to allow for project construction. The proposed retail and residential components would be integrated as described above. Table 2.1 provides a list of project components and a description of each.

Retail Buildings

The proposed project includes up to 170,000 square feet of retail located at ground level. The retail spaces would relate architecturally to the elements of the residential units, thereby creating a consistent visual character within the mixed-use development.

Residential Units

The 425 residential units would be located throughout the project site above the retail spaces and oriented to maximize views. The residential units would be designed with a mixture of multi-family units including lofts, townhomes, and flats. The integrated retail and residential buildings would be up to five stories with a maximum building height of 68 feet. Figures 2.5 through 2.9 show the proposed building elevations.

Access, Parking, and Circulation

Access to the site would be provided at three locations along PCH and two locations along Marina Drive. Along PCH access would be provided by a new private street between Blocks A and B, which would continue through to Marina Drive; a right-in, right-out entry leading to at grade parking on Block B and a new signalized primary entry from PCH onto a new private street leading to retail and residential parking garages between Blocks B and C, which would also continue to Marina Drive.

**TABLE 2.1
PROJECT COMPONENTS**

Project Component	Description
Retail	<ul style="list-style-type: none"> Up to 170,000 square feet of street level retail uses.
Residential	<ul style="list-style-type: none"> 425 residential units.
Street improvements	<ul style="list-style-type: none"> Three access points from PCH. Right-of-way dedication on the west side of PCH. Traffic signal at primary entry site on PCH. Relocation of drive entrance into Market Place parking lot across PCH to line up with proposed primary entry. Improvements provide for transition lane at PCH and Second Street, two through lanes and deceleration/acceleration lane for project. Closure of existing driveways and repair of any existing damaged curb and sidewalk on the south side of Second Street. Reconstruction of Marina Drive southeast of Second Street to the southeast project property line. Includes two northwest bound lanes (11-foot outside lane, 11-foot inside lane), 16-foot islands with left turn lanes at entrance points of project on Marina Drive and Marina public parking. A minimum of six-foot island nose at all left turn pockets on Marina Drive. Includes an existing right turn lane from Marina Drive to eastbound Second Street. Includes a 14-foot southeast bound lane on Marina Drive.
Bike/pedestrian paths	<ul style="list-style-type: none"> Construction of 5-foot landscaped area, an off-street Class I bike trail, 6-foot pedestrian sidewalk on southwest side of Marina Drive from Second Street to Studebaker. Extends off-street bike trail and six-foot pedestrian sidewalk and crossing to Studebaker Road on the southwest side of Marina Drive.
On-site parking	<ul style="list-style-type: none"> Approximately 1,700 on-site parking spaces in PCH garage.
Off-site parking	<ul style="list-style-type: none"> Limited angled parking on east side and parallel parking on west side of Marina Drive Improvements to City-owned parking lot including re-alignment of drive aisles and landscaping.
Site demolition and debris removal	<ul style="list-style-type: none"> Continued monitoring of portion of the site formerly used as a service station; proper re-abandonment of former oil wells; and possible encounter with other previously unknown USTs. Grading. Fill removal and recompaction. Removal of existing structures (for example, hotel) and other property improvements. Required recycling of demolition material.
Project landscaping and open space	<ul style="list-style-type: none"> Parkway landscaping. Perimeter landscaping. On-site landscaping in both public and private open space areas. Off-site landscaping (Marina Drive and marina parking lot). A two-to-one tree replacement per City code, as necessary, for any trees removed from the public right-of-way.

**TABLE 2.1
PROJECT COMPONENTS (CONT.)**

Project Component	Description
Storm drain	<ul style="list-style-type: none"> • Reconstruction of existing storm drains to redirect flows to an existing storm drain on southwest side of property. • A new storm drain would be constructed from PCH across the project site to Marina Drive to replace existing 36-inch storm drain crossing property.
Water quality improvements	<ul style="list-style-type: none"> • Treatment Best Management Practices (BMPs) such as bio-retention for treatment of runoff from the site.

Additional pedestrian access would be provided along Second Street and Marina Drive, including a pedestrian crossing at the plaza leading to Alamitos Bay Marina. The proposed project would establish a Class 1 bike trail connection and maintain the existing pedestrian crossing at Second Street and Marina Drive. The proposed project would also include a transition lane at Second Street, two through lanes, and a deceleration/acceleration lane.

The proposed project includes improvements to the streetscape along PCH at select locations adjacent to the project site to accommodate a six-foot sidewalk. The project also proposes improvements along the southwest and southeast sides of Marina Drive to Studebaker for an off-street bike trail and sidewalk. In addition, the proposed project includes the closure of existing driveways and repair of any existing damaged curbs and sidewalks adjacent to the project site (south side of Second Street).

There would be approximately 1,700 total on-site parking spaces (two levels of subterranean parking) including residential parking, and shared retail and guest parking. The project proposes improvements to Marina Drive (between Second Street and Studebaker) to allow on-street angled (east side) and parallel parking (west side).

Related Site Improvements

Other proposed site improvements would include construction of refuse enclosures, security lighting, and signage. The building materials and consistent integrated architecture design would be visible from the public rights-of-way and would address the guidelines outlined in PD-1.

Landscaping and Open Space

The landscaping plan for the project includes perimeter planting, internal streetscapes, plazas and patios. The proposed project would include approximately 20 percent of the project site as open space.

Landscape improvements along Marina Drive would consist of maintaining the existing identity with the Mexican fan palms lining both sides of the street, and would also include

shrub and groundcover under-story planting. Landscaping would consist of native California species and varieties.

In addition, the southwest side of Marina Drive would include an off-street Class I bike trail and a six-foot pedestrian path. The parkway planting along Second Street would include a mix of canopy trees and the Mexican fan palms that extend out from Marina Drive.

The wider edge along PCH would allow for a landscape buffer from vehicular traffic. Adjacent to the curb is the parkway that would include small canopy trees planted with shrubs in accordance with California Department of Transportation (Caltrans) guidelines. Additional planting would be added around the existing Mexican fan palms to create a garden edge to the sidewalk. The southeast perimeter adjacent to Marina Shores would include trees and large shrubs in order to provide privacy for proposed project residents and screen unwanted views of the service and delivery area of the existing retail development.

The internal private streets would include flowering trees, lower shrubs and groundcover. The plan also includes tree grates to be used in areas adjacent to parallel parking spaces. Mexican fan palms would be included into the main plaza on Marina Drive (Block B) from the parkway in planters. This area would also include a water feature that would be viewed from the street and by residents above. The entry plaza off of Second Street would serve as another entry point into the site with a small grouping of trees clustered around a water feature. Residential courtyards on the ground level would include private gardens that frame the garden court.

Off-site landscaping improvements would consist of a tree lined pedestrian promenade connecting the main plaza to the waterfront. The landscaping proposed in the marina parking lot would include new trees, shrubs and groundcover including California native species and varieties. The plan would also feature another walkway on the same level as the parking lot that runs parallel to the waterfront.

All planted areas would be irrigated according to plant type and environmental exposure by an automatically controlled, electrically activated underground piped irrigation system to conserve water and minimize erosion. All landscaping plans and irrigation systems would conform to City Zoning Code requirements for on-site landscaping and street trees.

Infrastructure

Development of the proposed project would include the provision of necessary infrastructure, including drainage, sewage disposal, water, solid waste, electricity, natural gas, and telecommunications. The project infrastructure components would require improvements to, and connection with, off-site and on-site infrastructure systems.

These systems, consisting of water, electricity, natural gas, telephone, and cable television / telecommunication lines, sewerage, storm drains, and street improvements, would be constructed on- and off-site and would be fully provided and maintained by the property owners (on-site facilities), municipal agencies, or utility service providers. See Table 2.1 for a list of infrastructure improvements.

Water and Sewer Services

The on-site water system would be considered private property and would be maintained by the applicant. The private on-site sewer system would also be maintained by the applicant. Gravity sewer lines in public streets or Long Beach Water Department (LBWD) easements would be designed to their standards.

Storm Drain System

A comprehensive surface drainage/storm drain system has been developed to collect and convey runoff on the project site. This system includes reconstruction of an existing storm drain to redirect flows to an existing storm drain on the southeast side of the property. A new storm drain would be constructed from PCH across the project site to Marina Drive to replace the existing 36-inch storm drain crossing the property.

Lighting

Security lighting is proposed throughout the project site and would consist of energy-efficient luminaries. To control nighttime lighting spillover and glare, parking lot lighting would be designed with a reflector system to restrict light to lower portion of the lighted area (for example, direct light down instead of into the night sky) and turned off after business hours with the exception of security lights.

C Findings

The City is the Lead Agency for the Seaport Marina project. The City has determined that the EIR identifies two significant environmental effect of the project, and that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. With regard to potential transportation improvements that would affect state routes, the City also finds that changes or alterations that would affect state routes are within the responsibility and jurisdiction of another public agency, and not the agency making the finding (the City).

The complete evaluation of potential environmental effects of the project is contained in Chapter 4.0 of the Draft EIR (2006) combined with those sections of Chapter 4.0 that have been revised and are noted in Chapter 2 of the Final EIR/Response to Comments document (January 2007) and Errata (March 2007).

SECTION 3

Effects Determined to be Mitigated to Less than Significant Levels

The EIR identified certain potentially significant effects that could result from the proposed project. However, the City finds for each of the significant or potentially significant impacts identified in this section, Section 3, based upon substantial evidence in the record, that changes or alterations have been required or incorporated into the proposed project that avoid or substantially lessen the significant effects as identified in the EIR. As a result, adoption of the mitigation measures set forth below will reduce the identified significant effects to a less than significant level.

Aesthetics

Impact: Visual character

The potential short-term visual impacts of the site demolition, grading and construction activities would include exposed dirt storage and staging areas for construction. This short-term condition would create a temporary visual distraction typically associated with construction activities. The construction would last approximately 22 months with a portion of construction involving interior finishing that would be less distracting to surrounding views than exterior construction. Standard conditions related to construction area barriers would be imposed by the City. With implementation of this mitigation, visual impacts related to short-term construction activities would be less than significant.

Long-term impacts would be associated with massing and design of the buildings after completion of construction. The proposed project would introduce a higher density use to the project site than the current hotel. Under the proposed project, the setback along Second Street would be five feet to accommodate the increased density and massing and would, therefore, require a Standards Variance. The increase in building density is consistent with the urban character of some of the surrounding buildings (for example, the Marina Pacifica condominiums) yet dissimilar to the nearby marina.

The proposed project would also replace the existing two-story hotel with an up to five-story mixed-use community. The maximum building height of the proposed project would be 68 feet. The proposed structures would be more similar in scale and form to the three- to five-story buildings in the vicinity than the one-story uses with surface parking.

The proposed project would include setbacks on the ground level and residential uses with second level open spaces located above the retail spaces on the ground floor.

The proposed project would provide landscaping improvements, high-quality building materials, and consistent integrated architecture design visible from the public rights-of-way, as outlined in PD-1 (SEADIP). The proposed project would also be subject to architectural review to the City to ensure that the design is consistent with the City's Guiding Principles Design standards. Therefore, long-term impacts would be less than significant.

Measure 3A.1: Prior to the issuance of any demolition permit, the applicant shall prepare a "Construction Staging and Management Plan" to be approved by the Director of Planning and Building that will establish entry and exit points for construction employees, location of temporary office facilities, location of demolition materials marshalling areas, location of construction materials staging areas, the height of a security fence and procedures for keeping the construction site clear of trash and weeds to minimize to the extent reasonably feasible impacts to the visual character and quality of the site, and require covering of material that can be carried by winds in accordance with SCAQMD regulations.

Finding

The City hereby finds that impacts related to visual character at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3A.1.

Impact: Light and glare

The proposed project area is presently located within an urbanized area surrounded by a mix of residential and retail land uses. The existing uses include interior and exterior building lighting, parking lot lighting, and landscape lighting. The project proposes higher density uses than currently exist. These uses would produce additional nighttime lighting and potential associated glare impacts.

Project lighting would provide even illumination of the exterior spaces, and secondary lighting of signage and accent lighting of plant materials would also occur. The project includes subterranean parking garages that would result in a slight decrease in nighttime lighting as compared to the existing hotel that has only surface parking lots. Lighting on the proposed project site could be detectable from the surrounding areas, as is typical for residential as well as urban development in the area. The residences northwest of the proposed project site could be impacted by lighting at the proposed project. All on-site lighting would be subject to a Lighting Plan approved by the City of Long Beach Director of Planning and Building. Positioning all building lighting to be directed on to the proposed project site would reduce potential impacts to less than significant levels.

Implementation of the proposed project could result in increased glare in comparison to existing conditions. The proposed project would also incorporate landscaping and a

canopy of trees over the outdoor common areas in the retail component that would help absorb some of the glare. Implementation of mitigation measures would reduce impacts to less than significant levels.

Measure 3A.2: Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that all exterior lighting shall be limited to ground level and the plazas to accent project landscaping areas. Security lighting shall be used in the proposed project area such as in the plazas of the building and limited to project entrances, landscaping, as well as loading areas. All lighting shall be shielded to prevent "spillover" to adjacent properties. Demonstration shall be to the satisfaction of the Director of Planning and Building.

Measure 3A.3: Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that the proposed project shall use non-reflective building materials and careful selection of exterior building materials as well as window glass treatments. Prior to the completion of final plans and specifications for each structural element of the proposed project, plans and specifications shall be submitted to the Department of Planning and Building for review to ensure that the selection of exterior building materials and window glass treatments would not create uncomfortable levels of glare on public roadways or surrounding redirected areas for the structural elements of the proposed project. Demonstration shall be to the satisfaction of the Director of Planning and Building.

Finding

The City hereby finds that impacts related to light and glare at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3A.2 and 3A.3.

Cultural Resources

Impact: Disturb previously unknown prehistoric archeological resources and human remains

No recorded archaeological sites or human remains are located on the project site or within ¼ mile from the project site. The area has been highly disturbed by recent human activities, including filling of the tidal marshlands which once encircled Los Alamitos Bay, reducing the potential to encounter archaeological resources during project excavation. However, because the project area was originally tidal marshland where prehistoric settlements tended to be situated, there is some potential for buried and previously unrecorded prehistoric resources to be encountered during excavation activities. In addition, there exists the possibility that human remains may be encountered during excavation activities, although unlikely. To reduce the potential to disturb previously unknown prehistoric archaeological resources and human remains, mitigation measures would be incorporated into the project to reduce impacts to less than significant.

Measures 3C.1: Prior to the issuance of any grading permit, the applicant shall provide documentation that an archaeologist who is listed on the County of Los Angeles list of certified archaeologists has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee.

If archaeological resources, such as chipped or ground stone, dark or friable soil, large quantities of shell, historic debris, or human bone, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 250 feet of the find until the City of Long Beach has been notified and a qualified archaeologist can be secured to determine if the resources are significant per the Criteria of Eligibility in the NRHP regulations (36 CFR 60.4) and the California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet these standards of significance, construction shall proceed.

If the archaeologist determines that further information is needed to evaluate significance, the City of Long Beach shall be notified and a data recovery plan shall be prepared.

The Data Recovery Plan shall delineate a plan and timetable for evaluating the find. The plan shall also emphasize the avoidance or preservation, if possible, of significant impacts to archaeological resources. If avoidance or preservation is not possible, the acquisition of data from the site or salvage through excavation that produces qualitative and quantitative data sets of scientific value may be considered an effective mitigation measure damage to or destruction of the deposit or components of it (Public Resources Code Section 21083.2(d)). Upon approval of this Plan by the City staff, the plan shall be implemented prior to reactivation of any project activities within 250 feet of the resources' boundary.

Measure 3C.2: Prior to the issuance of any grading permit, the applicant shall provide documentation that a Native American monitor, who is listed with the Native American Heritage Commission, has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee.

If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The county coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the NAHC, which shall determine and notify a most likely descendant (MLD). With the permission of the landowner or an 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.

Finding

The City hereby finds that impacts related to prehistoric and archeological resources, and human remains at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3C.1 and 3C.2.

Impact: Disturb previously unknown paleontological resources

The project site is located within an area of recent Quaternary alluvial sediment brought to the area by the San Gabriel River and surrounded by bedrock exposures of Late Pleistocene sediments of the San Pedro and Palos Verde Sands deposits, known to produce limited vertebrate fossils. It is unlikely that *in situ* deposits of fossiliferous sediments would be encountered during project construction. However, there is a potential to encounter unknown paleontological resources during excavation activities. A mitigation measure is recommended to reduce potential impacts with regard to paleontological resources.

Measure 3C.3: In conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained and shall be on site during all rough grading and other significant ground disturbing activities in paleontologically sensitive sediments.

In the event that fossil resources are noted within the project area, construction in the vicinity of the find shall 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 shall be documented in a technical report that includes an itemized inventory of specimens. Specimens recovered during grading activities shall be prepared to a point of identification and permanent preservation. All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with this recovery program and report preparation.

Finding

The City hereby finds that impacts related to paleontological resources at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3C.3.

Geology and Soils

Impact: Seismic-related ground failure, including liquefaction

According to the geotechnical report, the potential for settlement resulting from liquefaction at the project site would be moderate. Therefore, the proposed development could expose people to significant impacts related to seismic settlement. Potential hazards related to liquefaction can be reduced to a less than significant level with proper engineering design. Mitigation measures would be incorporated into the project to reduce liquefaction and settlement impacts.

Measure 3D.1: Prior to the issuance of any building permits, the applicant shall demonstrate on the final site drawings that earthquake-resistant design has been incorporated into the drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.

Measure 3D.2: Prior to the issuance of any building permit, the applicant shall demonstrate that the design and construction of the proposed structures include methods for densifying and thus increasing the strength of loose, liquefaction susceptible soils at depth, such as columns and compaction grouting, as specified in the geotechnical report. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee.

Measure 3D.3: Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or a supplemental geotechnical report that where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompacted in accordance with the requirements of the appropriate governmental agencies.

Measure 3D.4: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a temporary shoring system with lagging shall be required during project excavation.

Measure 3D.5: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system.

Measure 3D.6: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a registered geotechnical engineer shall be present on-site to observe grading operations and foundation excavations.

Measure 3D.7: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that on-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas

would not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes.

Measure 3D.8: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that where there is sufficient space for sloped excavations, temporary cut slopes may be made according to the recommendations of the geotechnical report. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Vertical excavations heights shall be in accordance with the geotechnical investigation recommendations.

Measure 3D.9: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that if temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.

Measure 3D.10: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation.

Measure 3D.11: Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or shoring plans that where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging.

Measure 3D.12: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer.

Measure 3D.13: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a drainage system shall be placed at the bases of building walls below grade.

Finding

The City hereby finds that impacts related to seismic-related ground failure including liquefaction at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3D.1 through 3D.13.

Impact: Erosion potential or loss of topsoil

The project site is relatively flat, and the final grading of the project site would not significantly differ from the existing grade. Therefore, the operation of the proposed project would not result in substantial erosion or loss of topsoil.

Construction activities associated with the proposed project could impact water quality due to sheet erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas. Grading in particular, could lead to exposed areas of loose soil, as well as sediment stockpiles that are susceptible to uncontrolled sheet flow. Incorporation of mitigation would reduce impacts associated with soil erosion during project construction.

Measure 3D.14: Prior to the issuance of a grading permit the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMP's that would be implemented on the site to control predictable pollutant runoff.

Finding

The City hereby finds that impacts related to erosion or loss of topsoil at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3D.14.

Impact: Unstable geologic unit/soil

The proposed project site is located in a relatively flat area and is not within an area identified as having potential for seismically induced landslides. Therefore, the proposed project is not anticipated to be located on soil that is unstable or would become unstable due to landslide.

The potential for liquefaction at the proposed project site is high and lateral spreading generally occurs where soils are susceptible to liquefaction. Therefore, the potential for lateral spreading would be high.

The project site is relatively level, and the absence of nearby slopes precludes slope stability hazards. The project would include two levels of subterranean parking, and the lower subterranean parking level for the proposed project site would be 25 feet below grade. It is likely that excavation would expose alluvial deposits. These deposits are horizontally stratified and lack any well-defined planar features or discontinuities (such as bedding or joints) that would act as planes of weakness which would decrease slope stability. The geologic conditions at the project site would not create additional surcharge loads on the proposed below grade walls and would not result in a significant impact in terms of slope stability from the operation of the proposed project.

The geotechnical report recommends subterranean or retaining wall design. The sandy alluvium deposits on the site could be prone to local caving, which may result in the potential for temporary slope instability during site excavation. This would be considered a potentially significant impact. Potential hazards related to instability of temporary excavations can be reduced to a less than significant level with proper engineering of the retaining wall design and implementation of mitigation measures.

Potential impacts from lateral spreading, subsidence, liquefaction, or collapse would be significant. Potential hazards related to these impacts can be reduced to a less than significant level with proper engineering design and mitigation.

Measure 3D.15: As specified in the geotechnical investigation, 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 the geotechnical investigation, subject to review by the Director of Planning and Building or their designee prior to the issuance of any grading permits.

Measure 3D.16: 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, subject to review and approval by the Director of Planning and Building or their designee prior to the issuance of any grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soil testing as necessary, consistent with local, state, and federal regulations.

Finding

The City hereby finds that impacts related to unstable geologic unit/soil at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3D.15 and 3D.16.

Hazards

Impact: Potential soil contamination

The area of the proposed project site that was a former 76 service station is listed as a UST and LUST pursuant to Government Code Section 65962.5. The construction phase of the proposed project includes demolition, soil sampling, and contaminated soil or groundwater removal/remediation, if required as well as site preparation/grading. There are also five abandoned oil wells located on the proposed project site and a crude oil pipeline/easement along the eastern boundary of the project site.

Abatement and remediation of the 76 service station is underway. In addition, petroleum hydrocarbons, possibly from the on-site abandoned crude oil pipelines, and MTBE have been detected during different monitoring events in the groundwater samples collected from the site. Prior to site redevelopment, the oil wells located on-site would need to be re-abandoned in accordance with the current state regulations. Improper handling

methods of hazardous materials could cause potential impacts to the on-site and off-site environment. However, abatement, remediation and re-abandonment of the oil wells are subject to specific local, state, and federal regulations. Compliance with these regulations is considered adequate to address potential impacts from abatement, remediation, and re-abandonment activities. Therefore, Mitigation Measure 3E.1 requiring compliance with applicable regulations would reduce the potential impacts from abatement, remediation, and re-abandonment of the oil wells to less than significant levels.

Other potential hazardous substances at the project site include asbestos, LBP, and PCBs in structures to be demolished. Compliance with local, state, and federal regulations regarding the handling and disposal of these hazardous substances is considered adequate to reduce potential impacts to less than significant levels. Therefore, implementation of mitigation requiring compliance with applicable regulations would reduce potential impacts from asbestos, LBP, and PCBs to less than significant levels.

The extent of contamination that is present at the site would be better known after demolition and excavation activities have exposed soils that were previously concealed by the existing structures. Completion of a detailed soils investigation and removal and disposal of any contaminated soils and/or groundwater is required to prevent significant impacts to human health and/or the environment. Compliance with local, state, and federal requirements with regard to contaminated soils and groundwater is considered adequate to address potential impacts related to these hazardous substances. Implementation of mitigation requiring compliance with applicable regulations, would reduce potential impacts from contaminated soils and groundwater associated with the USTs and support facilities to less than significant levels.

Due to compacted fill soils and historical use of the site, there is the potential for additional hazards to be encountered during rough grading and excavation activities. A Soil and Air Monitoring Program that includes a Health and Safety Plan is required by the Long Beach CUPA to prevent significant impacts to human health and the environment during soil disturbance activities. Compliance with local, state, and federal regulations regarding the handling and disposal of hazardous soils or groundwater would reduce potential impacts from these elements to less than significant levels.

Project construction would involve routine use of hazardous materials such as fuels, paints, and solvents. The project applicant is required to implement standard BMPs with regard to hazardous materials used during construction. Mitigation measures would reduce potential significant hazardous substances impacts associated with demolition, grading, excavation, and construction of the project to less than significant.

The proposed project could utilize, store, and sell hazardous materials such as solvents, paints, and pesticides. The proposed retail and residential uses would store and use household hazardous materials. BMPs are required to prevent pollutants from

discharging into the storm drain system from the proposed development. All businesses in the City of Long Beach that utilize hazardous materials above state thresholds are required to submit a Hazardous Materials Release Response Plan and Inventory to the Long Beach CUPA for review and approval (Municipal Code, Chapter 8.86). Implementation of BMPs and compliance with local, state, and federal regulations regarding hazardous materials use and storage are considered adequate to address these potential hazards. Therefore, Mitigation Measure 3E.5 would reduce potential impacts regarding use and storage of hazardous materials during operation of the project to less than significant levels.

There are no schools within one-quarter mile of the project site. However, Naples Elementary School, Kettering Elementary School, Lowell Elementary School, and Rogers Middle School are within one-mile of the proposed project site. Compliance with the mitigation measures would ensure that any hazardous emissions or handling of hazardous substances or materials would not result in a significant impact to the surrounding area, including the proposed project.

Measure 3E.1: Prior to the issuance of any demolition permits, the project applicant shall submit an application to the Long Beach Fire Department (LBFD) for approval to re-abandon wells and remove any pipeline conveyance systems from the property. The LBFD shall review the application for compliance with local, state, and federal requirements with well- and pipeline-handling procedures including sampling of subsurface soils and transport and disposal of tanks and soils/liquids. The LBFD shall oversee and monitor the operation in accordance with local, state, and federal requirements.

Measure 3E.2: Prior to the issuance of any demolition permits, all identified mercury, asbestos containing materials (ACMs), and lead-based paints (LBPs) shall be removed, handled, and properly disposed of by appropriately licensed and qualified individuals in accordance with 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 (for example, SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (for example, all required waste manifests, sampling, and air monitoring test results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, 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).

A survey for mercury shall be undertaken on the site and any mercury shall be removed in accordance with applicable regulations.

Measure 3E.3: Prior to the issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the Long Beach Fire Department for review and approval. 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 conveyance systems and associated equipment.

Measure 3E.4: Prior to the issuance of any precise grading permit and after removal of the pipeline conveyance systems, and hazardous materials storage area(s), a detailed soil matrix investigation workplan shall include sampling for petroleum. The purpose of the investigation will be to confirm the previously reported remediation at the site and to delineate the reported soil impact at the site. The findings of the investigation and the results of any sampling shall be summarized in the workplan. The Long Beach CUPA or the RWQCB will determine whether groundwater sampling is required.

The Long Beach CUPA or the RWQCB shall review the workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the Long Beach CUPA or the RWQCB for compliance with local, state, and federal regulations. Any additional sampling or soil or groundwater removal shall be subject to these same regulations. After remediation activity is completed to the satisfaction of the Long Beach CUPA or the RWQCB, a No Further Action Letter is to be issued prior to the issuance of the first building permit (for soils) and prior to issuance of the first certificate of occupancy (for groundwater).

The project applicant shall also perform a subsurface soil sampling to determine if petroleum has impacted the subsurface soil in the location of the previously identified oil sumps in the northern area of the site and in the area of the suspected mud pit and/or areas of dark stained soil noted in the Phase I Environmental Assessment historical aerial photographs.

Measure 3E.5: Prior to the issuance of any 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, SCAQMD, and the Long Beach CUPA for review and approval. The program shall be consistent with local, state, and federal regulations and shall encompass all soil-disturbance activities. The Health and Safety Plan shall include the following components:

- A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures;
- The identification of a site health and safety officer;
- Methods of contact, phone number, office location, and responsibilities of the site health and safety officer;
- Specification that the site health and safety officer shall be immediately contacted 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 the Long Beach CUPA shall be notified of evidence of soil contamination is encountered; and
- Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut and fill operations.

Measure 3E.6: Prior to the issuance of any precise grading permit, the project applicant shall perform a soil gas survey for fixed gases including methane, hydrogen sulfide, and volatile organic compounds (VOCs) in the area of the abandoned oil well to assess the possible presence of methane or other vapors associated with abandoned wells.

Finding

The City hereby finds that impacts related to hazardous materials sites at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3E.1 through 3E.6.

Hydrology and Water Quality

Impact: Violation of water quality standards

Construction activities associated with the proposed project might impact water quality due to erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas. Grading and soil stockpiling increase erosion potential during uncontrolled sheet flow. These activities could expose existing pollutants found in the soil. In addition, the use of materials such as fuels, solvents and paints present a risk to surface water quality due to an increased potential for pollutants to be deposited on the site and transported to the storm drain system.

The proposed project would be required to comply with all applicable federal, state and regional regulations to protect water quality during construction, as well as during the life of the project. Since the project site covers an area greater than one acre, a Stormwater Pollution Prevention Plan (SWPPP) is required. Under NPDES Permit 99-060, issued to the City of Long Beach, the project proponent must submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) prior to commencement of construction activities.

The proposed project would require dewatering of excavations for the subsurface parking structures. The subsurface parking structures would need to be excavated to a depth of 25 feet bgs. The area is not a major groundwater recharge area, and the shallow groundwater is not suitable for drinking water due to seawater intrusion. The dewatering would not substantially deplete groundwater supplies or interfere with recharge. Non-storm water dewatering for discharges meeting certain conditions are allowed under RWQCB NPDES Permit 99-060. Notification and approval from the RWQCB is required prior to conducting these operations. With implementation of mitigation, impacts with regard to violation of water quality standards would be less than significant.

Measure 3F.1: Prior to the issuance of any grading permit, the following measures shall be incorporated on to the final grading plans to ensure that

dewatering will not violate water quality standards and or waste discharge requirements:

- Applicant shall submit a Report of Waste Discharge (ROWD) to the RWQCB prior to dewatering. As part of the ROWD, groundwater quality testing shall be conducted to determine that dewatered water quality is adequate for discharge. Groundwater sample analysis results shall be submitted to the RWQCB prior to discharge.
- Dewatering shall be conducted in accordance with the Field Guide to Construction Site Dewatering, October 2001, CTSW-RT-01-010.
- Periodic water quality samples shall be collected and analyzed during the dewatering activities to ensure quality of the discharged water.
- If contaminants are reported in water sample results that exceed the RWQCB's discharge limits, discharge of dewatered water to surface waters shall cease immediately. Contaminated dewatered water shall be collected and treated prior to discharge, pursuant to RWQCB approval.

Finding

The City hereby finds that impacts related to violation of water quality standards at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3F.1.

Noise

Impact: Permanent increase of ambient noise levels in the project area

Traffic attributed to the proposed project would increase the total daily traffic traveling along the major thoroughfares within the project vicinity. The roadway noise increase attributed to the proposed project would be less than the 3 dBA CNEL increment at analyzed segments. Interior noise levels at future on-site residences would be dominated by roadway traffic. The highest traffic-related CNEL noise level along a roadway bordering the project site would be 72.1 dBA along PCH. Residential units associated with the project would be constructed with windows which would provide sound proofing. As such, interior noise level under the windows closed condition at the on-site residences facing PCH would be 40.2 dBA CNEL. The project would not exceed the HUD recommended interior noise level of 45 CNEL and the on-site mobile noise impact would be less than significant.

In order to ensure that the project would meet the HUD recommended interior noise level, the following mitigation measure is included:

Measure 3H.1: The project applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which ensure an acceptable interior noise environment. Specifically, the project applicant shall submit an acoustical report prior to the issuance of building permits that demonstrates that the proposed building design and materials would ensure that

interior noise levels attributable to exterior sources are no greater than 45 dBA CNEL.

Finding

The City hereby finds that impacts related to construction activities result in a temporary increase of ambient noise levels in the project area will be reduced to a less than significant level with implementation of Mitigation Measure 3H.1.

Public Services and Utilities

Impact: Significant increase the amount of solid waste

Both the construction and operational phases of the proposed project would be expected to generate refuse requiring disposal in accordance with local and state laws, including recycling requirements. The proposed project would replace a 250-room hotel with approximately 170,000 square feet of retail uses and 425 residential units. The existing uses currently generate approximately 1,000 pounds per day of solid waste.

Construction of the proposed project would require the demolition of the approximately 164,736 square feet hotel and generate refuse from building debris. All ACMs would be removed by a California State licensed contractor and disposed in accordance with applicable laws and regulations prior to commencement of other demolition activities.

The proposed project would increase solid waste generation to approximately 2,720 pounds per day, for an additional 1,720 pounds per day of solid waste. Project operation would result in approximately 511 tons per year or approximately 1.4 tpd to be committed to Class III landfills or other waste disposal facilities. This amount represents approximately 0.00008 percent increase in the total solid waste disposed of within the City (2002).

Given the percentage increase of solid waste disposal as a result of project implementation, the regional landfills have sufficient short-term capacity to accommodate the additional demand for solid waste disposal facilities. The following mitigation measures would assist the City in its effort to meet its waste reduction goals by facilitating recycling on-site.

Measure 3J.1: Prior to the issuance of any demolition permit, 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. The plan shall identify methods for promoting recycling and reuse of construction materials and safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods for incorporating source reduction and recycling techniques into project construction and operation in compliance with state and local requirements such as AB 939.

Measure 3J.2: Prior to the issuance of any 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 and waste collection points throughout the site has been included in the design of the buildings to encourage recycling.

Finding

The City hereby finds that impacts related to the increase in solid waste generation at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measures 3J.1 and 3J.2.

Recreation

Impact: Conflict with City recreation and open space objectives

The proposed project would include private recreation areas for the residents (pools and a recreation/fitness center and pocket park with a spa). It is anticipated that future residents would seek additional recreational opportunities off-site. The project includes a detailed landscaping plan consisting of a combination of trees, shrubs, and groundcover. In total, the project site includes approximately 20 percent open space. Although this would not alleviate the City's existing open space deficiencies, it would provide private on-site recreational amenities for residents and public open space areas for the public.

Although implementation of the project would not result in the loss of park land or open space, the proposed project would not fully satisfy the requirements for 30 percent of the site to be open space in PD-1 (SEADIP). However, the proposed project does include the following recreation/open space amenities:

- One public plaza along Second Street and two along Marina Drive
- Establishment of a bike trail connection and a pedestrian crossing at Second Street and Marina Drive on the northwest side of the intersection.
- A landscaped Class 1 bike trail and pedestrian sidewalk on the southwest side of Marina Drive (from Second Street to Studebaker) and improvements to pedestrian sidewalks.
- Extension of an off-street bike trail and a pedestrian sidewalk and crossing to Studebaker Road on the southwest side of Marina Drive.

In addition, the project includes landscape improvements to off-site public areas along Marina Drive and throughout the marina parking lot, west of the site. The City of Long Beach requires the dedication of park land or payment of a fee in lieu of park land dedication. With implementation of Mitigation Measure 3K.1, recreation and open space impacts associated with the project would be less than significant.

Measure 3K.1: The proposed project shall pay a per dwelling unit fee to the City of Long Beach in lieu of park land dedication in accordance with the City's Municipal Code Chapter 18.18.

Finding

The City hereby finds that impacts related to the conflicts with City recreation and open space objectives at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3K.1.

Transportation and Circulation

Impact: Exceed LOS standard established by the County CMP agency for designated roads or highways

The project would not contribute more than the minimum threshold of 150 peak-period trips at the closest CMP monitoring location. Implementation of Mitigation Measure 3L.3 would further reduce impacts to less than significant.

Measure 3L.3: A new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center shall be constructed as project mitigation. This roadway will provide a "bypass" route for some traffic to avoid the congested Second Street/PCH intersection. It will divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The proposed new roadway shall include the following improvements:

- It will be a new four-lane public roadway connection between the intersection of Studebaker Road/PCH and Second Street/Shopkeeper Road behind the Market Place shopping center. The applicant will be responsible for acquiring the necessary right-of-way and the project applicant will be responsible for the design and construction of the new roadway facility. The applicant will secure necessary approvals from other county, state and federal agencies with jurisdiction over such projects to the satisfaction of the Director of Planning and Building.
- At the Second Street/Shopkeeper Road intersection, Second Street shall be modified to provide an additional westbound left turn lane (two total) and Shopkeeper Road shall be modified to provide an additional right turn lane (two total). Shopkeeper Road shall also be modified to provide two receiving lanes at the intersection. The traffic signal shall be upgraded to provide a northbound right turn overlap operation.

In the event the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify alternative mitigation measures.

Finding

The City hereby finds that impacts related to LOS standards established by the County CMP agency for designated roads or highways associated with traffic generated by the Seaport Marina project will be less than significant and further reduced with implementation of Mitigation Measure 3L.3.

Impact: Provide inadequate parking capacity

The majority of the parking for the proposed project would be located on two levels of below grade parking with limited at-grade parking for the retail land uses. The proposed parking would consist of approximately 1,700 spaces. Taking into account the 425 residential units and the retail square footage, the proposed project would not provide adequate parking capacity, because required guest parking for the residential units has not been taken into account. As a result, a Standards Variance would be required. Approval of the Standards Variance would include the requirement that a Shared Parking Analysis demonstrate that the parking demand for the project would be met. It is worth noting that the project proposes off-site improvements that would result in limited on-street public parking on Marina Drive, as well as upgrades to the City-owned parking lot located between Marina Drive and the Marina.

Measure 3L.5: The applicant shall prepare a Shared Parking Analysis to the satisfaction of the Director of Planning and Building.

Finding

The City hereby finds that impacts related to parking at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3L.5.

Other Issues

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

Construction of the proposed project could cause the direct loss of nesting trees or the abandonment of nests by migratory birds or raptors due to harassment by noise and dust. This would be a violation of the MBTA, CFG Code, and the RMP, and could impede the use of native wildlife nursery sites, which are all potentially significant impacts. With incorporation of the mitigation, impacts would be less than significant.

Measure 3M.1: To address the potential presence of nesting migratory birds and resulting MBTA and CFG Code impacts, within 15 days of any project actions that will cause a potentially substantial increase or other change in existing disturbance, the project proponent shall have a qualified biologist conduct a preconstruction migratory bird nesting survey. This survey shall cover all

reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.

If an active nesting effort is confirmed or considered very likely by the biologist, no construction activities shall occur within at least 500 feet of the nesting site until measures to address the constraint are agreed to by the project proponent, U.S. Fish and Wildlife Service (USFWS) personnel, and California Department of Fish and Game (CDFG) personnel.

Potentially appropriate measures to take may include one or more of the following as authorized by the USFWS and CDFG: (1) delaying work at the nest site location until either the nest has failed (for non-project-related reasons) or seven days after the last young leaves the nest, or (2) taking the young nestlings to a qualified wildlife rehabilitation center. Note that in the latter situation, it will normally be necessary for the biologist retrieving the young to be properly experienced and permitted for the specific work required.

Finding

The City hereby finds that impacts related to migratory birds at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3M.1.

Impact: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

Construction of the proposed project could cause the direct loss of nesting trees or the abandonment of nests by migratory birds or raptors due to harassment by noise and dust. This would be a violation of the MBTA, CFG Code, and the RMP, and could impede the use of native wildlife nursery sites, which are all potentially significant impacts. With incorporation of the Mitigation Measure 3M.1, impacts would be less than significant.

Finding

The City hereby finds that impacts related to conflicts with local policies or ordinances protecting biological resources at the Seaport Marina site will be reduced to a less than significant level with implementation of Mitigation Measure 3M.1.

SECTION 4

Significant Effects That Cannot Be Mitigated To A Less Than Significant Level

As previously stated, the Final EIR identified certain potentially significant effects that could result from the proposed project based upon substantial evidence in the record. The City finds for each of the significant or potentially significant impacts identified in this section, Section 4.0, that changes or alterations have been required or incorporated into the proposed project that substantially lessen the significant effects as identified in the Final EIR;² however, even with adoption of the mitigation measures set forth below, project impacts are not reduced below a level of significance.

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

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.

Air Quality

Impact: Temporary adverse impacts to regional ambient air quality

Construction of the project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust

² *CEQA Guidelines*, Section 15091.

emissions would result from site preparation and construction activities. Mobile source emissions, primarily NO_x, would result from the use of construction equipment such as bulldozers, wheeled loaders, and cranes. During the finishing phase, paving operations and the application of architectural coatings (i.e., paints) and other building materials would release reactive organic compounds.

Maximum unmitigated regional emissions would exceed the SCAQMD daily significance thresholds for ROC and PM₁₀ but not for NO_x and CO.

Measure 3B.1: Fugitive Dust Control Measures. The following shall be implemented during construction to minimize fugitive dust and associated particulate emissions:

- Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require twice daily applications (once in late morning and once at the end of the workday). Increased watering shall be required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.
- The amount of disturbed area shall be minimized and on-site vehicle speeds shall be limited to 15 mph or less.
- If importation, exportation and stockpiling of fill material is involved, earth with five percent or greater silt content that is stockpiled for more than two days shall be covered, kept moist or treated with earth binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.
- After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading earth binders until the area is paved or otherwise developed.
- All material transported off-site shall be securely covered to prevent excessive amounts of dust.

Measure 3B.2: No_x Control Measures. The following shall be implemented throughout construction to reduce emissions of nitrogen oxides:

- When feasible, electricity from temporary power poles on-site shall be utilized rather than temporary diesel or gasoline generators.
- When feasible, on-site mobile equipment shall be fueled by methanol or natural gas (to replace diesel-fueled equipment) or propane or butane (to replace gasoline-fueled equipment).

Aqueous diesel fuel or biodiesel (B20 with retarded fuel injection timing), if available, shall be used in diesel fueled vehicles when methanol or natural gas alternatives are not available

Measure 3B.3: Ozone Precursor Control Measures. The following shall be implemented throughout construction to reduce emissions of ozone precursors ROC and NO_x:

- Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications.

-
- Schedule construction periods to occur over a longer time period (i.e., lengthen from 60 days to 90 days) during the smog season so as to minimize the number of vehicles and equipment operating simultaneously.
Use new technologies to control ozone precursor emissions as they become readily available.

Finding

The City hereby finds that construction air quality impacts will be reduced with implementation of Mitigation Measures 3B.1 through 3B.3, but cannot be mitigated to below a level of significance. The City finds that this impact is acceptable based on the grading requirements of the project and the mitigation proposed to reduce construction air quality emissions, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Impact: Adverse impacts to regional ambient air quality

Regional emissions associated with project operations would be generated by on-road vehicles and energy consumption. The project would generate approximately 354 net trips in the AM peak hour, 726 trips in the PM peak hour, and 885 trips in the weekend peak hour. Emissions associated with energy use would be generated by the consumption of electricity and natural gas. Weekday and weekend operational emissions would exceed the SCAQMD daily threshold for NO_x, ROC and CO. The following mitigation measures are recommended to reduce operational NO_x, ROC and CO emissions:

Measure 3B.4: The applicant shall use light-colored roofing materials to deflect heat away from buildings.

Measure 3B.5: The applicant shall use double-paned windows to reduce thermal loss in buildings in compliance with Title 24 of the California Code of Regulations.

Measure 3B.6: The applicant shall install automatic lighting on/off controls and energy-efficient lighting.

Measure 3B.7: The project applicant shall ensure that construction contractors use architectural coatings limited to a VOC content of 75 grams per liter or less.

Measure 3B.8: CO, NO_x, ROC regional emissions associated with the operation of the proposed project was shown to exceed the threshold of significance.

The most significant reductions in regional and local air pollutant emissions are attainable through programs that reduce the vehicular travel associated with implementation of the proposed project. Support and compliance with the AQMP for the basin is the most important measure to achieve this goal. The AQMP includes improvement of mass transit facilities and implementation of vehicular usage reduction programs. Additionally, energy conservation measures are included.

The following measures shall be incorporated into the project to minimize public health impacts to sensitive receptors:

Transportation Demand Management Measures (TDM):

- Provide adequate ingress and egress at all entrances to the proposed project site to minimize vehicle idling at curbsides. Provide dedicated turn lanes as appropriate and provide roadway improvements at heavily congested roadways. The areas where this measure would be applicable are the intersections in and near the project area. Presumably, these measures would improve traffic flow. Emissions would drop as a result of the higher traffic speeds.
- Schedule truck deliveries and pickups during off-peak hour traffic circulation. This will alleviate traffic congestion; therefore, emissions during peak hour will be lowered.

Energy Efficient Measures:

- Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors. Reducing the need to heat or cool structures by improving thermal integrity will result in a reduced expenditure of energy and a reduction in pollutant emissions.
- Provide bicycle storage areas and amenities, including racks and lockers and ensure efficient parking management.
- Provide transit shelters.
- Provide roofing and road materials and tree planning programs to comply with the AQMP Miscellaneous Sources MSC-01 measure. This measure reduces the need for cooling energy in the summer.

Introduce window glazing, wall insulation, and efficient ventilation methods. The construction of buildings with features that minimize energy use is already required by the Uniform Building Code.

Finding

The City hereby finds that long term air quality impacts will be reduced with implementation of Mitigation Measures 3B.4 through 3B.8, but cannot be mitigated to below a level of significance. The City finds that this impact is acceptable based on the benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Transportation and Circulation

Impact: Increase in traffic that is substantial in relation to existing traffic load and capacity of the street system

The following project intersection would be significantly impacted with implementation of the project:

- Seventh Street/PCH
- SR-22 westbound on-ramp/Studebaker Road
- Second Street/Studebaker Road (if the Boeing project and associated mitigation do not proceed)

-
- Loynes Drive/PCH (proposed mitigation requires Caltrans concurrence)
 - Second Street/PCH (in the event Shopkeeper Road cannot be extended)
 - Second Street/Marina Drive (proposed new signal on PCH requires Caltrans concurrence)

The following mitigation is proposed to reduce traffic related impacts:

Measure 3L.3: A new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center shall be constructed as project mitigation. This roadway will provide a "bypass" route for some traffic to avoid the congested Second Street/PCH intersection. It will divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The proposed new roadway shall include the following improvements:

- It will be a new four-lane public roadway connection between the intersection of Studebaker Road/PCH and Second Street/Shopkeeper Road behind the Market Place shopping center. The applicant will be responsible for acquiring the necessary right-of-way and the project applicant will be responsible for the design and construction of the new roadway facility. The applicant will secure necessary approvals from other county, state and federal agencies with jurisdiction over such projects to the satisfaction of the Director of Planning and Building.
- At the Second Street/Shopkeeper Road intersection, Second Street shall be modified to provide an additional westbound left turn lane (two total) and Shopkeeper Road shall be modified to provide an additional right turn lane (two total). Shopkeeper Road shall also be modified to provide two receiving lanes at the intersection. The traffic signal shall be upgraded to provide a northbound right turn overlap operation.

In the event the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify alternative mitigation measures.

Measure 3L.4: At the intersection of PCH/Studebaker, the roadway shall have three departure lanes and two receiving lanes. Specific land configurations will be determined at the time of design.

An analysis was made of the new four-lane connection roadway. Using the regional travel demand model, this proposed link was evaluated and the number of diverted trips was estimated. These trips were then analyzed in the with-project conditions, and assumed a signalized intersection at the south (main) project driveway. The model showed that due to the congestion that exists at Second Street and PCH, northbound right turns and westbound left turns at this intersection would tend to use the new connector road, since it has available

capacity and is less congested. The analysis further showed that there would be improvement in the level of service at the Second Street and PCH intersection and the PCH at Studebaker Road intersection, thus fully mitigating project impacts at those intersections. Figure 3L.4 shows the future four-lane connection roadway, and the proposed lane configurations at the Second Street and Shopkeeper Road intersection and the PCH and Studebaker Road intersection.

Finding

The City hereby finds that transportation impacts to the above intersections will be reduced with implementation of Mitigation Measures 3L.3 and 3L.4, but cannot be mitigated to below a level of significance. The City finds that the state routes described above are within the responsibility and jurisdiction of another public agency and not the City and therefore cannot be guaranteed. The City also finds that improvements are infeasible due to existing infrastructure and right-of-way constraints.

The City finds that these impacts are acceptable based on the transportation improvements that will be implemented as a result of the project, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Impact: Cumulative traffic impacts

The project together with other anticipated development would result in an adverse cumulative transportation and circulation impact. Related projects located in the proposed project area include: the Boeing Specific Plan project (located in City of Seal Beach), Home Depot (at Loynes Drive/Studebaker Road), an expansion of Marina Shores East (Westminster Avenue/PCH). Twelve intersections would be significantly impacted by cumulative development. Physical roadway mitigation proposed by the Boeing Specific Plan (Second Street/ Studebaker Road) is assumed to be in place in 2009 since that project is fully committed. The cumulative projects have also proposed mitigations at the following project study intersections. However, these measures are not included in the analysis because the City believes they are not sufficiently committed.

- SR-22 westbound on-ramp/Studebaker Road
- SR-22 eastbound on-ramp/Studebaker Road
- Studebaker Road/Loynes Drive
- PCH/Seventh Street
- PCH/Loynes Drive

Project mitigation measures do not fully mitigate cumulative impacts to a level of insignificance and therefore significant cumulative impacts would remain. With implementation of project and Boeing Specific Plan mitigation measures, cumulative impacts with the South PCH Driveway not signalized will remain at the following intersections:

-
- Atherton Street/Bellflower Boulevard (AM/PM peak hours)
 - Seventh Street/Park Avenue (AM/PM peak hours)
 - Seventh Street/PCH (AM/PM peak hours)
 - Seventh Street/Bellflower Boulevard (AM/PM peak hours)
 - SR-22 westbound on-ramp/Studebaker Road (PM peak hour)
 - Second Street/Bay Shore Avenue (PM peak hour)
 - Second Street/Studebaker Road (AM peak hour)
 - PCH/Seal Beach Boulevard (AM peak hour)
 - PCH/Loynes Drive (AM/PM/Saturday peak hours)
 - Second Street/PCH (AM/PM/Saturday peak hours)
 - Studebaker Road/PCH (AM/PM peak hours)

As shown, the project and Boeing Specific Plan mitigation measures do not fully mitigate the cumulative impacts to a level of insignificance, and significant cumulative impacts would remain.

Finding

The City hereby finds that transportation impacts to the above intersections will be reduced with implementation of Mitigation Measures 3L.3 and 3L.4 (described above), but cannot be mitigated to below a level of significance. The City finds that the state routes described above are within the responsibility and jurisdiction of another public agency and not the City and therefore cannot be guaranteed. The City also finds that improvements are infeasible due to existing infrastructure and right-of-way constraints.

The City finds that these impacts are acceptable based on the transportation improvements that will be implemented as a result of the project, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

SECTION 5

Effects Determined To Be Not Significant or Less Than Significant

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

Aesthetics

Effects on Scenic Vistas. All areas surrounding the project site are developed with urban uses. There are existing views of the marina in the project area but this scenic resource is blocked from PCH by the existing hotel. The focal visual point of the proposed project would be the marina and the orientation of the project would provide view corridors on a few of the internal streets. Because of the siting and incorporation of discussed project features, the proposed project would blend with its surroundings when viewed from a significant distance and elevation. In conclusion, the effect of the proposed project on any scenic vistas that might be seen from an off-site area is not considered adverse and not mitigation is necessary.

Effects on Scenic Resources. The portion of PCH that is located adjacent to the project site is not designated as a state scenic highway. The proposed project would be developed in accordance with the stated policies and goals of the Scenic Routes Element of the General Plan and would enhance the views of the site from both Second Street and Marina Drive. The proposed project complies with the opens space standard, as it integrates usable open space into the site design. In conclusion, the proposed project site is relatively flat with no scenic outcroppings and the project impacts to scenic resources in the vicinity of the proposed project are considered less than significant and not mitigation is required.

Cumulative Aesthetics Impacts. The listed projects located in the project vicinity include various commercial and retail projects that are currently approved, but not built, or proposed for development. The proposed project would occur in an area that has already been impacted by urban development and the redevelopment of the site would be aesthetically consistent with the character and level of development in the area. The proposed project, as well as the related projects, would be required to comply with height limits and building setbacks that are established by the City. In conclusion, the

proposed project in combination with the listed projects would not have a cumulative aesthetic impact and no mitigation is required.

Air Quality

Localized ambient air quality. Multiple hotspot analyses were complete for the proposed project and found that in the CO concentrations would not exceed the state air quality standards. The project would not contribute to a formation of a CO hotspot and project operations would not expose sensitive receptors to substantial pollutant concentrations. The impact would be less than significant and no mitigation is required.

Impacts to sensitive receptors. The primary source of potential air toxics associated with project operations include diesel particulates from delivery trucks. Potential localized air toxic impacts from on-site sources of diesel particulate emissions would be minimal since only a limited number of heavy-duty trucks would access the project site for extended periods of time. The proposed project would not warrant the need for health risk assessment associated with on-site activities, and potential air toxic impacts would be less than significant. The proposed project would not release substantial amounts of toxic contaminants and no significant impact on human health would occur and no mitigation is necessary.

Incompatibility with area air quality policies. The project would be consistent with growth assumptions included in the AQMP and the impact would be less than significant. No mitigation is required.

Cultural Resources

Cumulative cultural impacts. The project's impacts on cultural resources are generally localized and do not affect the immediate vicinity surrounding the project site. The project would not result in cumulative impacts on cultural resources in the project area and no mitigation is required.

Geology and Soils

Cumulative geology and soils impacts. The impacts on geology and soils are generally localized or site-specific and do not result in regionally cumulative impacts. In addition, soil erosion would not be cumulatively considerable as there is no other construction in the area of the site. The proposed project with other projects in the area would not contribute to cumulative impacts on geology and soils in the area and the impact is considered less than significant and no mitigation is required.

Hazards

Cumulative hazards impact. Under existing conditions the site soils and groundwater are contaminated with hazardous substances that need to be removed and transported off-site to an approved disposal facility. Once the proposed site has been remediated operation of the completed project would involve the use and storage of household hazardous materials typical of other uses in the area. The proposed project, together with other area projects, would not contribute to the cumulative hazard impact and would result in less than significant impacts. No mitigation is required.

Hydrology and Water Quality

Alter the site's existing drainage pattern. The proposed project would redevelop an urban site that has already been substantially developed. The project would not significantly modify the existing drainage pattern or the quantity of runoff from the site. Since the project is located in an urban area and is currently developed with commercial uses the project would also not alter the course of a stream or river, substantially increase the rate of erosion, siltation, or the amount of surface runoff in a manner that would result in flooding on- or off-site. The proposed project would have a less than significant impact on the drainage pattern of the site and no mitigation is required.

Land Use

Conflict with existing land use plan. With the required discretionary applications, the proposed project would not conflict with the Citywide Strategic Plan, General Plan or Local Coastal Program. However, the proposed project's inconsistency with PD-1 (SEADIP) open space requirements is a potentially significant impact of the proposed project. Approval of the project, including its off-site landscaping would indicate the decision makers acceptance of the project and proposed off-site improvements, and a less than significant impact. The overall intent of the PD-1 (SEADIP) zoning district is to provide a community of residential, business, and light industrial uses integrated with a system of parks, open space, and trails. The proposed project substantially complies with the open space standard, integrating usable open space into the site design. The landscaping along PCH and Marina Drive is in excess of the required setback and includes bike trails and a promenade. The proposed project would require amendments to allow for residential land uses and Standards Variances for the less than the required setback along Second Street and for less than the required amount of open space. The City-established Guiding Principles have been incorporated to reinforce the project goals and identify the areas where the proposed project should continue to evolve. Those areas include: creating a more defined retail component, providing further details about the open space plan and further accentuating the project's unique location and the potential for it to become a destination through its architectural design. The proposed

project would have a less than significant impact regarding conflicting with a land use plan and no mitigation is required.

Cumulative land use impacts. The proposed project will not contribute to a pattern of development that adversely impacts adjacent land uses or conflicts with existing or planned development. Since the project would not conflict with applicable plans and policies, the incremental impact of the proposed project when considered with the related projects would be less than significant and no mitigation is required.

Noise

Temporary construction noise impacts. Construction activity associated with the project would comply with the standards established in the City of Long Beach Municipal Code. Impacts would be less than significant and no mitigation is required.

Groundborne vibration impacts to sensitive receptors. The construction impact on sensitive receptors from the use of heavy equipment is considered less than significant because the nearest sensitive receptors are the multi-family residences located along Marina Drive north Second Street, which is approximately 600 feet away from the proposed project site. Ground vibration decrease rapidly with distance and is typically an annoyance issue within 60 feet. At 600 feet construction groundbourne vibration levels would not exceed the building damage or human annoyance thresholds. In conclusion, the construction groundbourne vibration impact would be less than significant and no mitigation is required.

The project would not include significant stationary sources of groundborne vibration during operation. Operational groundborne vibration in the project vicinity would be generated by vehicular travel on the local roadways and would not be perceptible by sensitive receptors. Therefore, no mitigation is required.

Cumulative noise impacts. Noise from construction of the proposed project and related projects would be localized, therefore the noise may potentially affect the areas immediately surrounding or between each particular site. The nearest related project site is located approximately 850 feet apart and separated by numerous structures, so construction noise would not result in a noticeable increase in noise at sensitive receptors near the other project sites. Cumulative impacts associated with construction noise would not be significant and no mitigation is required.

The areas surrounding the site have been developed with uses that have previously generated and would continue to generate. The operational noise impacts related to project development would be less than significant. Cumulative roadway noise levels would not exceed the 3 dBA threshold increment. The project would not result in cumulatively considerable impact with respect to roadway noise and no mitigation is required.

Groundborne vibration impacts from equipment that would be used during construction and operations are localized. There are no related projects within 850 feet of the proposed project. As such there is no potential for cumulative groundbourne vibration impacts and no mitigation is required.

Population and Housing

Substantially induce population growth. Housing impacts and subsequent population growth would result from construction of new housing units. The direct population growth resulting from the development of the proposed residential uses would account for 3.5 percent of the population growth expected in the City between 2005 and 2030. The estimated population generated by the proposed residential uses would represent a small percentage of population growth anticipated within the Los Angeles County. The project would not result in the direct inducement of significant population growth, but rather would respond to the regional demand for additional goods, services, and housing. The proposed project would more likely accommodate rather than induce growth, therefore the proposed project would have less then a significant impact on population growth in the project area and no mitigation is required.

Cumulative impact. The net population increase in housing associated with the proposed project would also be well within the household growth forecast for Long Beach and Los Angeles County. The project would help revive a regional housing shortage that exists in southern California. Because of the housing shortage in the project area and the County, the proposed project would not have cumulative impacts on population and housing and therefore no mitigation is necessary.

Public Services and Utilities

Fire Protection. The proposed project could result in an increase in response calls to the project site from the Long Beach Fire Department (LBFD) and may increase the need for fire protection services to the site the LBFD predicts that it will be able to absorb this additional demand. The proposed project in and of itself would not significantly impact the LBFD and would not increase fire service needs to the point where the acceptable ratios, response times, or other performance objectives would be compromised. The impact to fire services is less than significant and mitigation is not required.

Police Protection. The proposed project area does not contain any potential safety or security problems in the site vicinity, as PCH and Second Street provide emergency access. The additional 170,000 square feet of retail and 425 residential units would increase demand on police services, although the site location is in an area of the City that has a fairly low crime rate. Calls generated from the new housing units that could be of any type and are difficult to predict. The proposed project would not increase police

services to the point of where acceptable rations, response times, or other performance objectives would be compromised. The impact to police services is less than significant and mitigation is not required.

Schools. The proposed project would an estimated 12 total students and of that 12 and estimated six would be in elementary school, three would be in middle school, and three would be in high school. The LBUSD's existing capacity is 74,192 seats and enrollment is 97,560 students and current enrollment is exceeded by 23,368 seats. The impact to schools is less than significant and no mitigation is necessary beyond the payment fee required by standard regulatory controls.

Wastewater generation. The proposed project would increase wastewater generation at the site to approximately 108,125 gallons per day; an increase to wastewater treatment needs in the City by .002 percent. The City currently has 62.3 mgd of additional capacity to treat wastewater; therefore the proposed project would not result in the construction or expansion of a new wastewater treatment facility. Impacts would be less than significant and mitigation would not be required.

Water consumption. The project would result in consumption of 150,875 gallons of water per day, an increase of 114,875 gallons of water per day. The LBWD indicated that there are sufficient supplies to serve the proposed project from existing entitlements and resources. The proposed project would not be expected to exceed existing entitlements allocated for the City. The impacts would be less than significant and no mitigation is required.

Cumulative impact. Similar to the proposed project, related projects would likely include features designed to reduce impacts on fire and police protection and these projects would be evaluated on an individual basis to determine appropriate mitigation measures. Each service provider has a separate process for review and upgrade of staff and facilities independent of the development process. The combined cumulative impact associated with the project's and related projects effect on fire and police services would be less than significant and no mitigation is required.

None of the other related projects are residential therefore would not expect to generate new students, thus cumulative impacts to schools would be less than significant and no mitigation is required.

The cumulative generation of wastewater would be 189,533 gpd; however, the City recognizes this growth and as such is proactively planning for future expansion capacity and extension of service lines to accommodate growth. Cumulative impacts of the proposed project and related projects would be less than significant and no mitigation measures are necessary.

The cumulative water consumption would be 197,036; however, the LBWD is considering new water sources and has developed plans to increase the water supply in

the future as pollution growth demands. With the City's water conservation and water recycling programs being implemented, its water supply can meet cumulative projects demand for water. Therefore, cumulative impacts of the proposed project and related projects would be less than significant and no mitigation measures are required.

Other related projects would also generate an increase demand for landfill capacity during construction and operation. Including the proposed project, these related projects are expected to recycle and reuse a large portion of the construction debris, thus reducing the amount of material disposed of at area landfills. With the City's implementation of its source reduction and recycling programs cumulative impacts to solid waste disposal would be less than significant.

Recreation

Cumulative impact. The proposed project together with related residential projects within the project vicinity would increase the population in the City of Long Beach. Similar to the proposed project, related projects would be required to provide recreational facilities or pay an in-lieu fee. The proposed project would not contribute in an adverse cumulative recreation and open space impact and no mitigation is necessary.

Other Issues

Cumulative impact on biological resources. The project is located in a developed area that also has limited open space and opportunities for biological resources, therefore the construction and operation of the proposed project would not appreciably affect biological resources to the point of a significant impact to cumulative biological resources would occur because of the limited resources at the site and its surroundings. Impacts would be a less than significant and no mitigation is required.

SECTION 6.0

Feasibility of Project Alternatives

Project Alternatives

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

Alternatives Withdrawn from Further Consideration

The City identified three alternative sites with the criterion of finding infill sites that could be redeveloped to increase high-quality housing and economic opportunities. As briefly discussed below, none of these sites are environmentally superior to the project site and the applicant does not control any of the sites:

- Tank Farm Site (located between the San Gabriel River and the Los Cerritos Channel): This site is 16.7-acres and is currently zoned PD-1 Subarea 19 that allows for industrial land uses. This site was rejected as the applicant does not control the site and it is currently being proposed to be developed as a Home Depot.
- Oil Operators: The Oil Operators site located at 712 West Baker Street. The site is 13.28-acres and is zoned for single-family residential standard lots (R-1-N). The site was eliminated from consideration as it has limited access (primary access route would be through a residential area) and the applicant does not control the site.
- Robertshaw Control Company: Located at 100 W. Victoria Street, this 7.88-acres site is zoned General Industrial. This site was rejected, because the applicant does not control the site. In addition, this site is one of the few remaining industrial sites in the City, which the City would like keep in order to maintain its economic base.

Alternatives Analyzed in the EIR

Alternative 1: No Project/No Build Alternative

Under the No Project Alternative, the proposed project would not be constructed, and the existing Seaport Marina Hotel would continue to operate. The current ingress/egress on PCH would remain, and other circulation elements would generally remain in their existing configuration.

Alternative 1 would not address the need for high-quality housing nor would it generate additional tax revenues associated with the proposed project, and the site would continue to be underutilized. These needs are identified as high priorities for the City of Long Beach in both the Citywide Strategic Plan and the LUE of the General Plan.

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

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

Alternative 2: Retail Alternative

Alternative 2 (Retail Alternative) would include the construction of 350,000 square feet of retail space. Alternative 2 would likely provide at least two large big box anchors and smaller retail land uses, in addition to other ancillary uses such as restaurants, a fitness center, and other related services.

Under this alternative, it is assumed that structures would be similar to the proposed project in terms of height, density, and mass. Similar to the proposed project, it is assumed that subterranean and surface parking would be provided.

Alternative 2 would be consistent with existing land use designations and would not require a General Plan or LCP Amendment to allow for the residential land uses. However, it is assumed under this alternative the design and layout of the site would be similar, therefore, Alternative 2 would require a Site Plan Review, a Tentative Subdivision Map, and Standards Variances for open space and the setback along Second Street and a Local Coastal Development Permit.

Consistency with Project Objectives. The Retail Alternative would meet six of the seven objectives of the proposed project in terms of providing a sales-tax generating economic opportunity that complements the nearby marina area:

-
- Create an aesthetically attractive, high quality design that reflects the property's unique orientation adjacent to an active marina;
 - Provide a high level of accessibility to and through the site to ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit;
 - Provide an economical reuse of the project site while minimizing adverse impacts to surrounding properties.
 - Design and implement comprehensive site development standards that minimize adverse impacts to the environment;
 - Enhance the economic vitality of the City of Long Beach and provide property tax, sales tax, and other revenue opportunities; and
 - Provide amenities for public access to the Marina.

Alternative 2 would not address the City's need for high-quality housing, although it would provide greater economic development and sales tax-generation opportunities for the City as compared to the proposed project.

Feasibility/Finding. The Retail Alternative would have a similar impact to aesthetics, cultural resources, and hazards and would avoid the significant unavoidable adverse impacts of the proposed project related to construction air quality and project impacts associated with transportation and circulation. The Retail Alternative would cause a greater impact to air quality, noise, population and housing, and transportation.

The operational impacts to transportation and circulation under this alternative would increase as retail uses generate more traffic than residential. This alternative could also impact more intersections compared to the proposed project, thus the operational traffic impacts with implementation of Alternative 2 would be significant.

Alternative 3: Reduced Project Alternative

Implementation of the Reduced Project Alternative would include construction of 140,000 square feet of retail space and 340 residential units, a reduction of 20 percent compared to the proposed project. The Reduced Project Alternative would include similar elements as the proposed project with a similar building design and characteristics. Under Alternative 3, the building height would be reduced to one- to three-stories, as compared to up to five stories (a maximum of 68 feet) under the proposed project. This alternative includes all other elements and amenities described for the proposed project (landscaping, etc.). Similar to the proposed project, this alternative would include subterranean and surface parking.

Alternative 3 would require the same discretionary actions as the proposed project.

Consistency with Project Objectives. The Reduced Project Alternative would meet all of the objectives of the proposed project, although it would reduce housing and sales tax-generation opportunities in the City as compared to the proposed project.

Feasibility/Finding. The Reduced Project Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related construction air quality, and transportation and circulation. This alternative would have a similar impact for aesthetics, cultural resource, geology and soils, hazards, water quality, and noise. This alternative would have a reduced impact on public services and air quality. As with the proposed project the impacts to transportation and circulation under this alternative are still anticipated to be significant.

Alternative 4: Hotel/Retail Alternative

The Hotel/Retail Alternative would include 170,000 square feet of retail space (as with the proposed project) and a 130-room hotel (instead of the 425 residential units in the proposed project). No residential units would be constructed. In addition to the 130 guest rooms, the hotel would include other amenities such as banquet and meeting rooms, recreation areas (outdoor pool) and other ancillary services. Under this alternative, it is assumed that structures would be similar to the proposed project in terms of height, density, and mass. Similar to the proposed project, it is assumed that subterranean and surface parking would be provided similar to the proposed project.

Alternative 4 would be consistent with the existing land use designations and would not require a General Plan or LCP Amendment to allow for residential uses. However, it is assumed under this alternative the design and layout of the site would be similar. Therefore, Alternative 4 would require Site Plan Review, a Tentative Subdivision Map, and Standards Variances for open space and the setback along Second Street, and a Local Coastal Development permit.

Consistency with Project Objectives. Alternative 4 would meet all of the project objectives of the proposed project and would provide a sales-tax generating economic opportunity that complements the nearby marina area. However, Alternative 4 would not address the City's need for high-quality housing, although it would provide greater economic development and sales tax-generation opportunities for the City as compared to the project.

Feasibility/Finding. The Hotel/Retail Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related to construction air quality, and would have a greater impact on traffic increase. This alternative would have a similar impact on aesthetics, cultural, hazards, and water quality. There would be a reduced impact under this alternative for public services and utilities.

As with the proposed project impacts to area traffic would still be significant and adverse with the implementation of Alternative 4.

Alternative 5: Oil Pipeline Relocation

Under this alternative, the 170,000 square feet of retail and 425 residential units included as the proposed project would be constructed. However, the existing oil

pipeline/easement located on the eastern boundary of the project site would be moved 16 feet east of its current location (within the right-of-way of PCH). This would reduce the project setback along PCH from 28 feet to 20 feet. Implementation of this alternative would also increase the amount of excavation and would result in some disruption to traffic on PCH. All project components described under the proposed project would be included with Alternative 5.

Consistency with Project Objectives. Alternative 5 would meet all of the project objectives of the proposed project and would provide a sales-tax generating economic opportunity that complements the nearby marina area.

Feasibility/Finding. The Oil Pipeline Relocation Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related to construction air quality. As with the proposed project impacts to area traffic would still be significant and adverse with the implementation of Alternative 5.

Comparison of Alternatives and Process for Identification of the Environmentally Superior Alternative

An EIR must identify the environmentally superior alternative. The No Project Alternative would be environmentally superior to the proposed project on the basis of minimization or avoidance of physical environmental impacts. However, the No Project Alternative does not meet any of the project objectives. In addition, *CEQA Guidelines* (Section 15126.6(c)) require that, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Alternative 3, the Reduced Alternative would be the environmentally superior alternative. Alternative 3 would meet project objectives, but not to the same degree as the project (i.e., Alternative 3 would not provide as much housing, tax revenue, etc.).

SECTION 7.0

General Findings

1. The plans for the project have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes.
2. Comments regarding the Draft EIR received during the public review period have been adequately responded to in written Responses to Comments attached to the Final EIR and Errata.
3. Comments regarding the Draft EIR received during the public review period have been adequately responded to in written Responses to Comments attached to the Final EIR and Errata.
3. To the degree that any impacts described in the Final EIR are perceived to have a less than significant effect on the environment or that such impacts appear ambiguous as to their effect on the environment as discussed in the Draft EIR, the City has responded to key environmental issues and has incorporated mitigation measures to reduce or minimize potential environmental effects of the proposed project to the maximum extent feasible.

Attachment 1
**Mitigation Monitoring and
Reporting Program**

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Aesthetics							
Measure 3A.1: Prior to the issuance of any demolition permit, the applicant shall prepare a "Construction Staging and Management Plan" to be approved by the Director of Planning and Building that will establish entry and exit points for construction employees, location of temporary office facilities, location of demolition materials marshalling areas, location of construction materials staging areas, the height of a security fence and procedures for keeping the construction site clear of trash and weeds to minimize to the extent reasonably feasible impacts to the visual character and quality of the site, and require covering of material that can be carried by winds in accordance with SCAQMD regulations.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Demolition Permit and on-going Building and Safety Monitoring During Construction			
Measure 3A.2: Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that all exterior lighting shall be limited to ground level and the plazas to accent project landscaping areas. Security lighting shall be used in the proposed project area such as in the plazas of the building and limited to project entrances, landscaping, as well as loading areas. All lighting shall be shielded to prevent "spillover" to adjacent properties. Demonstration shall be to the satisfaction of the Director of Planning or Building.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Measure 3A.3: Prior to the issuance of any building permit, the applicant shall demonstrate on the final project plans that the proposed project shall use non-reflective building materials and careful selection of exterior building materials as well as window glass treatments. Prior to the completion of final plans and specifications for each structural element of the proposed project, plans and specifications shall be submitted to the Department of Planning and Building for review to ensure that the selection of exterior building materials and window glass treatments would not create uncomfortable levels of glare on public roadways or surrounding redirected areas for the structural elements of the proposed project. Demonstration shall be to the satisfaction of the Director of Planning or Building.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Air Quality							
The following mitigation measures are for construction activities: Measure 3B.1: Fugitive Dust Control Measures. The following shall be implemented during construction to minimize fugitive dust and associated particulate emissions: <ul style="list-style-type: none"> Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require twice daily applications (once in late morning and once at the end of the workday). Increased watering shall be required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph. 	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Air Quality (cont.)							
<ul style="list-style-type: none"> The amount of disturbed area shall be minimized and on-site vehicle speeds shall be limited to 15 mph or less. If importation, exportation and stockpiling of fill material is involved, earth with five percent or greater silt content that is stockpiled for more than two days shall be covered, kept moist or treated with earth binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard. After clearing, grading, earth moving or excavation is completed, the disturbed area shall be treated by watering, revegetation, or by spreading earth binders until the area is paved or otherwise developed. All material transported off-site shall be securely covered to prevent excessive amounts of dust. 							
<p>Measure 3B.2: No_x Control Measures. The following shall be implemented throughout construction to reduce emissions of nitrogen oxides:</p> <ul style="list-style-type: none"> When feasible, electricity from temporary power poles on-site shall be utilized rather than temporary diesel or gasoline generators. When feasible, on-site mobile equipment shall be fueled by methanol or natural gas (to replace diesel-fueled equipment) or propane or butane (to replace gasoline-fueled equipment). Aqueous diesel fuel or biodiesel (B20 with retarded fuel injection timing), if available, shall be used in diesel fueled vehicles when methanol or natural gas alternatives are not available. 	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
<p>Measure 3B.3: Ozone Precursor Control; Measures. The following shall be implemented throughout construction to reduce emissions of ozone precursors ROC and NO_x:</p> <ul style="list-style-type: none"> Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications. Schedule construction periods to occur over a longer time period (i.e., lengthen from 60 to 90 days) during the smog season so as to minimize the number of vehicles and equipment operating simultaneously. Use new technologies to control ozone precursor emissions as they become readily available. 	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
<p>The following mitigation measures are included for operational activities:</p> <p>Measure 3B.4: The applicant shall use light-colored roofing materials to deflect heat away from buildings.</p>	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
<p>Measure 3B.5: The applicant shall use double-paned windows to reduce thermal loss in buildings in compliance with Title 24 of the California Code of Regulations.</p>	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Air Quality (cont.)							
Measure 3B.6: The applicant shall install automatic lighting on/off controls and energy-efficient lighting	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
Measure 3B.7: The project applicant shall ensure that construction contractors use architectural coatings limited to a VOC content of 75 grams per liter or less.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
Measure 3B.8: CO, NO _x , ROC regional emissions associated with the operation of the proposed project was shown to exceed the threshold of significance. The most significant reductions in regional and local air pollutant emissions are attainable through programs that reduce the vehicular travel associated with implementation of the proposed project. Support and compliance with the AQMP for the basin is the most important measure to achieve this goal. The AQMP includes improvement of mass transit facilities and implementation of vehicular usage reduction programs. Additionally, energy conservation measures are included.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Department of Public Works	Issuance of Building Permit			
The following measures shall be incorporated into the project to minimize public health impacts to sensitive receptors: Transportation Demand Management Measures (TDM): <ul style="list-style-type: none"> • Provide adequate ingress and egress at all entrances to the proposed project site to minimize vehicle idling at curbsides. • Provide dedicated turn lanes as appropriate and provide roadway improvements at heavily congested roadways. The areas where this measure would be applicable are the intersections in and near the project area. Presumably, these measures would improve traffic flow. Emissions would drop as a result of the higher traffic speeds. • Schedule truck deliveries and pickups during off-peak hour traffic circulation. This will alleviate traffic congestion; therefore, emissions during peak hour will be lowered. Energy Efficient Measures: <ul style="list-style-type: none"> • Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors. Reducing the need to heat or cool structures by improving thermal integrity will result in a reduced expenditure of energy and a reduction in pollutant emissions. • Provide bicycle storage areas and amenities, including racks and lockers and ensure efficient parking management. • Provide transit shelters. • Provide roofing and road materials and tree planning programs to comply with the AQMP Miscellaneous Sources MSC-01 measure. This measure reduces the need for cooling energy in the summer. 							

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Air Quality (cont.)							
<ul style="list-style-type: none"> Introduce window glazing, wall insulation, and efficient ventilation methods. The construction of buildings with features that minimize energy use is already required by the Uniform Building Code. 							
Cultural Resources							
<p>Measure 3C.1: Prior to the issuance of any grading permit, the applicant shall provide documentation that an archaeologist who is listed on the County of Los Angeles list of certified archaeologists has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee.</p> <p>If archaeological resources, such as chipped or ground stone, dark or friable soil, large quantities of shell, historic debris, or human bone, are inadvertently discovered during ground disturbing activities, no further construction shall be permitted within 250 feet of the find until the City of Long Beach has been notified and a qualified archaeologist can be secured to determine if the resources are significant per the Criteria of Eligibility in the NRHP regulations (36 CFR 60.4) and the California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet these standards of significance, construction shall proceed.</p> <p>If the archaeologist determines that further information is needed to evaluate significance, the City of Long Beach shall be notified and a data recovery plan shall be prepared.</p> <p>The Data Recovery Plan shall delineate a plan and timetable for evaluating the find. The plan shall also emphasize the avoidance or preservation, if possible, of significant impacts to archaeological resources. If avoidance or preservation is not possible, the acquisition of data from the site or salvage through excavation that produces qualitative and quantitative data sets of scientific value may be considered an effective mitigation measure damage to or destruction of the deposit or components of it (Public Resources Code Section 21083.2(d)). Upon approval of this Plan by the City staff, the plan shall be implemented prior to reactivation of any project activities within 250 feet of the resources' boundary.</p> <p>The results of the fossil recovery program shall be documented in a technical report that includes an itemized inventory of specimens. Specimens recovered during grading activities shall be prepared to a point of identification and permanent preservation. All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with this recovery program and report preparation.</p>	Pre-Construction / Construction	City of Long Beach Department of Public Works	City of Long Beach Planning and Building Department and City of Long Beach Department of Public Works	Periodic Reporting During Construction			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Cultural Resources							
<p>Measure 3C.2: Prior to the issuance of any grading permit, the applicant shall provide documentation that a Native American monitor, who is listed with the Native American Heritage Commission, has been retained and shall be on-site during all rough grading and other significant ground disturbing activities. This requirement shall be verified by the Director of Planning and Building or their designee.</p> <p>If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The county coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the NAHC, which shall determine and notify a most likely descendant (MLD). With the permission of the landowner or an 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.</p>	Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Periodic Reporting During Construction			
<p>Measure 3C.3: In conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained and shall be on site during all rough grading and other significant ground disturbing activities in paleontologically sensitive sediments.</p> <p>In the event that fossil resources are noted within the project area, construction in the vicinity of the find shall 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.</p>	Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Periodic Reporting During Construction			
Geology and Soils							
<p>Measure 3D.1: Prior to the issuance of any building permits, the applicant shall demonstrate on the final site drawings that earthquake-resistant design has been incorporated into the drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.</p>	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Building Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Geology and Soils (cont.)							
Measure 3D.2: Prior to the issuance of any building permit, the applicant shall demonstrate that the design and construction of the proposed structures include methods for densifying and thus increasing the strength of loose, liquefaction susceptible soils at depth, such as columns and compaction grouting, as specified in the geotechnical report. Demonstration shall be to the satisfaction of the Director of Planning and Building or their designee.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Building Permit			
Measure 3D.3: Prior to the issuance of any precise grading permit, the applicant shall demonstrate on the precise grading plans or a supplemental geotechnical report that where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompacted in accordance with the requirements of the appropriate governmental agencies.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Precise Grading Permit			
Measure 3D.4: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a temporary shoring system with lagging shall be required during project excavation.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.5: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.6: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a registered geotechnical engineer shall be present on-site to observe grading operations and foundation excavations.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.7: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that on-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas would not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.8: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that where there is sufficient space for sloped excavations, temporary cut slopes may be made according to the recommendations of the geotechnical report. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Vertical excavations heights shall be in accordance with the geotechnical investigation recommendations.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Geology and Soils (cont.)							
Measure 3D.9: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that if temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.10: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.11: Prior to the issuance of any final precise grading permit, the applicant shall demonstrate on the precise grading plans or shoring plans that where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Precise Grading Permit			
Measure 3D.12: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.13: Prior to the issuance of any grading permit, the applicant shall demonstrate on the final grading plans that a drainage system shall be placed at the bases of building walls below grade.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.14: Prior to the issuance of a grading permit the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMP's that would be implemented on the site to control predictable pollutant runoff.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.15: As specified in the geotechnical investigation, 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 the geotechnical investigation, subject to review by the Director of Planning and Building or their designee prior to the issuance of any grading permits.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			
Measure 3D.16: 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, subject to review and approval by the Director of Planning and Building or their designee prior to the issuance of any grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soil testing as necessary, consistent with local, state, and federal regulations.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Grading Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Hazards							
Measure 3E.1: Prior to the issuance of any demolition permits, the project applicant shall submit an application to the Long Beach Fire Department (LBFD) for approval to re-abandon wells and remove any pipeline conveyance systems from the property. The LBFD shall review the application for compliance with local, state, and federal requirements with well- and pipeline-handling procedures including sampling of subsurface soils and transport and disposal of tanks and soils/liquids. The LBFD shall oversee and monitor the operation in accordance with local, state, and federal requirements.	Pre-Construction	City of Long Beach Fire Department	City of Long Beach Fire Department	Issuance of Demolition Permit			
Measure 3E.2: Prior to the issuance of any demolition permits, all identified mercury, asbestos containing materials (ACMs), and lead-based paints (LBPs) shall be removed, handled, and properly disposed of by appropriately licensed and qualified individuals in accordance with 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 (for example, SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (for example, all required waste manifests, sampling, and air monitoring test results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, 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). A survey for mercury shall be undertaken on the site and any mercury shall be removed in accordance with applicable regulations.	Pre-Construction	City of Long Beach Department of Public Works	City of Long Beach Department of Public Works	Issuance of Demolition Permit			
Measure 3E.3: Prior to the issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the Long Beach Fire Department for review and approval. 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 conveyance systems and associated equipment.	Pre-Construction	City of Long Beach Fire Department	City of Long Beach Fire Department	Issuance of Demolition Permit			
Measure 3E.4: Prior to the issuance of any precise grading permit and after removal of the pipeline conveyance systems, and hazardous materials storage area(s), a detailed soil matrix investigation workplan shall include sampling for petroleum. The purpose of the investigation will be to confirm the previously reported remediation at the site and to delineate the reported soil impact at the site. The findings of the investigation and the results of any sampling shall be summarized in the workplan. The Long Beach CUPA or the RWQCB will determine whether groundwater sampling is required.	Pre-Construction / Construction	CUPA and/or RWQCB	CUPA and RWQCB	Issuance of Building Permit upon receipt of No Further Action Letter (soils) Issuance of first Certificate of Occupancy upon receipt of No Further Action Letter (groundwater)			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Hazards (cont.)							
<p>The Long Beach CUPA or the RWQCB shall review the workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the Long Beach CUPA or the RWQCB for compliance with local, state, and federal regulations. Any additional sampling or soil or groundwater removal shall be subject to these same regulations. After remediation activity is completed to the satisfaction of the Long Beach CUPA or the RWQCB, a No Further Action Letter is to be issued prior to the issuance of the first building permit(for soils) and prior to issuance of the first certificate of occupancy (for groundwater).</p> <p>The project applicant shall also perform a subsurface soil sampling to determine if petroleum has impacted the subsurface soil in the location of the previously identified oil sumps in the northern area of the site and in the area of the suspected mud pit and/or areas of dark stained soil noted in the Phase I Environmental.</p> <p>The project applicant shall also perform a subsurface soil sampling to determine if petroleum has impacted the subsurface soil in the location of the previously identified oil sumps in the northern area of the site and in the area of the suspected mud pit and/or areas of dark stained soil noted in the Phase I Environmental Assessment historical aerial photographs.</p>							
<p>Measure 3E.5: Prior to the issuance of any 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, SCAQMD, and the Long Beach CUPA 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:</p> <ul style="list-style-type: none"> • A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures; • The identification of a site health and safety officer; • Methods of contact, phone number, office location, and responsibilities of the site health and safety officer; • Specification that the site health and safety officer shall be immediately contacted 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 the Long Beach CUPA shall be notified of evidence of soil contamination is encountered; and • Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut and fill operations. 	Pre-Construction	The City of Long Beach Planning and Building Department, SCAQMD, and CUPA and/or RWQCB	CUPA and/or RWQCB	Issuance of Grading Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Hazards (cont.)							
Measure 3E.6: Prior to the issuance of any precise grading permit, the project applicant shall perform a soil gas survey for fixed gases including methane, hydrogen sulfide, and volatile organic compounds (VOCs) in the area of the abandoned oil well to assess the possible presence of methane or other vapors associated with abandoned wells.	Pre-Construction / Construction	CUPA and/or RWQCB	CUPA and/or RWQCB	Issuance of Precise Grading Permit			
Hydrology, Water Quality, and NPDES							
<p>Measure 3F.1: Prior to the issuance of any grading permit, the following measures shall be incorporated on to the final grading plans to ensure that dewatering will not violate water quality standards and or waste discharge requirements:</p> <ul style="list-style-type: none"> • Applicant shall submit a Report of Waste Discharge (ROWD) to the RWQCB prior to dewatering. As part of the ROWD, groundwater quality testing shall be conducted to determine that dewatered water quality is adequate for discharge. Groundwater sample analysis results shall be submitted to the RWQCB prior to discharge. • Dewatering shall be conducted in accordance with the Field Guide to Construction Site Dewatering, October 2001, CTSW-RT-01-010. • Periodic water quality samples shall be collected and analyzed during the dewatering activities to ensure quality of the discharged water. <p>If contaminants are reported in water sample results that exceed the RWQCB's discharge limits, discharge of dewatered water to surface waters shall cease immediately. Contaminated dewatered water shall be collected and treated prior to discharge, pursuant to RWQCB approval.</p>	Pre-Construction	City of Long Beach Department of Public Works and RWQCB	City of Long Beach Department of Public Works and RWQCB	Issuance of Grading Permit			
Noise							
Measure 3H.1: The project applicant shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which ensure an acceptable interior noise environment. Specifically, the project applicant shall submit an acoustical report prior to the issuance of building permits that demonstrates that the proposed building design and materials would ensure that interior noise levels attributable to exterior sources are no greater than 45 dBA CNEL.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department				

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Public Services and Utilities							
Measure 3J.1: Prior to the issuance of any demolition permit, 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. The plan shall identify methods for promoting recycling and reuse of construction materials and safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods for incorporating source reduction and recycling techniques into project construction and operation in compliance with state and local requirements such as AB 939.	Pre-Construction	LBESB	LBESB	Issuance of Demolition Permit			
Measure 3J.2: Prior to the issuance of any 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 and waste collection points throughout the site has been included in the design of the buildings to encourage recycling.	Pre-Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Recreation							
Measure 3K.1: The proposed project shall pay a per dwelling unit fee to the City of Long Beach in lieu of park land dedication in accordance with the City's Municipal Code Chapter 18.18.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Measure 3K.1: The proposed project shall pay a per dwelling unit fee to the City of Long Beach in lieu of park land dedication in accordance with the City's Municipal Code Chapter 18.18.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			
Transportation and Circulation							
Measure 3L.1: At Second Street/Marina Avenue, the project shall restripe the northbound approach to provide two left, one through and one right turn lane; restripe the southbound approach to provide one left, one through and one right turn lane; and upgrade the traffic signal to provide protected left turns and overlap phases. This improvement will fully mitigate this project's impacts at this location.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of first Certificate of Occupancy			
Measure 3L.2: The project shall construct a shared northbound right turn-through lane on Loynes Drive/PCH, along with the installation of new curb and gutter. The turn lane length would be approximately 150 feet. This improvement combined with the new traffic signal at the PCH main driveway would fully mitigate this project's impacts at this location.	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of first Certificate of Occupancy			
Measure 3L.3: A new four-lane roadway connecting Studebaker Road to Shopkeeper Road around the Marketplace shopping center shall be constructed as project mitigation. This roadway will provide a "bypass" route for some traffic to avoid the congested Second Street/PCH intersection. It will divert some northbound right turns and westbound left turns away from the Second Street/PCH intersection. The proposed new roadway shall include the following improvements: <ul style="list-style-type: none"> It will be a new four-lane public roadway connection between the intersection of Studebaker Road/PCH and Second Street/Shopkeeper Road behind the Market Place shopping center. The applicant will be 	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of first Certificate of Occupancy			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Transportation and Circulation (cont.)							
<p>responsible for acquiring the necessary right-of-way and the project applicant will be responsible for the design and construction of the new roadway facility. The applicant will secure necessary approvals from other county, state and federal agencies with jurisdiction over such projects to the satisfaction of the Director of Planning and Building.</p> <ul style="list-style-type: none"> At the Second Street/Shopkeeper Road intersection, Second Street shall be modified to provide an additional westbound left turn lane (two total) and Shopkeeper Road shall be modified to provide an additional right turn lane (two total). Shopkeeper Road shall also be modified to provide two receiving lanes at the intersection. The traffic signal shall be upgraded to provide a northbound right turn overlap operation. 							
<p>In the event the applicant is unable to satisfy Mitigation Measure 3L.3 after exhausting all actions identified in the mitigation measure, as determined by the Director of Planning and Building, the Planning Commission shall conduct a public hearing to determine if the mitigation is infeasible and, if determined infeasible, shall identify alternative mitigation measures.</p>							
<p>Measure 3L.4: At the intersection of PCH/Studebaker, the roadway shall have three departure lanes and two receiving lanes. Specific land configurations will be determined at the time of design.</p> <p>An analysis was made of the new four-lane connection roadway. Using the regional travel demand model, this proposed link was evaluated and the number of diverted trips was estimated. These trips were then analyzed in the with-project conditions, and assumed a signalized intersection at the south (main) project driveway. The model showed that due to the congestion that exists at Second Street and PCH, northbound right turns and westbound left turns at this intersection would tend to use the new connector road, since it has available capacity and is less congested. The analysis further showed that there would be improvement in the level of service at the Second Street and PCH intersection and the PCH at Studebaker Road intersection, thus fully mitigating project impacts at those intersections. Figure 3L.4 shows the future four-lane connection roadway, and the proposed lane configurations at the Second Street and Shopkeeper Road intersection and the PCH and Studebaker Road intersection.</p>	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of first Certificate of Occupancy			
<p>Measure 3L.5: The applicant shall prepare a Shared Parking Analysis to the satisfaction of the Director of Planning and Building.</p>	Pre-Construction / Construction	City of Long Beach Planning and Building Department	City of Long Beach Planning and Building Department	Issuance of Building Permit			

**TABLE 1
MITIGATION MONITORING REPORT PROGRAM TABLE (CONT.)**

Mitigation Measure	Monitoring Phase	Enforcement Agency	Monitoring Agency	Action Indicating Compliance	Verification of Compliance		
					Initials	Date	Remarks
Other Issues							
<p>Measure 3M.1: To address the potential presence of nesting migratory birds and resulting MBTA and CFG Code impacts, within 15 days of any project actions that will cause a potentially substantial increase or other change in existing disturbance, the project proponent shall have a qualified biologist conduct a preconstruction migratory bird nesting survey. This survey shall cover all reasonably potential nesting locations for the relevant species on or closely adjacent to the project site.</p> <p>If an active nesting effort is confirmed or considered very likely by the biologist, no construction activities shall occur within at least 500 feet of the nesting site until measures to address the constraint are agreed to by the project proponent, U.S. Fish and Wildlife Service (USFWS) personnel, and California Department of Fish and Game (CDFG) personnel.</p> <p>Potentially appropriate measures to take may include one or more of the following as authorized by the USFWS and CDFG: (1) delaying work at the nest site location until either the nest has failed (for non-project-related reasons) or seven days after the last young leaves the nest, or (2) taking the young nestlings to a qualified wildlife rehabilitation center. Note that in the latter situation, it will normally be necessary for the biologist retrieving the young to be properly experienced and permitted for the specific work required.</p>	Pre-Construction / Construction	City of Long Beach Department of Public Works, City of Long Beach Planning and Building Department, USFWS, and CDFG	City of Long Beach Department of Public Works, City of Long Beach Planning and Building Department, USFWS, and CDFG	On-going			

STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its unavoidable, adverse environmental impacts in determining whether to approve a project. Section 15093 of the *CEQA Guidelines* provides the following:

- (a) *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*
- (b) *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*
- (c) *If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.*

Significant Unavoidable Adverse Impacts

Although mitigation measures have been included where feasible for potential project impacts as discussed in the Findings of Fact, there is no complete mitigation for the

following project impacts: short-term construction air quality, long-term regional air quality, and project and cumulative traffic impacts.

Air Quality

Short-term Construction Air Quality Impacts. Air quality impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Construction of the project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the project site. In addition, fugitive dust emissions would result from site preparation and construction activities. Mobile source emissions, primarily NO_x, would result from the use of construction equipment such as bulldozers, wheeled loaders, and cranes. During the finishing phase, paving operations and the application of architectural coatings (i.e., paints) and other building materials would release reactive organic compounds.

Maximum unmitigated regional emissions would exceed the South Coast Air Quality Management District (SCAQMD) daily significance thresholds for ROC and PM₁₀.

Long-term Regional Air Quality Impacts. Long-term air emissions are those associated with stationary and mobile sources involving any project-related change. The proposed mixed-use project would result in both stationary and mobile sources. Regional emissions associated with project operations would be generated by on-road vehicles and energy consumption. Emissions associated with energy use would be generated by the consumption of electricity and natural gas. Weekday and weekend operational emissions would exceed the SCAQMD daily threshold for NO_x, ROC and CO.

Transportation and Circulation

Project-related Traffic Impacts. The following project intersection impacts cannot be mitigated. Therefore these impacts remain significant and adverse:

- Seventh Street/PCH
- SR-22 westbound on-ramp/Studebaker Road
- Second Street/Studebaker Road (if the Boeing Specific Plan project and associated mitigation do not proceed)

In addition, the following intersections will remain significantly impacted because proposed mitigation and/or proposed improvements that affect the intersections will require additional agency approvals other than the City. Therefore, their implementation cannot be guaranteed:

- Loynes Drive/PCH (proposed mitigation requires Caltrans concurrence)
- Second Street/PCH (in the event Shopkeeper Road cannot be extended)

- Second Street/Marina Drive (proposed new signal on PCH requires Caltrans concurrence)

Cumulative Traffic Impacts. The project, together with other anticipated development, would result in an adverse cumulative transportation and circulation impact. Related projects located in the proposed project area include: the Boeing Specific Plan project (located in the City of Seal Beach), Home Depot (at Studebaker Road/Loynes Drive), Marina Shores East (PCH/Studebaker Road). Twelve intersections would be significantly impacted by cumulative development. Physical roadway mitigation proposed by the Boeing Specific Plan (Second Street/ Studebaker Road) is assumed to be in place in 2009 since that project is fully committed. The cumulative projects have also proposed mitigations at the following project study intersections. However, these measures are not included in the analysis because sufficient commitment has not been guaranteed.

- SR-22 westbound on-ramp/Studebaker Road
- SR-22 eastbound on-ramp/Studebaker Road
- Studebaker Road/Loynes Drive
- PCH/Seventh Street
- PCH/Loynes Drive

Project mitigation measures do not fully mitigate cumulative impacts to a level of insignificance and therefore significant cumulative impacts would remain. With implementation of project and Boeing Specific Plan mitigation measures, cumulative impacts with the South PCH Driveway not signalized will remain at the following intersections:

- Atherton Street/Bellflower Boulevard (AM/PM peak hours)
- Seventh Street/Park Avenue (AM/PM peak hours)
- Seventh Street/PCH (AM/PM peak hours)
- Seventh Street/Bellflower Boulevard (AM/PM peak hours)
- SR-22 westbound on-ramp/Studebaker Road (PM peak hour)
- Second Street/Bay Shore Avenue (PM peak hour)
- Second Street/Studebaker Road (AM peak hour)
- PCH/Seal Beach Boulevard (AM peak hour)
- PCH/Loynes Drive (AM/PM/Saturday peak hours)
- Second Street/PCH (AM/PM/Saturday peak hours)
- Studebaker Road/PCH (AM/PM peak hours)

The project and Boeing Specific Plan mitigation measures do not fully mitigate the cumulative impacts to a level of insignificance, and significant cumulative impacts would remain.

Overriding Considerations

The California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against the unavoidable environmental risks in determining whether to approve the project. The City of Long Beach Planning Commission has determined that the significant unavoidable adverse project impacts, which will remain significant after mitigation, are acceptable and are outweighed by specific overriding economic, legal, social, technological, and other benefits. Further, the alternatives that were identified in the Final EIR would not provide the project benefits, as summarized below, to the same extent as the proposed project:

1. The City of Long Beach Planning Commission finds that all feasible mitigation measures have been imposed to lessen project impacts to less than significant levels; and furthermore, that alternatives to the project are infeasible because while they have similar or less environmental impacts, they do not provide all of the benefits of the project, or are otherwise infeasible when compared to the project, as described in the Statement of Facts and Findings.
2. The proposed project would provide a vibrant mixed-use center that would include commercial and retail uses as well as other amenities to serve the needs of local residents, visitors, businesses, and employers in Long Beach.
3. The proposed project would provide high quality housing to serve the needs of homebuyers in the City.
4. The proposed project provides amenities that encourage and promote public access to the adjacent Marina.
5. The proposed project provides a high level of accessibility to and through the site to ensure a high-quality pedestrian environment, efficient vehicular access, and access to mass transit.
6. The proposed project utilizes design and comprehensive site development standards that minimize adverse impacts to the environment through sensitive land use planning and design features.
7. The proposed project provides an economical reuse of the project site while minimizing adverse impacts to surrounding properties.
8. The proposed project allows for the transition of the project site from an underutilized commercial property to a mixture of new land uses that can

provide jobs and housing and promote economic revitalization and growth in conjunction with the goals, programs, and policies included in the City's General Plan and SEADIP (PD-1).

9. The proposed project enhances the economic vitality of the City and provides a source of property tax, sales tax, and other revenue opportunities.
10. Significant and unavoidable air quality impacts resulting from construction of the proposed project would be limited to temporary grading and construction phases of the proposed project. Construction (short-term) air quality impacts will be substantially reduced with implementation of mitigation measures. Long-term air quality impacts would also occur. Long-term regional air quality impacts are expected to occur regardless of project implementation.
11. The state routes affected by the project (PCH/SR-22) are within the responsibility and jurisdiction of another public agency (Caltrans) and not the City.
12. The proposed project will result in the implementation of transportation improvements in the project vicinity that would not occur in the absence of the project.

On balance, there are specific considerations associated with the proposed project that serve to override and outweigh the project's significant environmental impacts and the existence of an environmentally superior alternative that meets the project objectives, but not to the same degree as the project. Therefore, the City of Long Beach Planning Commission, having reviewed and considered the information contained in the EIR documents, the Technical Appendices and the public record, adopts the Statement of Overriding Considerations that has been balanced against the unavoidable adverse impacts in reaching a decision on this project.