

H-21

January 18, 2022

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and consider a third-party appeal by Supporters Alliance for Environmental Responsibility (APL 21-006);

Adopt a Resolution approving and adopting an Addendum (EIRA-06-20) to the Program Environmental Impact Report (PEIR) for the City of Long Beach Downtown Plan (PEIR-SCH# 2009071006) relating to the 636 Locust Development (Project) in the Downtown Plan (PD-30) Area and the Downtown Plan Program EIR Land Use Equivalency Program (Equivalency Program), in accordance with the provisions of the California Environmental Quality Act (CEQA) Section 15164 of the CEQA Guidelines and making certain CEQA Findings and Determinations relative thereto, including a finding that the adopted Downtown Plan Mitigation Monitoring and Reporting Program mitigates, to the extent feasible, impacts associated with Equivalency Program projects, in accordance with those measures set forth in the Downtown Plan, and that no new or different mitigation measures are required; and,

Deny the appeal and approve a Site Plan Review (SPR 20-011) for a new seven-story mixed-use building containing 108 dwelling units and 1,188 square feet of ground floor commercial uses at 636 Locust Avenue in the Downtown Plan (PD-30) Zoning District. (District 1)

DISCUSSION

On September 16, 2021, the Planning Commission held a public hearing and conditionally approved a Site Plan Review (SPR) request for a new seven-story mixed-use building containing 108 dwelling units with ground floor commercial space, located at 636 Locust Avenue (Project) in the Downtown Plan (PD-30) Height Incentive Area within the Downtown (DT) General Plan Land Use Element (LUE) PlaceType. The Planning Commission found the Project within the scope of the previously certified Downtown Plan Program Environmental Impact Report (PEIR) and approved and adopted the Downtown Plan Program EIR Land Use Equivalency Program (Equivalency Program) and the 7th and Locust Development – Downtown Plan EIR Addendum (Attachment A).

The subject property is 22,000-square-foot in size and located at the southeast corner of Locust Avenue and 7th Street (Attachment B). The Project is bounded by Locust Avenue to the west and 7th Street to the north. An existing north-south alley (Waite Court) borders the eastern property line and is 18-foot wide (Attachment B). The property is currently developed with a

former auto repair facility. Adjacent uses include a middle school and high school to the north, a surface parking lot to the west, commercial uses to the east, and a two-story multi-family residential use to the south.

Site Plan Review

The Project includes the demolition of the on-site structure and construction of a seven-story mixed-use building containing 108 dwelling units, 1,188 square feet of ground level commercial uses, and an integrated four-level, 135-stall parking garage at 636 Locust Avenue (Attachment C). Vehicle access to the parking garage will be taken from Waite Court. The existing alley (Waite Court) will be widened by two-feet, with an alley dedication, that will result in a 20-foot-wide right-of-way for two-way vehicular traffic.

The parking areas will be located in four levels: two subterranean, one at-grade, and one above-grade. The Project provides 135 parking spaces, which includes one parking space per unit (108 spaces) and guest parking at a rate of one space per four dwelling units (27 spaces). The proposed 1,188 square feet of ground level commercial use is exempt from parking because the size of the tenant space is less than 6,000 square feet. The site is located within a transit-rich environment in proximity to regional and local transit and active transportation infrastructure. The Project also includes 32 bicycle parking spaces located on the ground level.

The site is in the PD-30 Height Incentive Area, a subarea that allows high-rise development up to 240 feet. The Project will be 98 feet in height, which is less than half of the allowable base height limit for the area. The scale of the mid-rise building is compatible with the variable scale found in the surrounding area. In addition, the building design and setback on the upper floors provide buffering to the adjacent two-story residential building located to the south of the Project.

The PD-30 Zoning District encourages architectural design that promotes high-quality mixed-use development with pedestrian-oriented ground floors. The building's 7th Street frontage contains pedestrian entrances to the main lobby of the building and to the commercial space. Double-height retail and amenity spaces line 7th Street with a 15-foot high ground floor, creating high transparency with visual connection and interaction between the building's interior social spaces and exterior public sidewalk. Amenities include a ground floor fitness area, lounge, bike storage and community room. Ground floor units with sidewalk entries and second floor residential units line Locust Avenue, activating the street.

Residential units are located on the seven floors of the building. The Project includes 77 one-bedroom units, 11 one-bedroom units with a den, 17 two-bedroom units, and 3 three-bedroom units. All 108 market rate units would be larger than the PD-30 Zoning District minimum 600 square feet unit size. The application (App. No. 2004-11) to redevelop the site was filed on April 16, 2020, prior to March 6, 2021, the effective date of the Inclusionary Housing Ordinance (ORD-21-0006). Therefore, this Project is not subject to the provisions of the Inclusionary Housing Ordinance. The market rate units are essential to address the well-documented City of Long Beach (City) and state-wide housing shortages and are consistent with goals and policies of the General Plan.

The Project is designed to conform with all applicable development standards of PD-30 and is consistent with the type and intensity of development intended by the Zoning District. The level of design quality and architectural expression of the building is consistent with the goals of the Downtown Plan for high-quality building design and architecture (Attachment D). The Project, as conditioned (Attachment E) does comply with all the provisions of the Downtown Plan.

Program Environmental Review Background

The Project is within PD-30 Zoning District. Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City certified the Downtown Plan Program Environmental Impact Report (PEIR) [SCH No. 2009071006] on January 17, 2012. The Downtown Plan PEIR analyzed the potential environmental impacts that may result from the implementation of PD-30. Specially, the PD-30 PEIR assessed the impact resulting from the implementation of the density and intensity of PD-30, which includes allowing up to: (1) approximately 5,000 new residential units; (2) 1.5 million square feet of new office, civic, cultural, and similar uses; (3) 384,000 square feet of new retail; (4) 96,000 square feet of restaurants; and (5) 800 new hotel rooms.

Downtown Plan EIR Addendum - Downtown Plan Program EIR Land Use Equivalency Program (Equivalency Program) and 7th and Locust Development (Project)

The Downtown Plan PEIR analyzed the potential impacts of growth anticipated over the 25-year horizon of the Plan. The anticipated 5,000 residential units has been met due to the high demand and critical need for housing; however, the growth of other uses, such as office, commercial, and hotel uses has not materialized. Upon review of the housing needs and development in the Downtown area, the City determined that additional residential development in the PD-30 area is needed and can be accommodated within the same levels of development contemplated by the PD-30 and its PEIR by allowing additional residential units while reducing commensurate levels of office, commercial, and hotel development.

A Land Use Equivalency Program (Equivalency Program) was developed as part of the preparation of the Addendum to the EIR to provide development flexibility so that PD-30 could respond to market conditions over the build-out duration of the plan. Land uses to be developed would be allowed to be reallocated among the permitted land uses so long as the limitations of the Equivalency Program are satisfied and do not exceed the analyzed upper levels of environmental impacts that are identified in the PD-30 PEIR or exceed the Plan's maximum Floor Area Ratios. Increases in permitted land uses can be reallocated for corresponding decreases of other permitted land uses under the proposed Equivalency Program (Attachment F).

To determine the reallocation rates, a Downtown Plan Equivalency Calculator (DPEC) has been developed to allow the City to easily track the approved projects and to reduce available commercial, office, and/or hotel space, accordingly, to accommodate increased demand for residential housing units, while staying within the overall levels of development and impacts analyzed in the PEIR. The DPEC has developed a conservative exchange rate to allow for the reallocation of commercial, office, and/or hotel space to residential units such that applicable regulations are satisfied, and no additional significant environmental impacts or substantially

greater impacts would occur than previously identified in the Certified PEIR. The DPEC provides for the initial reallocation of non-residential land use to account for an additional 3,260 housing units to be developed within the Downtown Plan area (Attachment G). The 3,260 additional residential units can be accommodated by reducing office uses by 417,060 square feet, commercial uses by 135,320 square feet, and hotel uses by 177 rooms.

The Project site is located in the height incentive area of PD-30. Considering the development pending approval and/or already approved, as of this point in time, and when accounting for the proposed Project at 636 Locust Avenue, this leaves a balance of 3,008 dwelling units, 592,950 square feet of office space, 140,970 square feet of commercial space, and 400 hotel rooms in the PD-30. The Planning Commission found the Project within the scope of the previously certified PD-30 PEIR and approved and adopted the Downtown Plan EIR Addendum as the environmental clearance for the Downtown Plan Program EIR Land Use Equivalency Program and the 7th and Locust Development (Project), in accordance with CEQA.

Public Hearing Notice

On September 16, 2021, the Planning Commission held a public hearing and considered public testimony. Two pieces of correspondence were received prior to the hearing (Attachment H). At the hearing, a representative of Supporters Alliance for Environmental Responsibility spoke in opposition to the environmental review process. The Planning Commission accepted and approved the EIR Addendum and conditionally approved (with a 5-0 vote) the SPR request.

Appeal

Within the ten-day appeal period, one third-party appeal was filed by the Supporters Alliance for Environmental Responsibility (Attachment I). The appellant asserts that the Addendum is not the appropriate environmental review because the changes proposed by the Land Use Equivalency Program (Equivalency Program) are not within the scope of the 2012 Downtown Plan PEIR, and that a new EIR or negative declaration must be prepared. While the appeal raises various procedural objections to the Project and use of the Addendum and equivalency approach, the appeal fails to provide any detailed evidence that the Project will result in significant environmental impacts not previously contemplated in the program EIR.

An EIR Addendum (EIRA 06-20) was prepared in accordance with CEQA and specifically Section 15164 of the CEQA Guidelines to analyze the proposed Project to determine whether the Project would result in any new significant environmental impacts or a substantial increase in the severity of impacts identified in the PD-30 PEIR (Attachment J). The Equivalency Program analysis prepared as a part of this Addendum determined that the Project will not result in any new significant impacts that exceed those analyzed in the PD-30 PEIR with mitigation measures included and that none of the conditions requiring a new subsequent or supplemental environmental impact report, as stated in Section 21155 of the Public Resources Code or in Sections 15162 or 15163 of the CEQA Guidelines, are present. Thus, the Addendum was prepared pursuant to CEQA Guidelines Section 15164. In addition, the development is subject to the Downtown Plan PEIR Mitigation Monitoring and Reporting Program (MMRP) (Attachment K). The MMRP is designed to ensure compliance with adopted mitigation

measures during Project implementation. Each mitigation measure recommended in the PEIR that applies to the Applicant's proposal is being imposed on the Project. Further, specifications are made that identify the action required by the Applicant and the monitoring that must occur. In addition, the party responsible for verifying compliance with individual mitigation measures is identified.

A detailed response to the appeal is attached (Attachment L) and demonstrates that the proposed Project would not result in an effect on the environment and would be consistent with all required findings. The Project would be consistent with the PD-30 development standards and the PEIR prepared for the Downtown Plan. The CEQA approach is consistent with best practices and law which focuses on streamlining development where previous review has occurred and on the adaptive use of program EIRs over time. Staff finds that the Project would not cause negative impacts upon the environment or surrounding areas that were not identified in the PEIR. The Project will not introduce new uses that are not already permitted by the Downtown Plan, but rather allows an expansion of already permitted uses, particularly new housing and associated retail space, furthering Plan goals by allowing new housing and associated retail space to meet the critical housing demand in the City and accommodate the needs of residents, tourists, employees, and business visitors in the greater downtown area. The Equivalency Program also reduces the amount of office and other uses that may be permitted downtown, resulting in reductions to uses with higher peak traffic generation and associational impacts than residential uses.

Staff has analyzed the Project in accordance with the required findings for SPR entitlement and finds that positive findings can be made for the Project and that the Addendum is an appropriate environmental clearance for the Equivalency Program and the proposed Project. As such, staff recommends the City Council uphold Planning Commission's approval of the Project and deny the appeal.

Public hearing notices were distributed on December 23, 2021, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. Any comments received prior to the City Council hearing will be provided to the City Council.

This matter was reviewed by Assistant City Attorney Dawn McIntosh on December 8, 2021 and by Budget Operations and Development Officer Rhutu Amin Gharib on December 27, 2021.

TIMING CONSIDERATIONS

City Council action is requested on January 18, 2022 to adopt a Resolution approving and adopting an Addendum (EIRA-06-20) to the Program Environmental Impact Report (PEIR) for the City of Long Beach Downtown Plan (PEIR-SCH# 2009071006) relating to the 636 Locust Development (Project) and Deny the appeal and approve a Site Plan Review (SPR 20-011).

HONORABLE MAYOR AND CITY COUNCIL

January 18, 2022

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FISCAL IMPACT

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

SUGGESTED ACTION

Approve recommendation.

Respectfully submitted,



OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: ATTACHMENT A – PLANNING COMMISSION STAFF REPORT (SEPTEMBER 16, 2021)
ATTACHMENT B – VICINITY MAP
ATTACHMENT C – PROJECT PLANS
ATTACHMENT D – FINDINGS
ATTACHMENT E – CONDITIONS OF APPROVAL
ATTACHMENT F – LAND USE EQUIVALENCY PROGRAM
ATTACHMENT G – DOWNTOWN PLAN EQUIVALENCY CALCULATOR
ATTACHMENT H – PLANNING COMMISSION CORRESPONDENCE
ATTACHMENT I – APPLICATION FOR APPEAL
ATTACHMENT J – DOWNTOWN PLAN PROGRAM EIR LAND USE EQUIVALENCY PROGRAM AND 7TH AND
LOCUST PROJECT EIR ADDENDUM
ATTACHMENT K – DOWNTOWN PLAN EIR AND MMRP
ATTACHMENT L – RESPONSE TO APPEAL

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING AND CERTIFYING THE DOWNTOWN PLAN PROGRAM EIR LAND USE EQUIVALENCY PROGRAM AND 7TH AND LOCUST DEVELOPMENT DOWNTOWN PLAN EIR ADDENDUM (EIRA 06-20) AS AN ADDENDUM TO THE DOWNTOWN PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (DPEIR) (SCH#2009071006) IN ACCORDANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND STATE AND LOCAL GUIDELINES; AND MAKING CERTAIN CEQA FINDINGS AND DETERMINATIONS RELATIVE THERETO; AND ADOPTING FINDINGS AND DETERMINATIONS, AND APPROVING THE PROJECT

The City Council of the City of Long Beach does hereby find, determine and resolve:

Section 1. Starpoint Properties, LLC has proposed a project at 636 Locust Avenue located at the southeast corner of Seventh Street and Locust Avenue in the Downtown Plan (PD-30) Zoning District (“the Project”), consisting of the demolition of on-site structures and construction of a new seven-story mixed use building containing 108 dwelling units, 1,188 square feet of ground floor commercial uses, and an integrated four-level, 135 stall parking garage. Said Project description and Project location are more fully described in the Downtown Plan Program EIR Land Use Equivalency Program and 7th and Locust Development Downtown Plan EIR Addendum (EIRA-06-020) (Addendum); which Addendum is an addendum to the Program Environmental Impact

1 Report for the Downtown Plan (PD-30) (SCH#2009071006), as certified and approved by
2 the Long Beach City Council on January 10, 2010, copies of which EIR and EIR Project
3 Addendum are incorporated herein by this reference as though set forth in full, word for
4 word.

5 Section 2. At the time the City Council approved and adopted the Long
6 Beach Downtown Plan on January 10, 2012, the City Council made certain Findings and
7 determinations in accordance with the provisions of the California Environmental Quality
8 Act (CEQA), adopted a Statement of Overriding Considerations for each environmental
9 impact identified in the PEIR as “significant and unavoidable,” and adopted a Mitigation
10 Monitoring and Reporting Program (“MMRP”). The content of said Findings, Statement of
11 Overriding Considerations, and MMRP are hereby incorporated herein by this reference
12 as though set forth herein word for word.

13 Section 3. The Downtown Plan Program EIR Land Use Equivalency
14 Program and the 7th and Locust Development Downtown Plan EIR Addendum (EIRA
15 0620) to the Downtown Plan Environmental Impact Report (DPEIR) prepared in
16 connection with the Project represents and discusses certain modifications to the
17 approved Long Beach Downtown Plan and is considered an addition to the previous
18 project environmental review documentation and approvals for the Downtown Plan.
19 A copy of the Land Use Equivalency Program analysis, and the Addendum EIRA-06-20,
20 together with technical appendices and other supporting documentation, has been
21 provided to the City Council for its review and consideration; and are hereby incorporated
22 herein by this reference as though set forth in full, word for word.

23 Section 4. Pursuant to Section 15164 of the CEQA Guidelines, and based
24 on the evidence and oral and written testimony presented at all previous public hearings,
25 and based on all of the information contained in the files of the Development Services
26 Department on the Project (incorporated herein by this reference), including the PEIR for
27 the Long Beach Downtown Plan, and the Addendum to the PEIR for the Project, and
28 including, but not limited to, the September 16, 2021, Planning Commission written and

1 oral staff reports, and the January 18, 2022, City Council written and oral staff reports, the
2 City Council finds that:

3 A. The Downtown Plan Program EIR Land Use Equivalency Program
4 and the 7th and Locust Project EIR Addendum (EIRA 06-20), as an Addendum to the
5 Downtown Plan Environmental Impact Report (DPEIR)(PEIR) (Addendum), has been
6 completed in compliance with CEQA.

7 B. The PEIR Addendum reflects the independent judgment and analysis
8 of the City as lead agency with respect to the Project.

9 C. None of the conditions described in CEQA Guidelines Section 15162
10 which call for the preparation of a subsequent or supplemental EIR have occurred or exist.

11 D. The PEIR Addendum is appropriate since the Project would not result
12 in any additional significant impacts; nor would it increase the severity of previously
13 anticipated impacts. Rather, all the impacts associated with the Project are within the
14 envelope of impacts addressed in the certified PEIR; and/or do not constitute a new or
15 greater significant impact. Thus, a supplemental or subsequent EIR is not required
16 pursuant to Public Resources Code Section 21166, or California Code of Regulations,
17 Title 14, Sections 15162 or 15163, because none of the conditions described in Section
18 15162 calling for the preparation of a subsequent or supplemental EIR have occurred or
19 exist.

20 Section 5. The CEQA Findings made in this Resolution are based on the
21 information and evidence set forth in PEIR for the Long Beach Downtown Plan and the
22 EIR Addendum, and upon such other substantial evidence (both oral and written) which
23 has been presented in the record of the proceeding, including, but not limited to, that
24 information received by the City Council at the public hearing conducted on January 18,
25 2022, including the Staff Report presented to the City Council on that date and the
26 Response prepared by ESA on behalf of the City to the Supporters Alliance for
27 Environmental Responsibility (SAFER) Appeal submitted to the City on or about
28 September 27, 2021. The PEIR and the PEIR Addendum, staff reports, testimony,

1 technical studies, appendices, plans, specifications, figures, exhibits, ESA response
2 prepared on City's behalf, and other materials that constitute the record of proceedings on
3 which this Resolution is based are on file and available for public examination during
4 normal business hours in the Department of Development Services, Planning Bureau, 411
5 West Ocean Boulevard, 3rd Floor, Long Beach, CA 90802. The custodian of said records
6 is the Director of Development Services.

7 Section 6. Decision.

8 A. The City Council hereby approves and adopts the Downtown
9 Plan Program EIR Land Use Equivalency Program and the 7th and Locust Development
10 Downtown Plan EIR Addendum (EIRA 0620) as an Addendum to the Downtown Plan
11 Environmental Impact Report (DPEIR) for the Project, which Addendum and all
12 Appendices and Exhibits thereto, are incorporated herein by this reference as though set
13 forth in full word for word.

14 Section 7. The City Council hereby approves and incorporates herein by
15 this reference, each fact and finding as set forth in the City Council Staff Report dated
16 January 18, 2022, relating to the Site Plan Review (SPR20-011) for the Project and
17 hereby approves the Project as it is described herein and in the Staff Report and other
18 supporting materials dated January 18, 2022.

19 Section 8. The appeal filed by Supporters Alliance for Environmental
20 Responsibility (SAFER) on or about September 27, 2021, is hereby denied.

21 Section 9. This resolution shall take effect immediately upon its adoption
22 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 _____, 2022, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s) Councilmembers: _____

City Clerk

September 16, 2021

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Find the project within the scope of the previously-certified Downtown Plan Program Environmental Impact Report (PEIR) (SCH#2009071006); Approve and adopt the Downtown Plan Program EIR Land Use Equivalency Program and 7th and Locust Development Downtown Plan EIR Addendum (EIRA 06-20) as an Addendum to the Downtown Plan Environmental Impact Report (DPEIR) (SCH #2009071006) pursuant to CEQA Guidelines Section 15162. (District 1 and District 2);

Approve Site Plan Review SPR20-011 to allow the demolition of on-site structures and construction of a new seven-story mixed-use building containing 108 dwelling units, 1,188 sq. ft. of ground floor commercial uses, and an integrated four-level, 135 stall parking garage located at 636 Locust Avenue in the Downtown Plan (PD-30) Zoning District. (District 1)

APPLICANT: Starpoint Properties, LLC
c/o Sandy Schmid, VP Development
433 North Camden Drive, Suite 100
Beverly Hills, CA 90210
(Application No. 2004-11)

DISCUSSION

Project Site

The subject property is 22,000-square-foot in size located at the southeast corner of the intersection of Locust Avenue and 7th Street in the PD-30 District (Height Incentive Area) (Attachment A - Vicinity Map). The project site is bounded by Locust Avenue to the west and 7th Street to the north. An existing alley (Waite Court) currently borders the eastern property line. and is 18-feet wide. Adjacent uses are typical of the downtown setting and are described in Table 1.



Table 1: Uses Adjacent to the Subject Site

Location	Zoning Designation	Land Use
North	PD-30	Oropeza Elementary School and Renaissance High School for the Arts
East	PD-30	Commercial-retail businesses
West	PD-30	Surface parking lot, Molina Healthcare Facility and El Economico (newspaper publisher)
South	PD-30	Two-story, multifamily residential

As shown on Figure 1, Project Site, the parcel has approximately 147 linear feet of street frontage along Locust Avenue to the west and approximately 145 linear feet of street frontage along 7th Street to the north. The property is currently developed with a former Auto Care facility.

Figure 1: Project Site



The site is served by a variety of multi-modal, local, and regional transportation options. It has access from the Interstate-710 (I-710) freeway, which travels north-south with an off-ramp at 6th Street, and an on-ramp that can be accessed via 7th Street. As of June 2021, Long Beach Transit offers a modified bus schedule that operates four bus routes along 7th Street. Additional regional access is provided by the Metro A line, which travels to and from downtown Los Angeles and the

greater Los Angeles County area, with the 5th Street Station at Long Beach Boulevard, between 4th and 5th Street, approximately 500 feet southeast of the project site.

The site is located within the Downtown (DT) General Plan Land Use Element (LUE) PlaceType designation, which is subject to the development standards of the PD-30 zoning district. The PD-30 area is divided into a Downtown Plan area and a Downtown Neighborhood Overlay district. The project site is located in the height incentive area of the Downtown Plan area, which intends for high intensity development featuring a combination of land uses including retail, offices, and higher density residential uses.

Site Plan Review

The project includes the demolition of the on-site structure and construction of a seven-story mixed-use building containing 108 dwelling units, 1,188 square feet of ground level commercial uses, and an integrated four-level, 135-stall parking garage at 636 Locust Avenue (Attachment B - Project Plans). Vehicle access to the parking garage will be from Waite Court. The 18-foot wide alley will be widened by two-feet, with an alley dedication, that will result in a 20-foot-wide alley to allow for two-way vehicular traffic. The parking areas will be located in four levels: two subterranean, one at-grade, and one above-grade. The Project provides 135 parking spaces, which includes one parking space per unit (108 spaces) and guest parking at a rate of one space per four dwelling units (27 spaces). The proposed 1,188 square feet of ground level commercial uses is exempt from parking because the size of the tenant space is less than 6,000 square feet. As noted above, the project site is located within a transit-rich environment in proximity to regional and local transit and active transportation infrastructure. The project also includes 32 bicycle parking spaces located on the ground level. Additional amenities include 108 individual unit storage spaces that will measure a minimum of 25 square feet in area and contain at least 175 cubic feet of space, per PD-30 requirements.

The site is in the PD-30 Height Incentive Area, a subarea that allows high-rise development. The PD-30 Height Incentive Area is characterized by mid- and high-rise residential development, high-intensity employment, and various retail, cultural, and entertainment destinations. The maximum base floor area ratio (FAR) in the PD-30 Height Incentive Area is 8.0. While the proposed project's total gross building area is approximately 172,068, the total floor area for commercial and residential enclosed building space is 79,374 square feet, and thus the Project's FAR is 3.6:1, in accordance with Zoning Code provisions and FAR calculations.

The base height limit in the PD-30 Height Incentive Area is 240 feet. The total height of the project will be 98-feet in height, which is less than half of the allowable base height limit for the area. The Project is also designed to conform with all applicable development standards of PD-30 and is consistent with the type and intensity of development intended by the Zoning District.

The PD-30 Zoning District encourages architectural design that promotes high-quality mixed-use development with pedestrian-oriented ground floors. The building's 7th Street frontage contains pedestrian entrances to the main lobby of the building and to the commercial space. Double-height retail and amenity spaces line 7th Street with a 15-foot high ground floor creating high transparency with visual connection and interaction between the building's interior social spaces and exterior public sidewalk. Amenities include a ground floor fitness area, lounge, bike storage and community room. Ground floor units with sidewalk entries and second floor residential units line Locust Avenue, activating the street. Tenants can access the Project's residential lobby from the ground floor entrance along 7th Street and from the parking areas.

PD-30 permits a zero-foot setback along Locust Avenue and 7th Street at the project site. The ground floor building area would be built to the property line with the exception of corner cut-off areas for visibility and the lobby and commercial tenant space entries on 7th Street and residential unit entries on Locust Avenue.

Residential units are located on the seven floors of the building. The project includes 77 one-bedroom units, 11 one-bedroom with den, 17 two-bedroom units, and 3 three-bedroom units. All 108 market rate units would be larger than the PD-30 Zoning District minimum unit size of 600 square feet. The application (App. No. 2004-11) to redevelop the site was filed on April 16, 2020, prior to March 6, 2021, the effective date of the inclusionary housing ordinance (ORD-21-0006). Therefore, this project is not subject to the provisions of the inclusionary housing ordinance. The market rate units contribute to the reduction of the well-documented City and state-wide housing shortage and are consistent with goals and policies of the General Plan.

PD-30 requires common outdoor open space for the Project equal to 15 percent of lot area (3,300 square feet). The Project contains outdoor open space area (2,925 square feet) on the third floor and a roof deck (2,405 square feet) on the 7th floor. The areas of common outdoor open space total 5,330 square feet. These open space areas feature a mix of softscape and hardscape and includes a variety of amenities including seating areas, barbeque, and pool. In addition to common outdoor open space requirements, PD-30 requires new developments containing 21 or more dwelling units to provide at least one community room measuring 500 square feet or greater. A 736-square-foot gym and 687-square-foot lounge area located on the ground floor and a 600-square-foot community room located on the 3rd floor exceeds the PD-30 minimum requirement. At least 50 percent of all residential dwelling units are required to contain private open space in the form of either a balcony, patio, or roof terrace. A total of 54 units feature a private balcony. The project's open space meets or exceeds the PD-30 open space requirements.

The scale of the mid-rise building is well within the height limit for this area of PD-30, and the project would be compatible with both the mix uses and the variable scale found in surrounding area, including the Oropeza Elementary School and Renaissance High School for the Arts located across 7th Street to the north, a surface parking lot, the Molina Healthcare facility, and El Economico, a newspaper publisher to the west across Locust Avenue, commercial-retail businesses to the east,

across the alley (Waite Court) and a two-story residential building immediately to the south of the subject site. The existing auto service building is built to the property line. The project is designed at the same zero-foot setback with the enclosed parking garage on levels one and two; no openings will face the existing two-story building, and the upper floors will be setback 10-feet to provide a buffer. There is open space at the podium level (floor 3) that will include landscaping and privacy screening. Residential balconies and a courtyard amenity deck add depth and textural form along the frontages. The ground floor retail areas would feature a storefront window system with canopies. The above-grade parking areas would be fully screened. The building's material palette uses cool and neutral grey base colors contrasted with accents of blues and off-whites. The upper residential levels are clad in smooth and sanded stucco while the majority of the podium is wrapped with a contemporary brick veneer. Balcony areas will feature welded wire mesh or perforated metal guardrails. The ground floor elevations will include double-height storefront windows on 7th Street and aluminum wood-look slats. Locust Avenue will include window and entry features at the ground level. All windows will have recessed features to provide depth to the elevations as required in the PD-30 Design Guidelines. The level of design quality and architectural expression of the building is consistent with the goals of the Downtown Plan for high-quality building design and architecture (Attachment C - Findings). The project, as conditioned (Attachment D - Conditions of Approval) does comply with all the provisions of the Downtown Plan.

PUBLIC HEARING NOTICE

A total of 87 notices of public hearing were distributed within a 300-foot radius from the project site on August 16, 2021 in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. In addition, a public hearing notice was published in the Press-Telegram on August 16, 2021. As of the preparation of this report, no public comments have been received (Attachment E - Public Correspondence).

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City of Long Beach adopted a Certified Downtown Plan Program Environmental Impact Report (Certified PEIR) [SCH No. 2009071006] in January 2012. The Certified PEIR analyzed the potential environmental impacts that may result from the implementation of the Downtown Plan (PD-30). The Certified PEIR assumed that full implementation of the Downtown Plan could increase the density and intensity of existing Downtown land uses by allowing up to (1) approximately 5,000 new residential units; (2) 1.5 million square feet of new office, civic, cultural, and similar uses; (3) 384,000 square feet of new retail; (4) 96,000 square feet of restaurants; and (5) 800 new hotel rooms.

A Land Use Equivalency Program (Equivalency Program) was prepared as part of the Addendum to provide development flexibility so that the Downtown Plan could respond to market conditions over the build-out duration of the plan. Land uses to be developed would be allowed to be reallocated among the permitted land uses so long as the limitations of the Equivalency Program are satisfied and do not exceed the analyzed upper levels of environmental impacts that are

identified in the Program Environmental Impact Report (Certified PEIR) or exceed the maximum Floor Area Ratio (FAR). Increases in permitted land uses can be reallocated for corresponding decreases of other permitted land uses under the proposed Equivalency Program. (Attachment F - Land Use Equivalency Program)

A new residential project, when considered with projects that have been completed, under construction, or approved, would exceed the approximately 5,000 residential units contemplated in the Certified PEIR. However, the Certified PEIR also evaluated impacts from the construction and operation of 480,000 square feet of retail/commercial space, 1,500,000 square feet of office space, and 800 hotel rooms. To date, approximately 203,710 square feet of retail/commercial space, 490,000 square feet of office space, and 223 hotel rooms have been completed, is under construction, or approved. Given that there is a demand for new housing units in the Downtown Plan Area and decreased demand for new commercial,¹ office, and hotel uses, a Land Use Equivalency Program analysis has been prepared to characterize the extent of additional residential development that could occur within the Downtown Plan Area. To determine the reallocation rates, a Downtown Plan Equivalency Calculator (DPEC),² has been developed to allow the City to easily track the approved projects and to reduce available commercial, office, and/or hotel space, accordingly, to accommodate increased demand for residential housing units while staying within the overall impacts analyzed in the PEIR. The DPEC has developed a conservative exchange rate to allow for the reallocation of commercial, office, and/or hotel space as residential units such that applicable regulations are satisfied, and no additional significant environmental impacts or substantially greater impacts would occur than previously identified in the Certified PEIR. The DPEC provides for the initial reallocation of non-residential land use to account for an additional 3,260 housing units to be developed within the Downtown Plan area (Attachment G - Downtown Plan Equivalency Calculator).

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, this project was analyzed as part of the previously Downtown Plan Environmental Impact Report (DPEIR) (SCH#2009071006). An EIR Addendum (EIRA 06-20) was prepared to analyze the proposed project to determine whether the project would result in any new significant environmental impacts or a substantial increase in the severity of impacts identified in the Certified PEIR (Attachment H - Downtown Plan Program EIR Land Use Equivalency Program and 7th and Locust Project EIR Addendum). The Land Use Equivalency Program analysis prepared as a part of this Addendum determined that the project will not result in any new significant impacts that exceed those analyzed in the Downtown Plan PEIR with mitigation measures included. In addition, the development is subject to the Downtown Plan PEIR Mitigation Monitoring and Reporting Program (MMRP) (Attachment I - Downtown Plan MMRP). The MMRP is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure

¹ Note that commercial land use includes restaurant and retail uses.

² Environmental Science Associates (ESA). *Downtown Plan Equivalency Calculator Memorandum*. April 2021.

CHAIR AND PLANNING COMMISSIONERS

September 16, 2021

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recommended in the PEIR that applies to the applicant's proposal, specifications are made that identify the action required and the monitoring that must occur. In addition, the party responsible for verifying compliance with individual mitigation measures is identified.

Respectfully submitted,



ANITA JUHOLA-GARCIA
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



PATRICIA DIEFENDERFER, AICP
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP
DEPUTY DIRECTOR OF DEVELOPMENT
SERVICES



OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

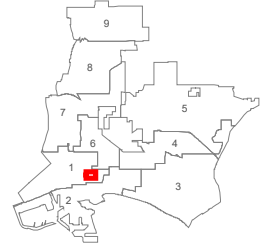
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Attachments:

- Attachment A – Vicinity Map
- Attachment B – Project Plans
- Attachment C – Findings
- Attachment D – Conditions of Approval
- Attachment E – Public Correspondence
- Attachment F – Land Use Equivalency Program
- Attachment G – Downtown Plan Equivalency Calculator
- Attachment H – Downtown Plan Program EIR Land Use Equivalency Program and 7th and Locust Development – Downtown Plan EIR Addendum
- Attachment I – Downtown Plan MMRP



Subject Property:
636 Locust Ave
Application No. 2004-11
Council District 1
Zoning Code : PD-30



7th & LOCUST

LONG BEACH, CALIFORNIA



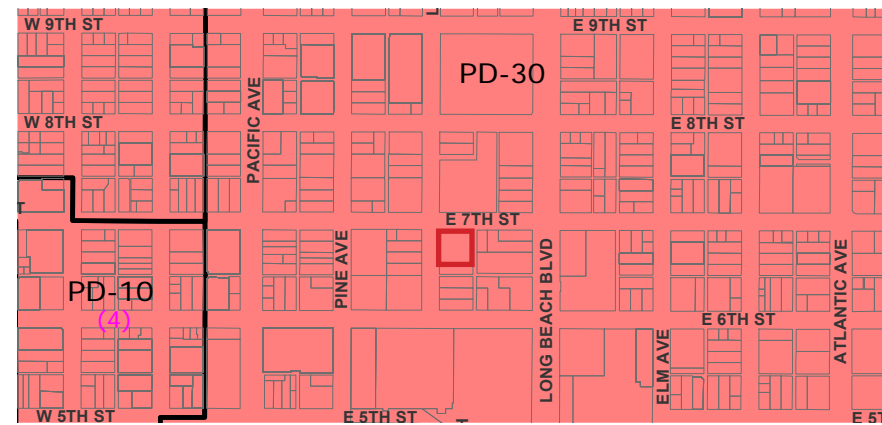
CONCEPTUAL PERSPECTIVE



VICINITY MAP



AERIAL VIEW



ZONING MAP

SHEET INDEX

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2	VICINITY MAP
3	SITE CONTEXT
4	SITE PLAN & PROJECT NARRATIVE
5	FIRE ACCESS PLAN
6	BASEMENT 2 PLAN
7	BASEMENT 1 PLAN
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9	SECOND FLOOR PLAN
10	THIRD FLOOR PLAN
11	FOURTH - SIXTH FLOOR PLAN
12	SEVENTH FLOOR PLAN
13	ROOF / MEZZANINE FLOOR PLAN
14	SHADE / SHADOW STUDY
15	CONCEPTUAL BLDG. SECTIONS
16	CONCEPTUAL BLDG. SECTIONS
17	UNIT MIX & DATA TABLES
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19	UNIT PLANS - 1C, 1C-L, & 1D
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21	UNIT PLANS - 1B, 2B & 1E
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43	CIVIL ON-SITE UTILITY PLAN

PROJECT SUMMARY

ADDRESS: 636 Locust Avenue
 APN: 7273-026-004
 ZONE: PD-30 Downtown Long Beach

SITE AREA: 0.5165 AC - 22,500 SF
 PROPOSED UNITS: 108 DU
 PROPOSED DENSITY: 108/.5165 = 209 DU/AC
 MAX HEIGHT ALLOWED: 240'
 PROPOSED HEIGHT: 98'

PROPOSED BUILDING

7 STORY MULTI-FAMILY BUILDING. 5 LEVELS OF TYPE III-A WOOD CONSTRUCTION OVER 2 LEVELS OF ABOVE GROUND TYPE I-A CONCRETE PARKING GARAGE AND 2 LEVELS OF UNDERGROUND TYPE I-A PARKING GARAGE. OCCUPANCY CONSISTS OF R2, S2, B and A3. 7TH STORY CONSISTS OF MEZZANINE UNITS WITH LOFT SPACES AS WELL AS AN OPEN AIR A3 OCCUPIABLE ROOF DECK. TOTAL OF 108 UNITS, 135 PARKING SPACES, 32 BICYCLE STALLS, AND 5,000 SF OF COMMUNITY AMENITY SPACE.

PROJECT DESIGN TEAM:

APPLICANT:

StarPoint Properties
 Contact: Sandy Schmid
 433 N. Camden Dr., Suite 1000
 Beverly Hills, CA 90210
 T: 310.651.2093
 sandys@starpointproperties.com

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CIVIL ENGINEER:

United Civil-LA, Inc.
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 1189 Durfee Ave, Suite 220
 South El Monte, CA 91733
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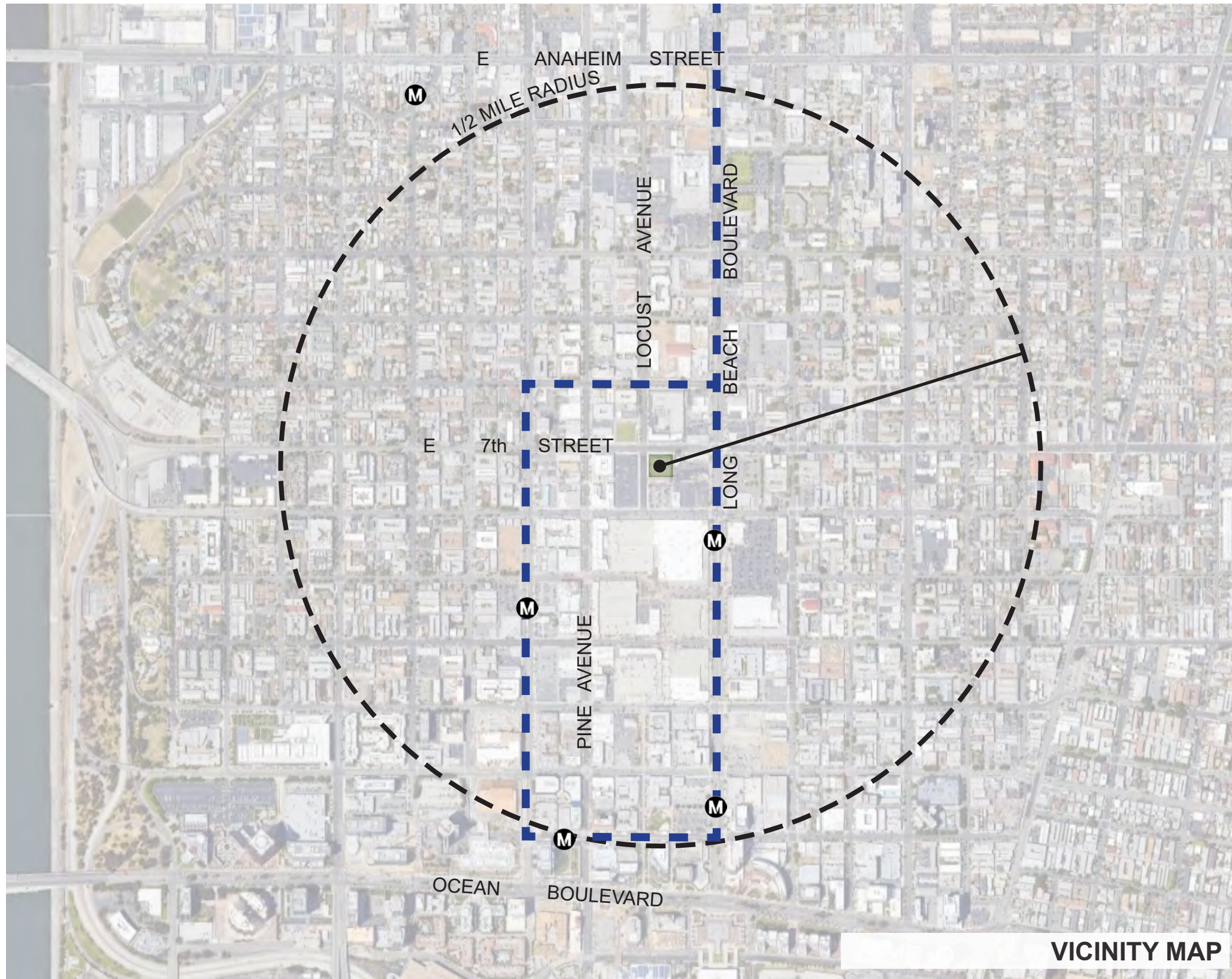


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VICINITY MAP



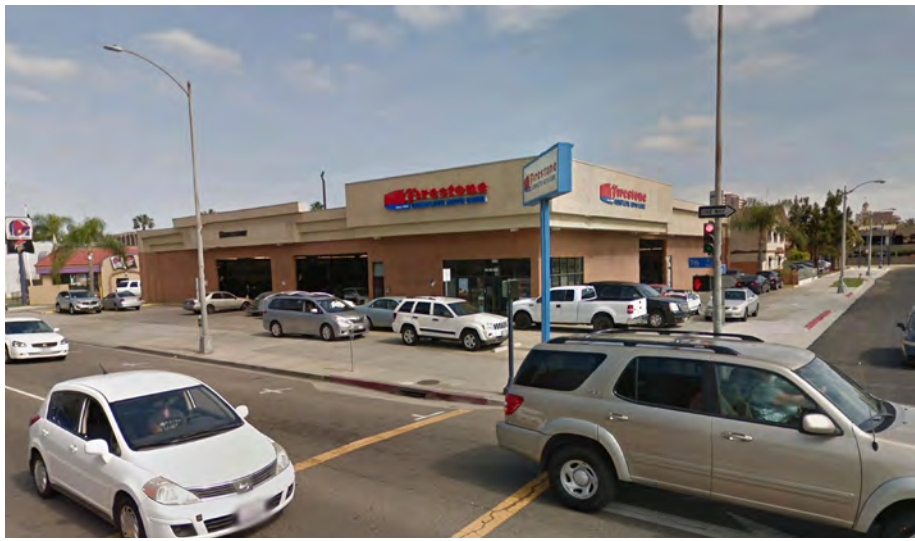
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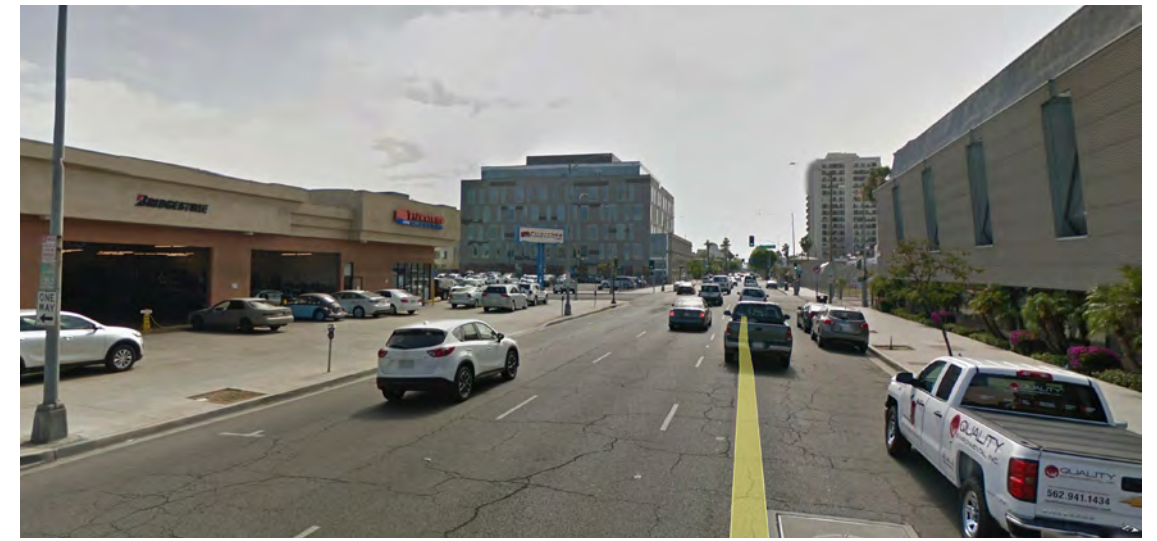
VICINITY MAP



1. VIEW OF SITE FROM CORNER OF 7th STREET AND LOCUST AVE



2. VIEW OF OROPEZA ELEMENTARY SCHOOL ACROSS 7th STREET FROM SITE



3. VIEW LOOKING EAST DOWN 7th STREET



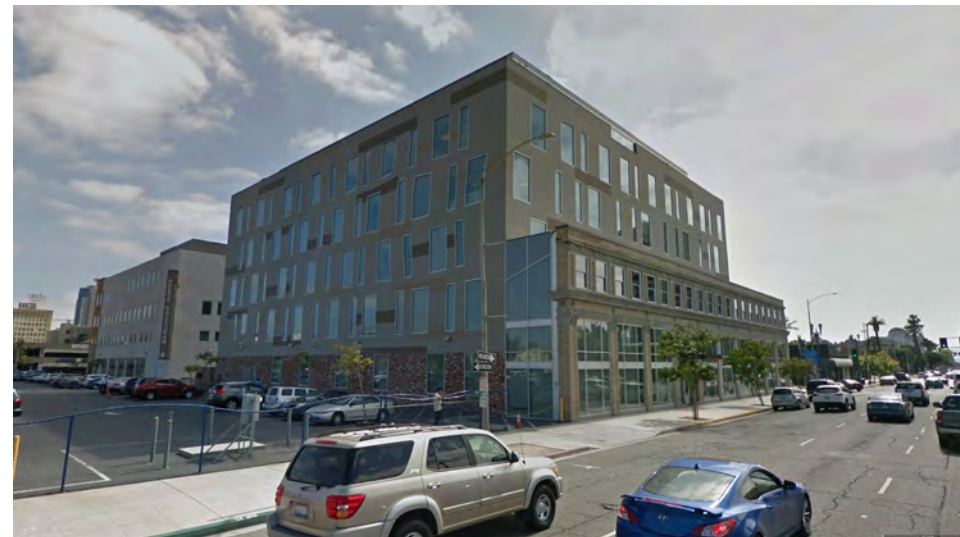
4. VIEW OF COMMUNITY PARK ON NORTHEAST CORNER OF 7th AND LOCUST



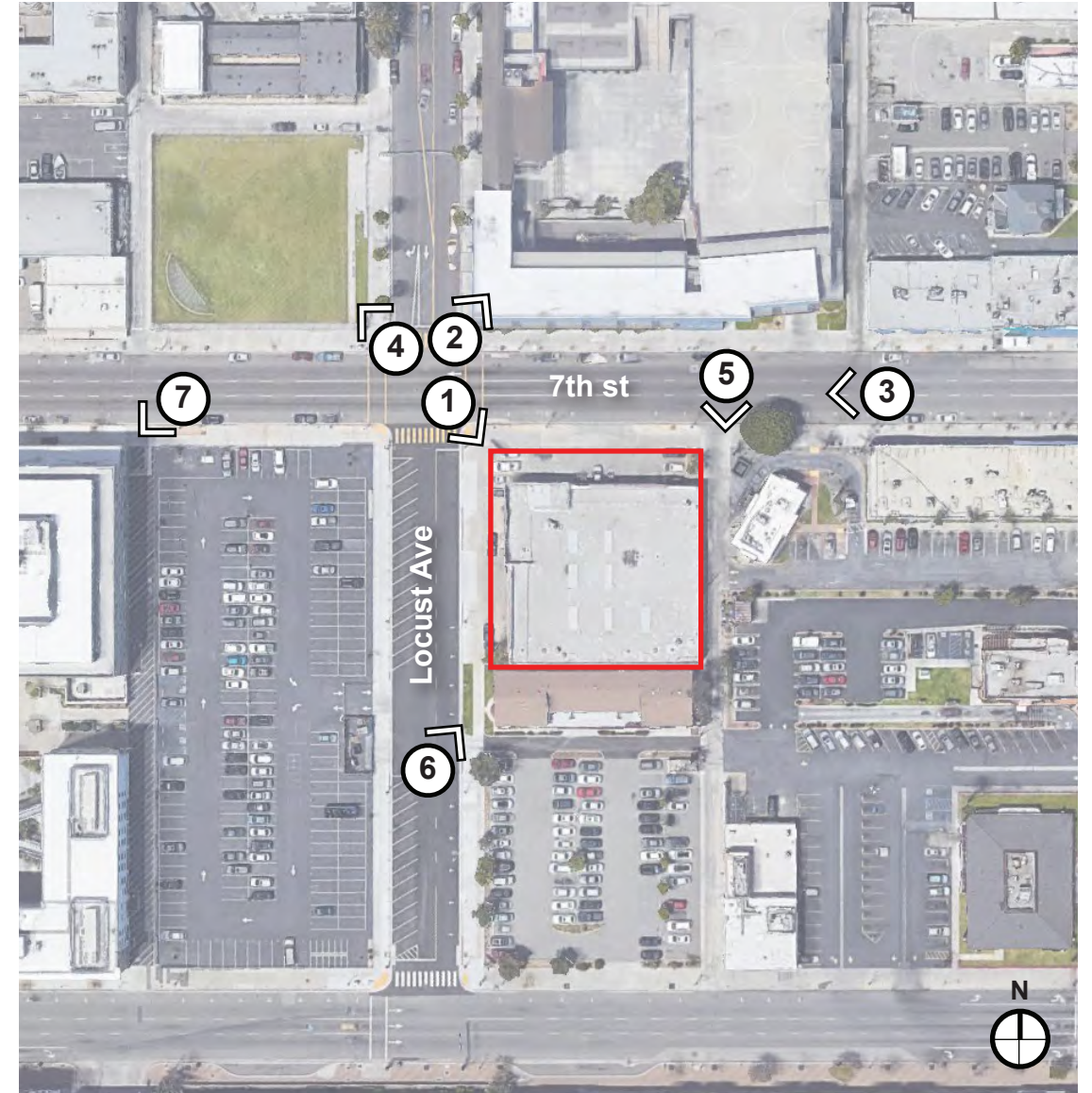
5. VIEW OF TACO BELL AND ALLEY DIRECTLY EAST OF SITE

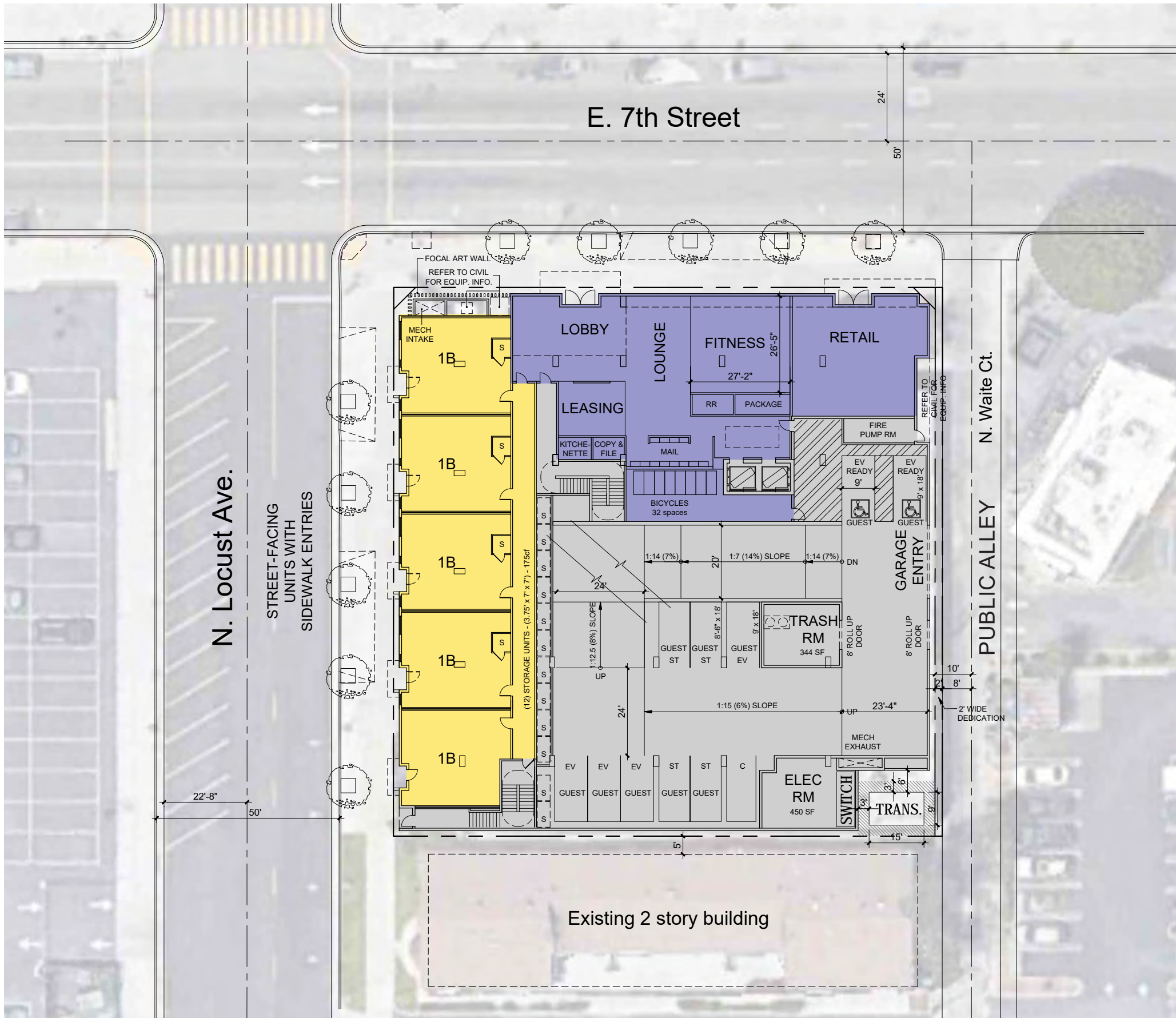


6. VIEW OF EXISTING 2-STORY BUNGALOW DIRECTLY SOUTH OF SITE



7. VIEW OF MOLINA HEALTHCARE FACILITY





PROJECT SUMMARY

GROSS SITE AREA: APROX. 22,500 SQFT
NET SITE AREA: APROX. 22,200 SQFT
UNITS: 108 UNITS
DENSITY: 209 UNITS / ACRE
PARKING: 135 SPACES
RENTABLE AREA: 79,374 SQFT
BUILDING AREA: 105,256 SQFT
GROSS AREA: 172,068 SQFT
FAR: 172,068 / 22,200 = 7.7 : 1
HEIGHT: 98 FEET
SETBACKS: FRONT (7TH ST) = 0'
 SIDE (LOCUST) = 0'
 INTERIOR SIDE (ALLEY) = 10' FROM CENTERLINE
 REAR = 0'

COMMON OPEN SPACE: 5,330 SF (24% OF LOT)

PRIVATE OPEN SPACE: 54 UNITS W/ BALCONIES (50% OF TOTAL)

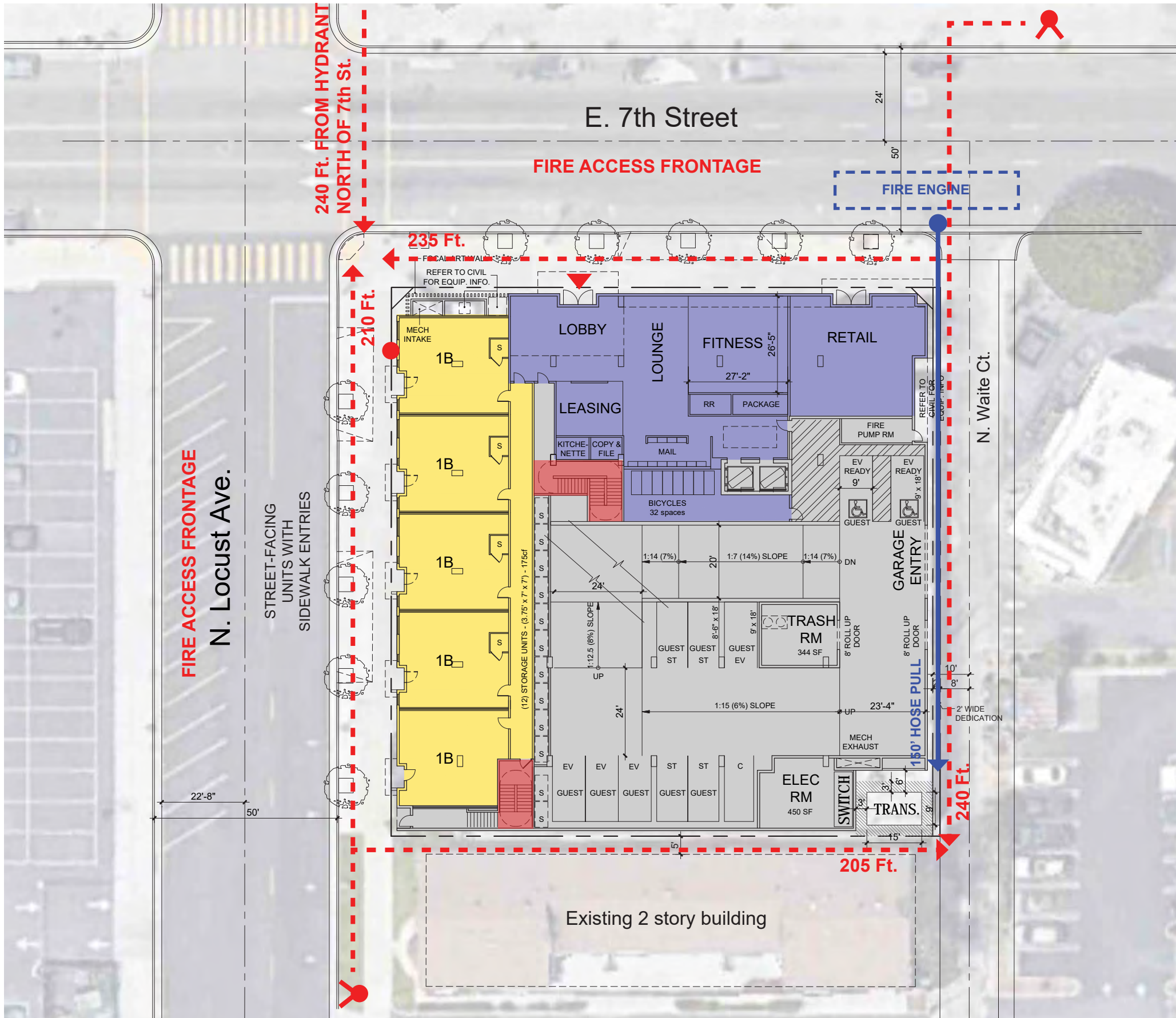
PROJECT NARRATIVE

amount and wide variety of 1-bedroom, 2-bedroom & 3-bedroom apartments meant to contribute to the energy and atmosphere of a growing downtown revitalization in Long Beach.

Double-height retail and amenity spaces line 7th street where 15' tall window frontage creates a visual connection and interaction between interior social spaces and exterior public sidewalks.

a Fitness area, Lounge, Bike Storage and a Community Room. 2 levels of Avenue where sidewalk entries on the ground units engage with pedestrian activity along the street. The parking is tucked back into the south and eastern corners, along the public alley and existing 2-story residential building.

A sophisticated pool on the podium deck as well as barbeque grills and seating areas will allow for residents to enjoy these common open spaces at their leisure. A ocean and over all of Long Beach.

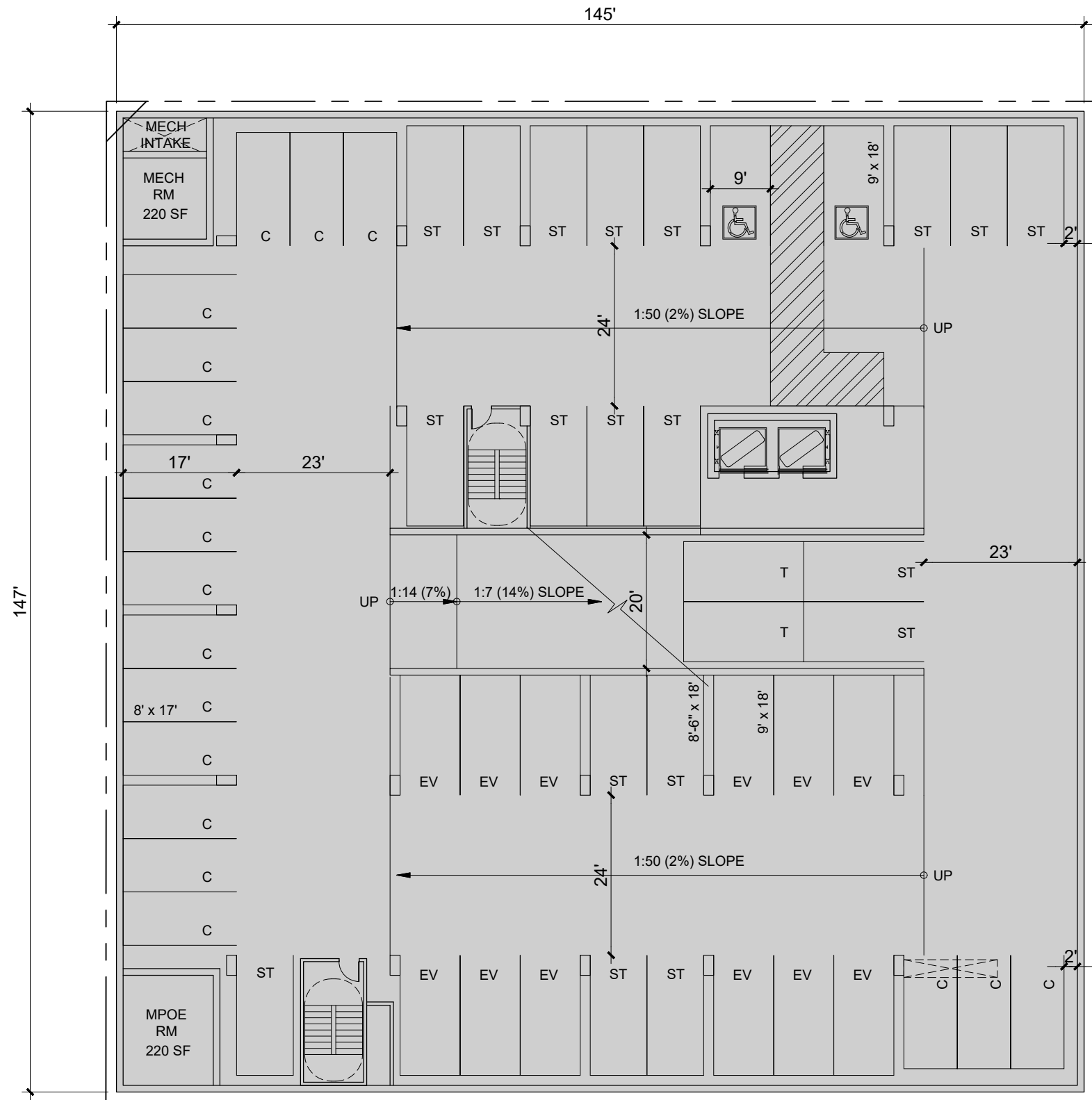


FIRE ACCESS PLAN

- 150' HOSE PULL DISTANCE FROM FIRE ACCESS
- HOSE PULL DISTANCE FROM HYDRANT
- EXTERIOR FIRE DEPT CONNECTION
- EXISTING HYDRANT
- MAIN ENTRY
- STAIR TO ROOF

CONSTRUCTION TYPE

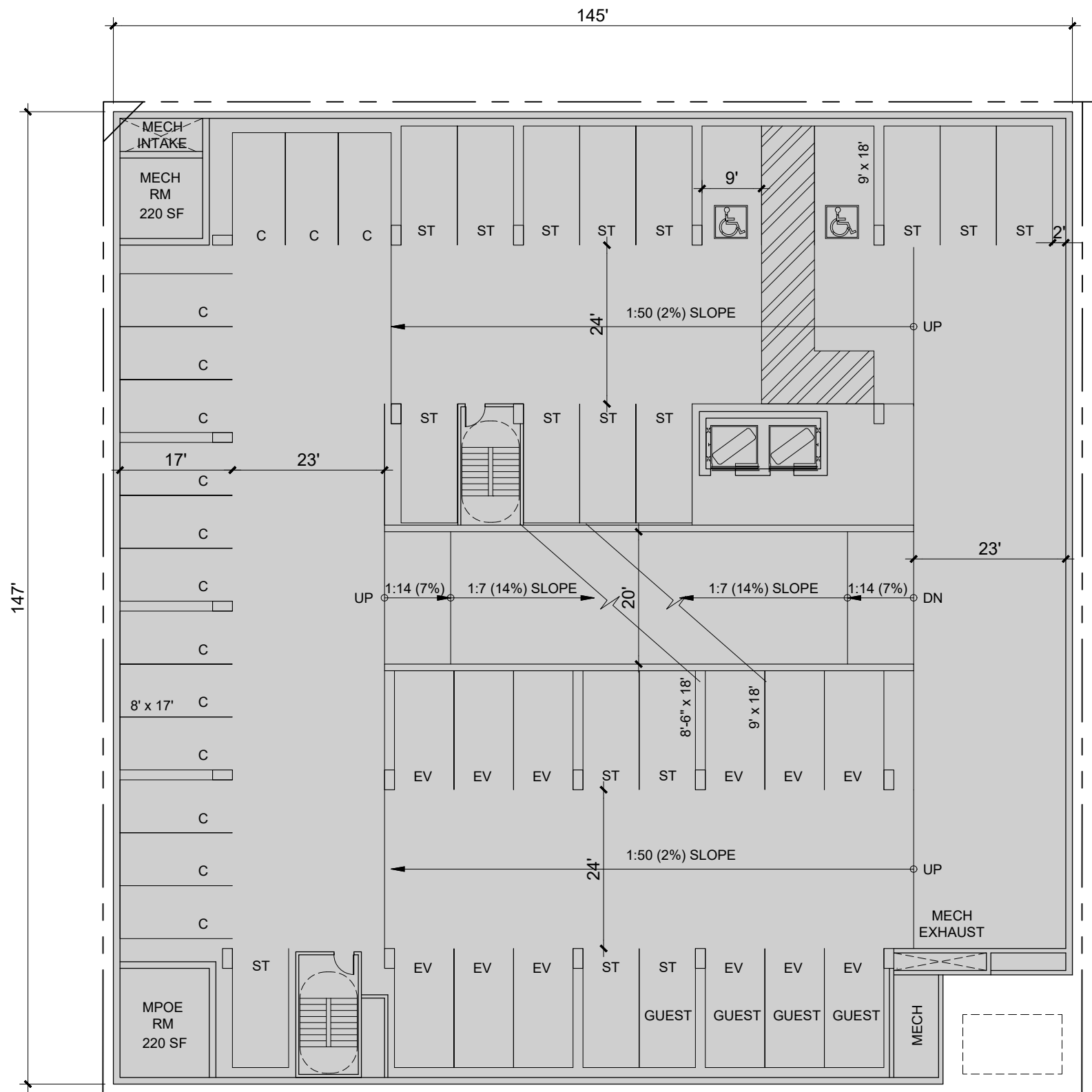
5 STORIES OF TYPE III-A OVER 2 STORIES OF TYPE I-A CONSTRUCTION WITH 2 LEVELS OF SUBTERRANEAN TYPE I-A



RESIDENTIAL PARKING

- 19 standard spaces
- 18 compact spaces
- 12 EV spaces
- 2 tandem spaces
- 2 accessible space

BASEMENT 2



BASEMENT 1

RESIDENTIAL PARKING

- 17 standard spaces
- 15 compact spaces
- 12 EV spaces
- 0 tandem spaces
- 2 accessible space

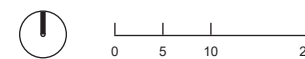


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BASEMENT 1 PLAN



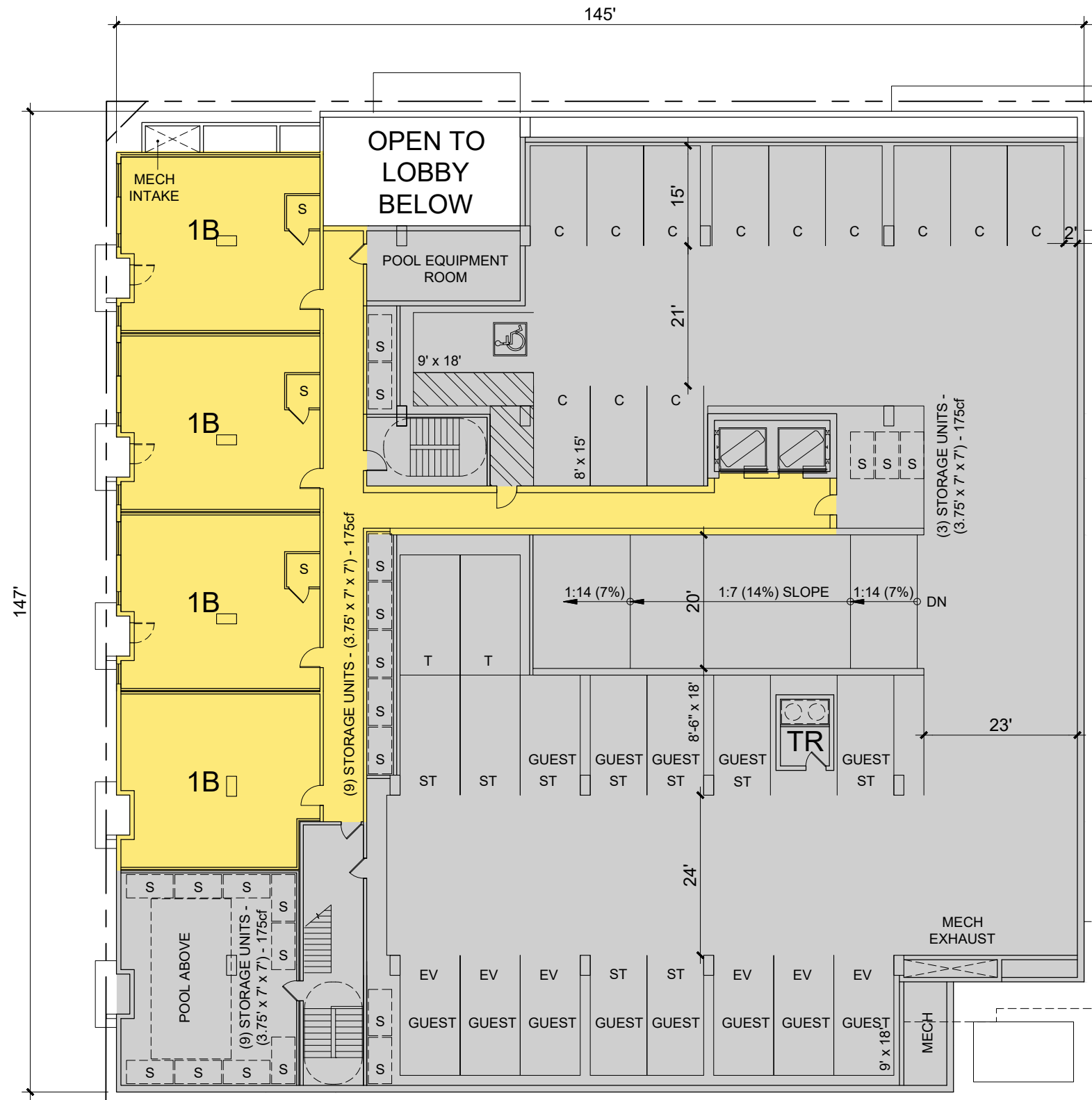
LEVEL 1

STORAGE

- (12) Corridor Storage Units (3.75' x 7' x 7')
- (4) In-Unit Storage Units (5' x 5' x 7')

RESIDENTIAL PARKING

- 4 standard spaces
- 0 compact spaces
- 4 EV spaces
- 0 tandem spaces
- 2 accessible EV spaces



LEVEL 2

STORAGE

- (9) Corridor Storage Units (3.75' x 7' x 7')
- (3) In-Unit Storage Units (5' x 5' x 7')
- (12) Garage Storage Units (3.75' x 7' x 7')

RESIDENTIAL PARKING

- 9 standard spaces
- 12 compact spaces
- 6 EV spaces
- 2 tandem spaces
- 1 accessible space

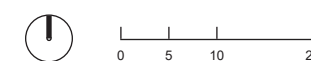


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SECOND FLOOR PLAN



STORAGE

(3) Corridor Storage Units (3.75' x 7' x 7')
 (10) In-Unit Storage Units (5' x 5' x 7')

LEVEL 3



LEVELS 4 - 6

STORAGE

(3) Corridor Storage Units (3.75' x 7' x 7')
 (10) In-Unit Storage Units (5' x 5' x 7')

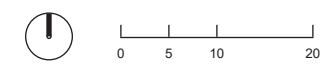


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FOURTH - SIXTH FLOOR PLAN



LEVEL 7

STORAGE

(3) Corridor Storage Units (3.75' x 7' x 7')
 (10) In-Unit Storage Units (5' x 5' x 7')

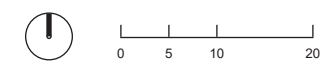


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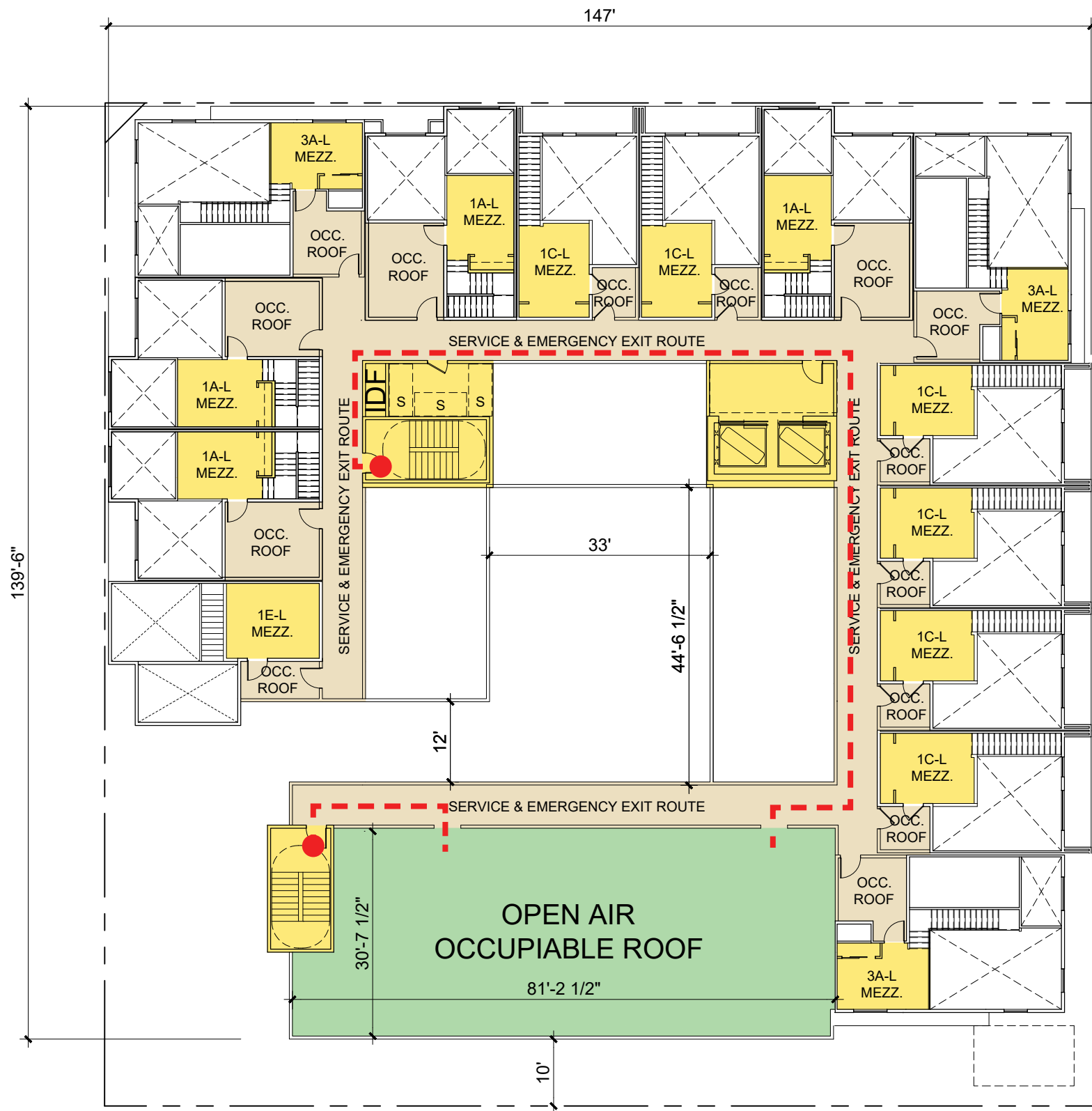


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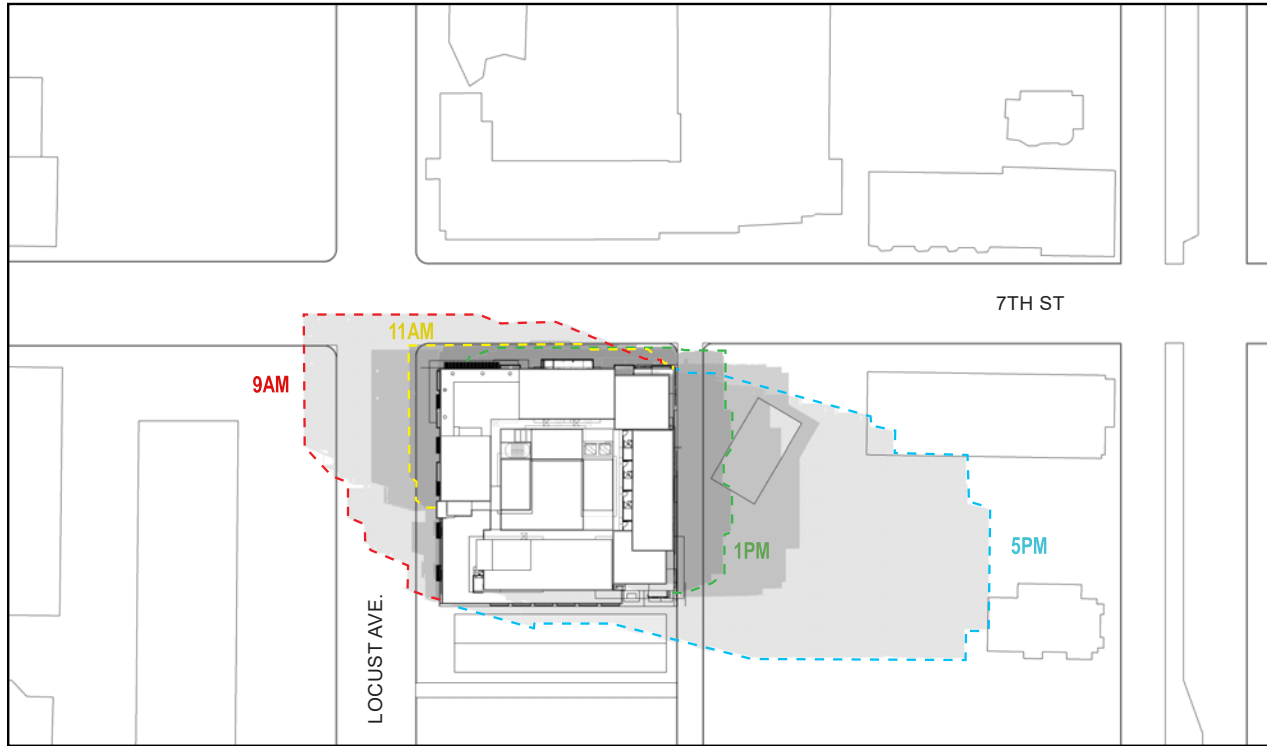
SEVENTH FLOOR PLAN



ROOF / MEZZ LEVEL

STORAGE

(3) Corridor Storage Units (3.75' x 7' x 7')



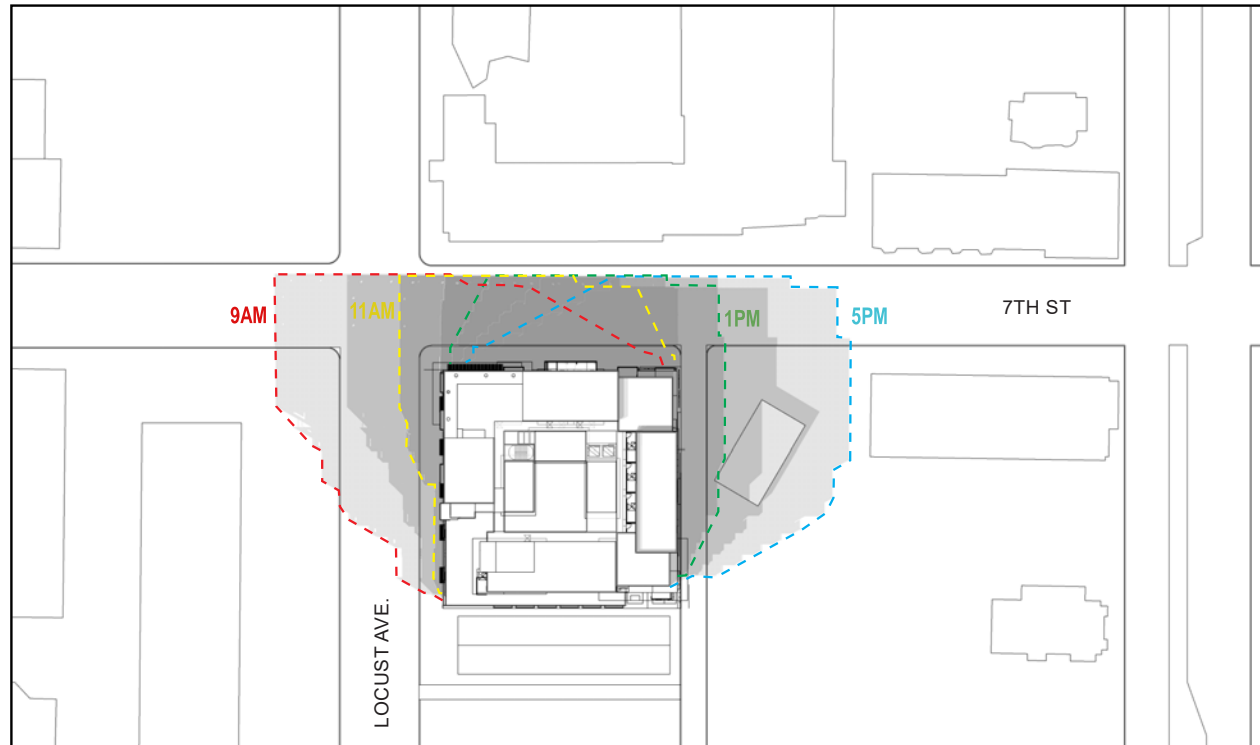
SUMMER SOLSTICE - JUNE 21



FALL EQUINOX - SEPTEMBER 21



WINTER SOLSTICE - DECEMBER 21



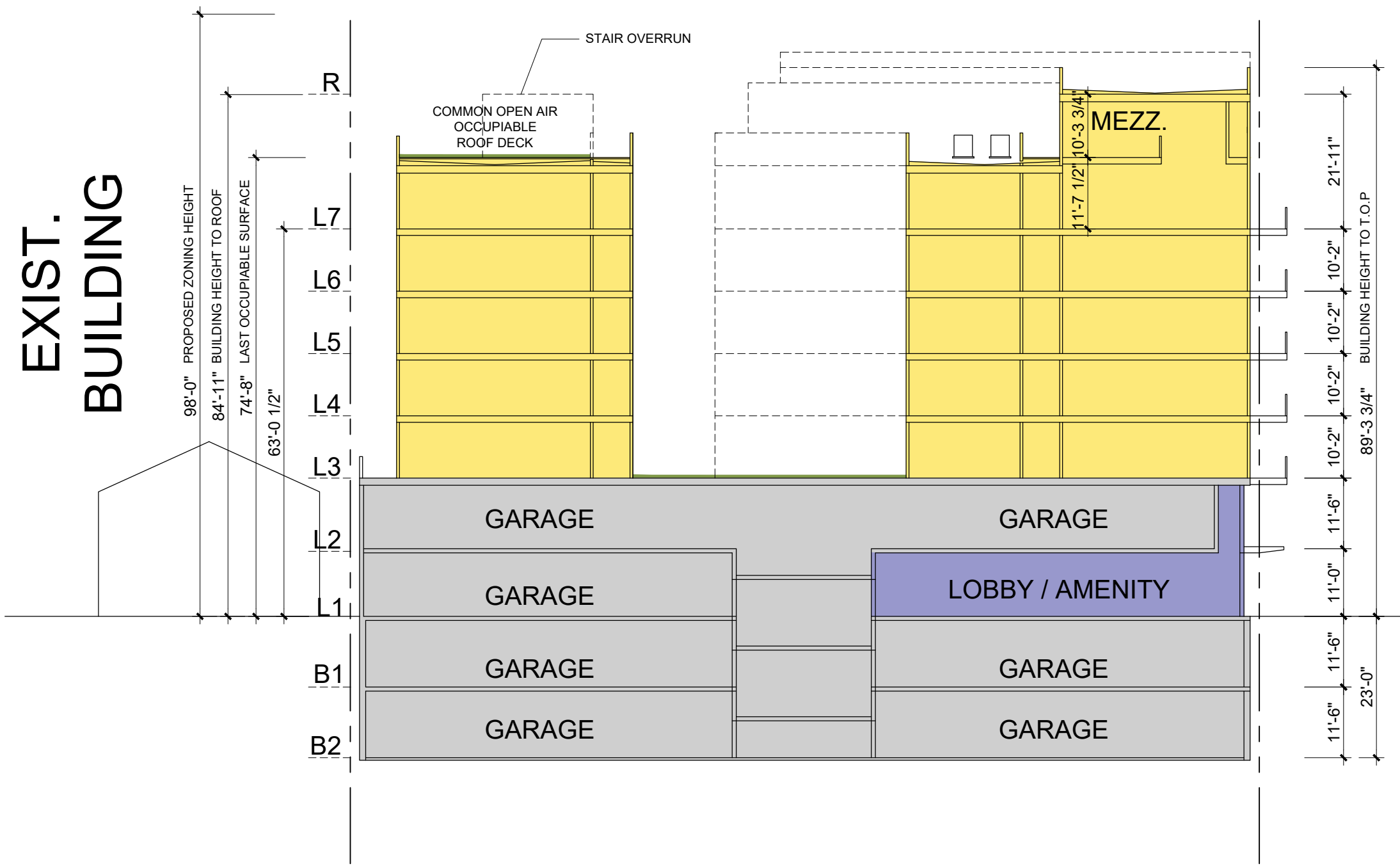
SPRING EQUINOX - MARCH 21

A shade & shadow study has been conducted with the proposed massing of the project on its direct contextual surrounding. Careful thought was taken into the planning and orientation of the project's design so that the impact of the resulting shadows on adjacent outdoor recreation uses is limited. Four

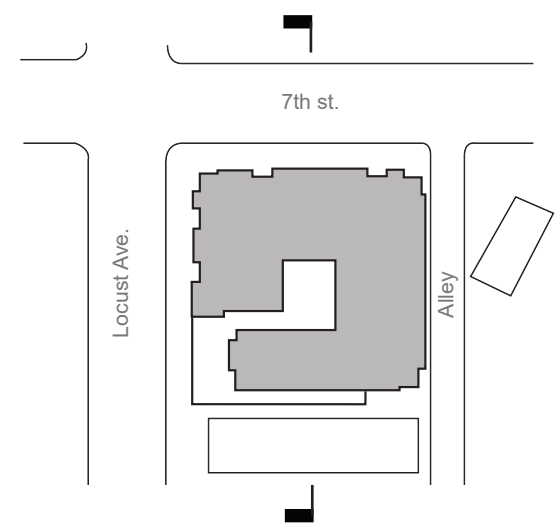
Summer and Winter Solstices and the Fall and Spring Equinoxes - are depicted to illustrate this point.

From Spring through Fall, the majority of the project's shadows fall on either non-occupied surrounding spaces or relatively limited occupancy uses for a short timeframe. In the Summer from approximately 1pm to 5pm for example, the building's long shadow impacts the Taco Bell drive-thru and parking lot immediately to the East of the project site across from Waite Court. But from 9am to 11am, the shorter shadows merely fall upon 7th Street, Locust Ave. and a small corner of the existing parking lot to the West. The two-story existing apartment building immediately to the South of the site is never impacted by the project's shadow at any time due to its orientation.

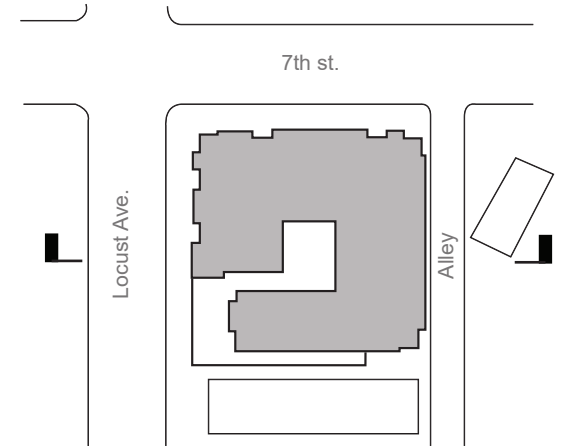
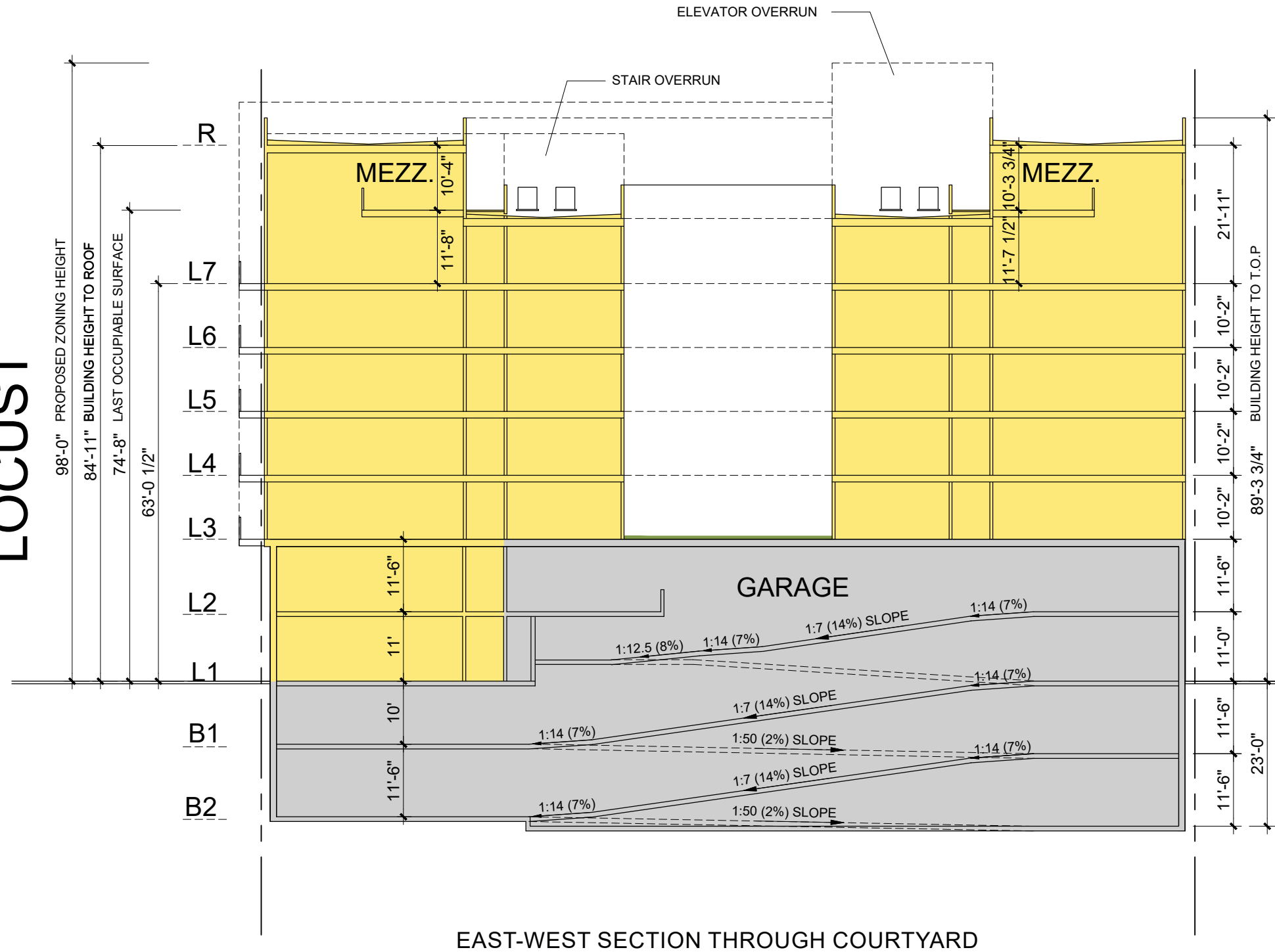
A worst-case scenario has been generated and shown on the Winter Solstice (December 21) from the hours of 11am to 3pm. During this time, the project would cast its longest shadow all year which would momentarily overlap the Oropeza Elementary School to the North across 7th Street. However, the shadow would only impact the southern facing windows of the classrooms in the southern wing of the building, and would not impact the outdoor recreation courtyard space of the school.



NORTH-SOUTH SECTION THROUGH COURTYARD



LOCUST

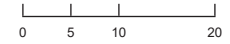


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CONCEPTUAL
BUILDING SECTION

UNIT MIX

UNITS	1A	1A1	1B (PODIUM STACKED FLATS)	1C	1D	1E	1A-L (1B +DEN PENTHOUSE LOFT)	1C-L (1B +DEN PENTHOUSE LOFT)	1E-L (1B +DEN PENTHOUSE LOFT)	2A	2B	3A-L (3B PENTHOUSE LOFT)	TOTALS	
UNIT SQFT*	678	733	820	603	606	719	815	749	852	939	1,015	1,072		
BALCONY SQFT**	70	0	0	0	0	55	228	48	120	76	77	188		
TOTALS	16	10	9	24	15	3	4	6	1	12	5	3	108 UNITS	
	1 BEDROOM						1 BED + DEN			2 BEDROOMS		3 BEDROOMS		
TOTAL UNITS	77						11			17		3		108 UNITS
UNIT MIX	71.3%						10.2%			15.7%		2.8%		

* Includes Mezz Areas

** Includes Mezz Deck Areas

MEZZ SQFT	0	0	0	0	0	0	137	146	133	0	0	133	
MEZZ DECK SQFT	0	0	0	0	0	0	158	48	65	0	0	112	
IN-UNIT STORAGE CUFT	175	175	175	0	175	0	175	0	0	0	204	0	

4,466 base balcony area
608 additional balcony area at 3rd floor
5,074 total balcony area
54 units with balconies
50.00% of units with balconies

57 units with in-unit storage

PARKING TOTALS

STALL TYPE	COMPACT (8' x 17' / 8' x 15')	STANDARD (8'-6" x 18")	TANDEM (8'-6" x 18")	EV READY (9' x 18')	ADA (9' x 18')	TOTAL
	45	49	4*	34	7	139
TOTAL PROVIDED	135 SPACES					

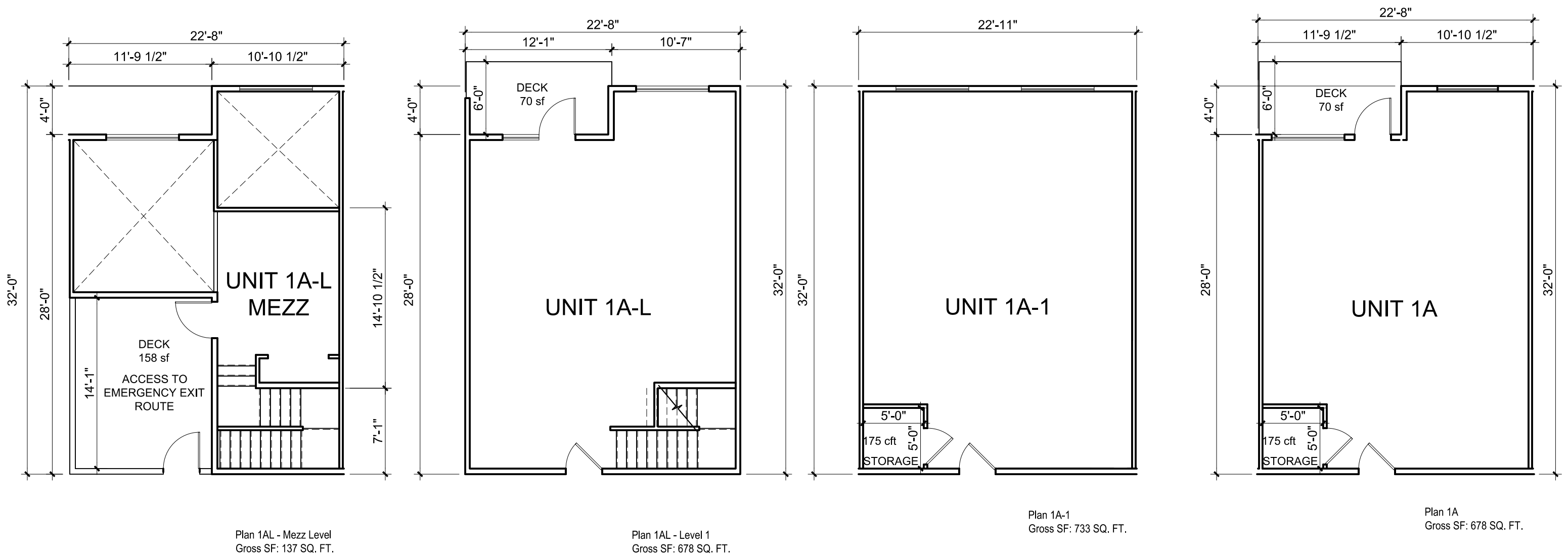
*TANDEM NOT INCLUDED IN TOTAL PARKING PROVIDED PER ZONING

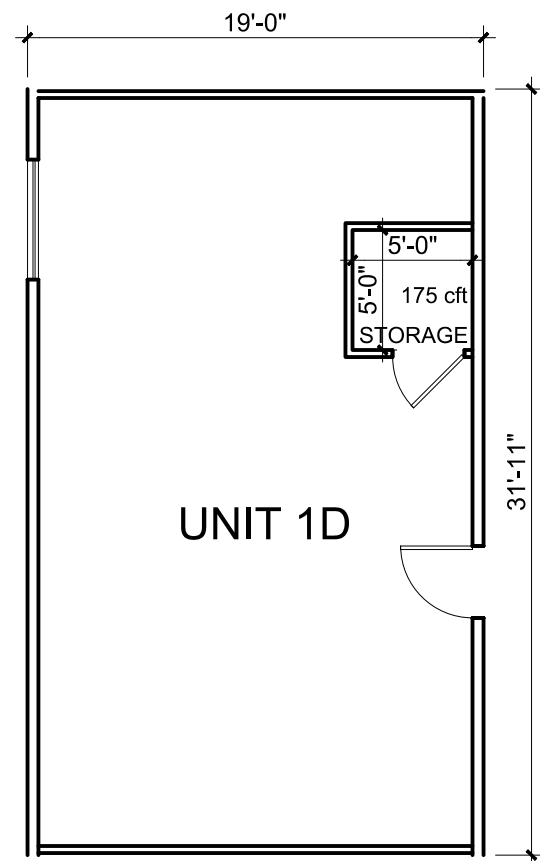
STORAGE TOTALS

TYPE	In-UNIT (5' x 5' x 7')	GARAGE (3.75' x 7' x 7')	CORRIDOR (3.75' x 7' x 7')
	57	12	39
TOTAL PROVIDED	108 UNITS		

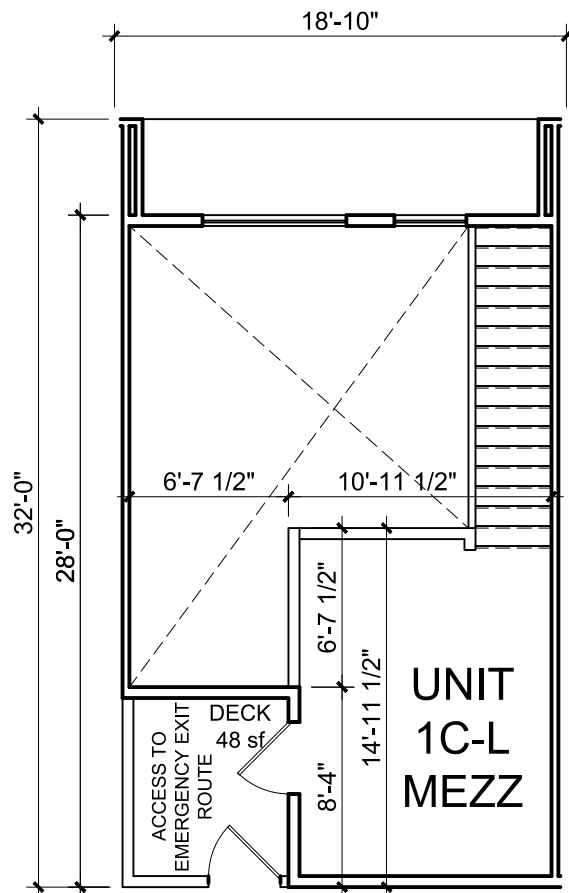
GROUND FLOOR AMENITY

PROGRAM	SF
RETAIL	1,188
LOBBY	1,000
LEASING	400
AMENITY LOUNGE	687
FITNESS	736
MAIL & PACKAGING	400
BICYCLES	520
TOTAL	4,931

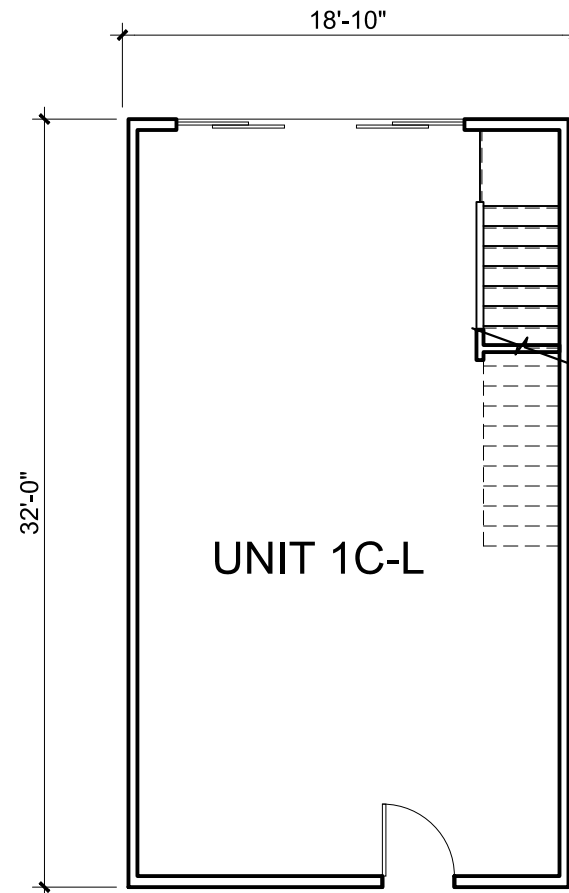




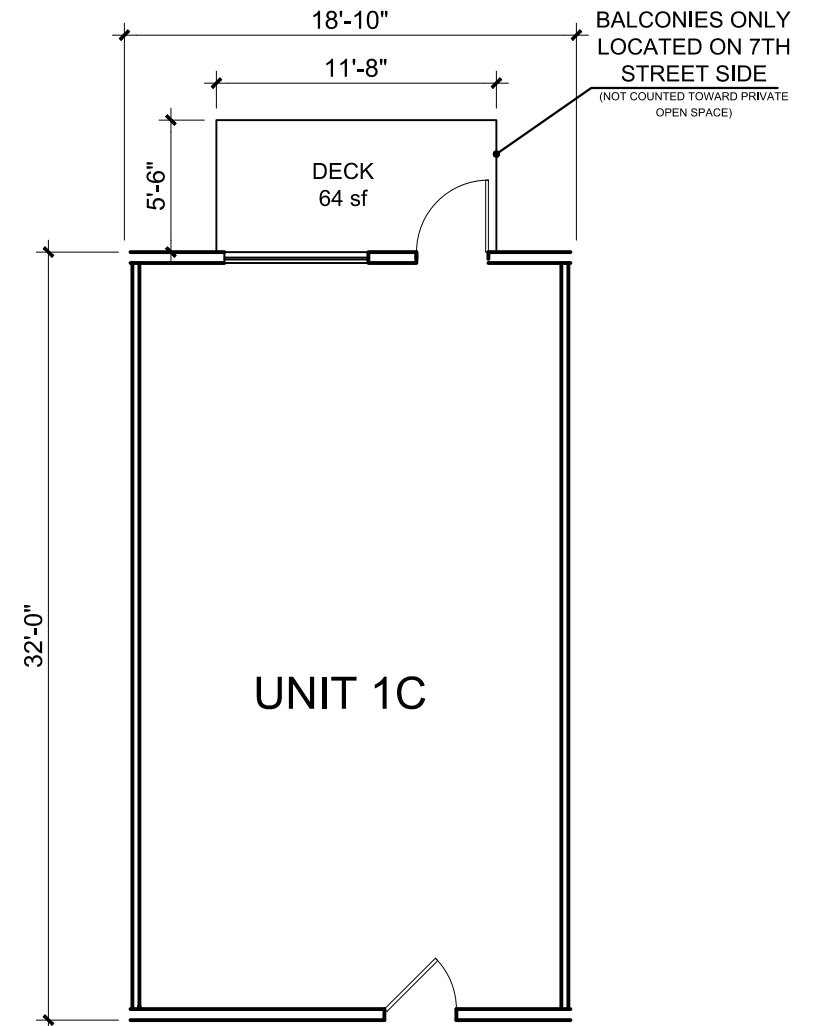
Plan 1D
Gross SF: 606 SQ. FT.



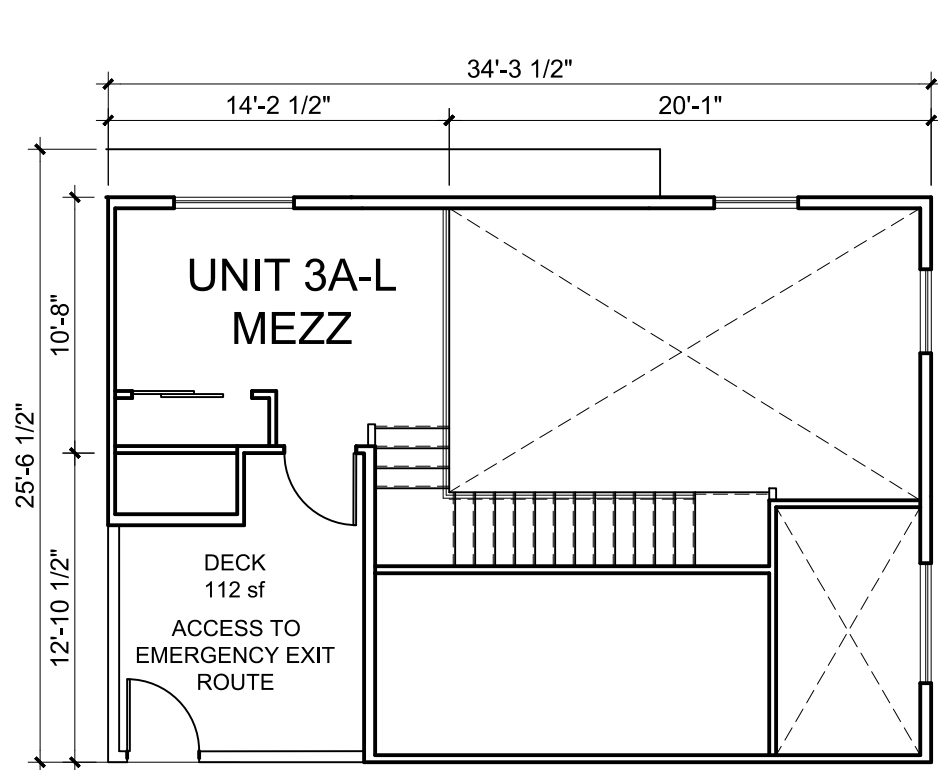
Plan 1CL - Mezz Level
Gross SF: 146 SQ. FT.



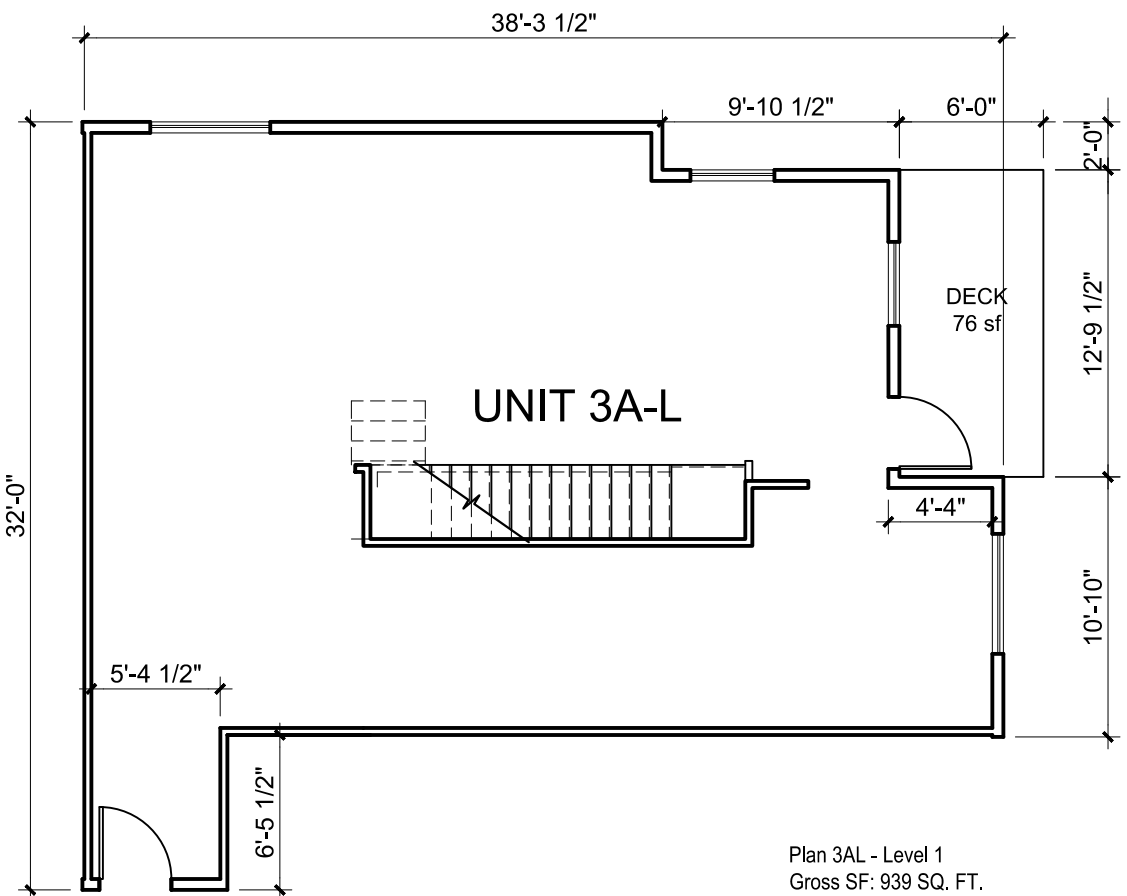
Plan 1CL - Level 1
Gross SF: 603 SQ. FT.



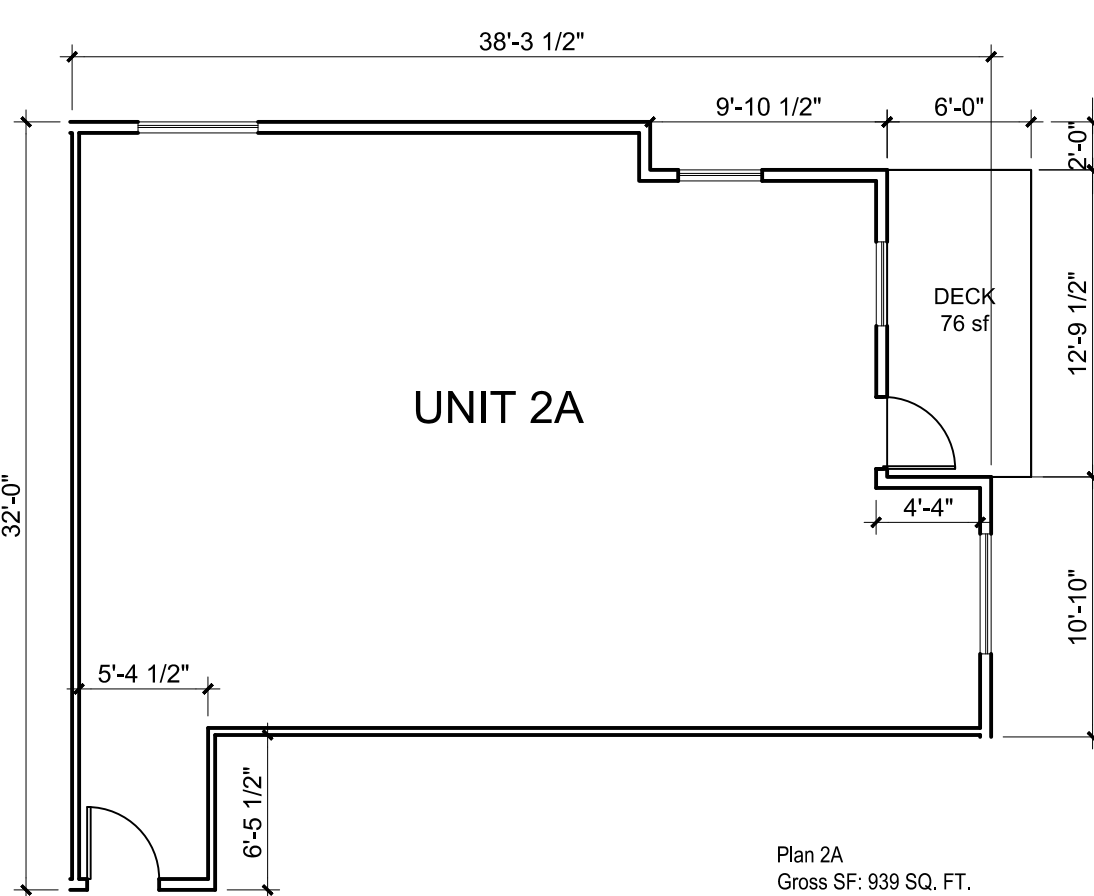
Plan 1C
Gross SF: 603 SQ. FT.



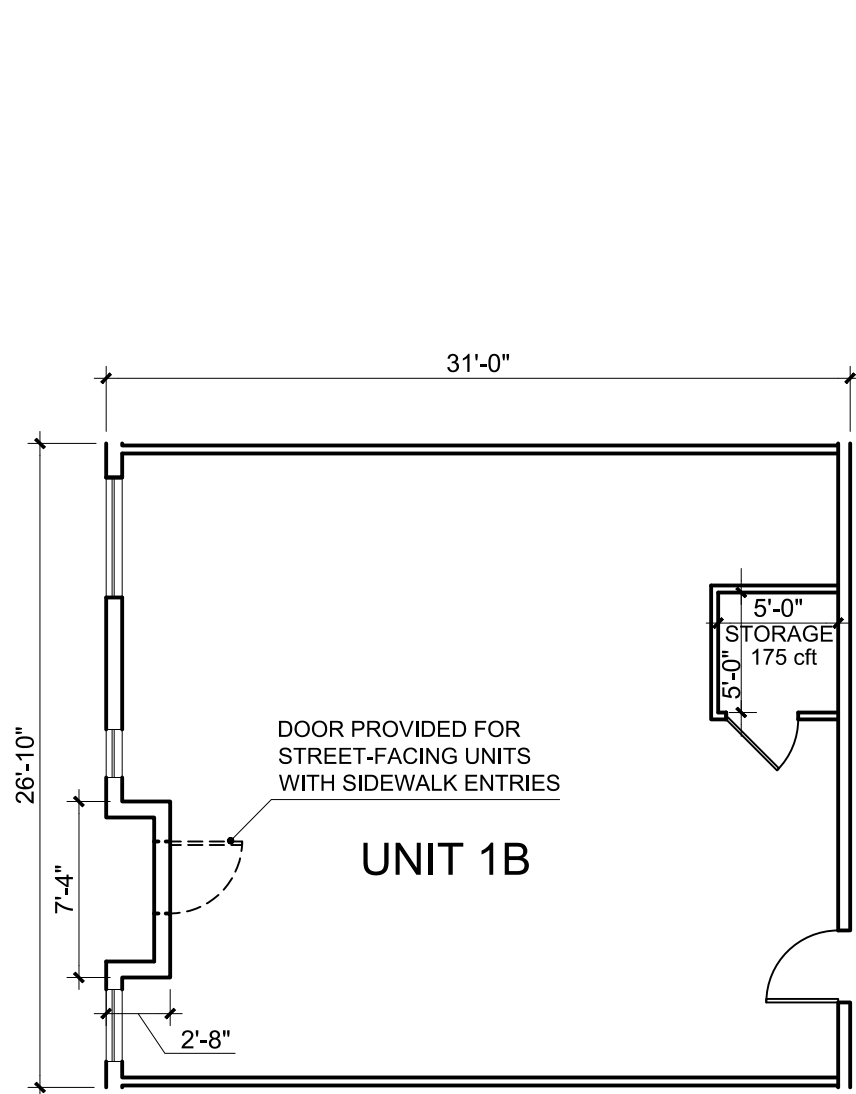
Plan 3AL - Mezz Level
Gross SF: 133 SQ. FT.



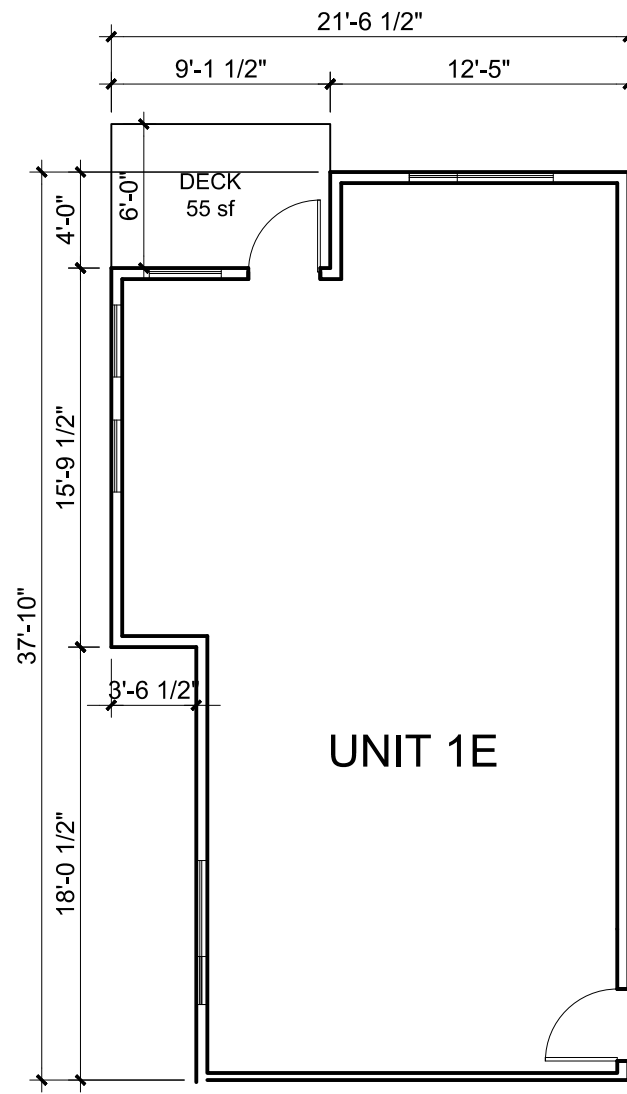
Plan 3AL - Level 1
Gross SF: 939 SQ. FT.



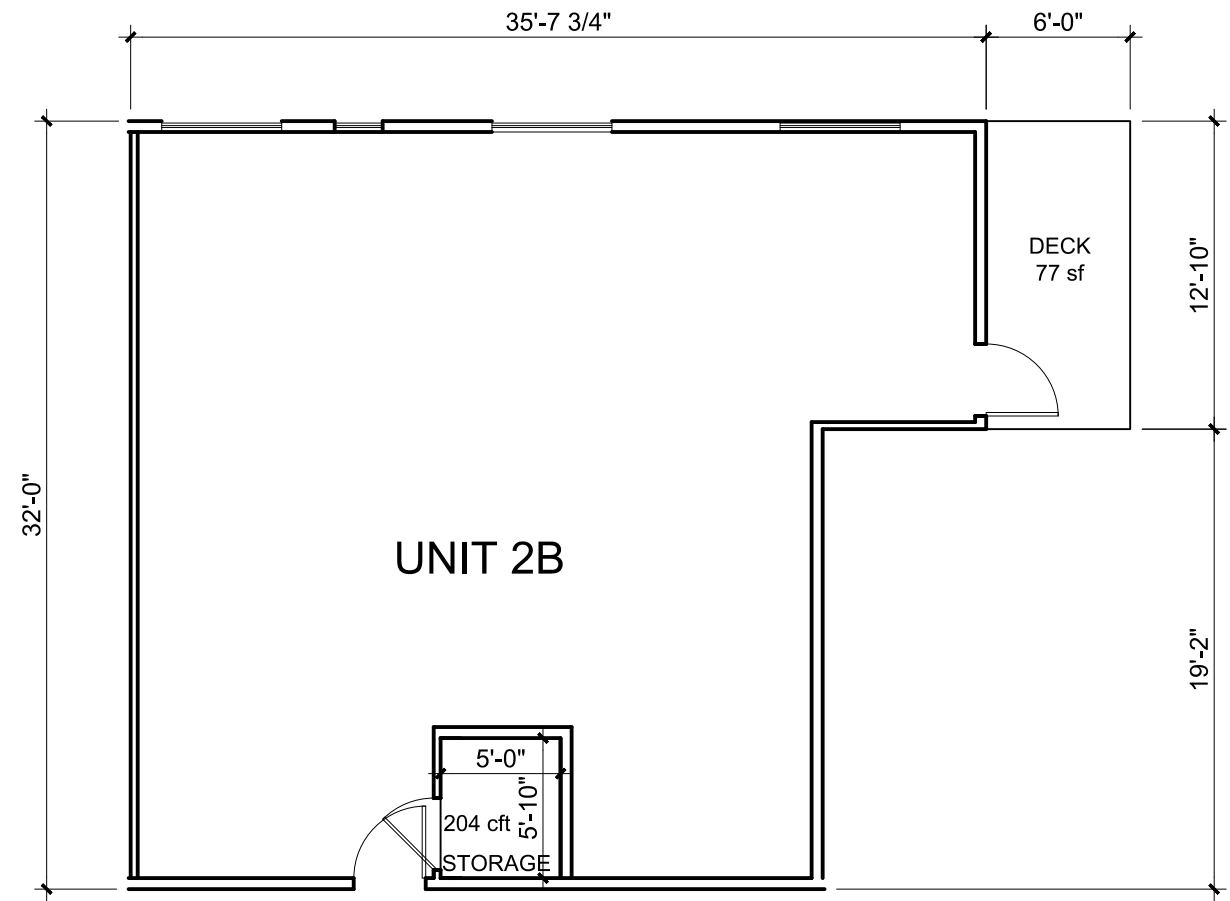
Plan 2A
Gross SF: 939 SQ. FT.



Plan 1B
Gross SF: 820 SQ. FT.



Plan 1E
Gross SF: 719 SQ. FT.



Plan 2B
Gross SF: 1015 SQ. FT.





WEST ELEVATION

LEGEND

- 1. Awning
1-7.5" Projection over Property Line
- 2. Balcony
5'-3" Projection over Property Line

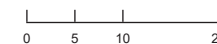


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BUILDING ELEVATIONS



LOCUST

98'-0" PROPOSED ZONING HEIGHT
 84'-11" BUILDING HEIGHT TO ROOF
 74'-8" LAST OCCUPIABLE SURFACE (MEZZ.)
 63'-0 1/2"

SOUTH ELEVATION

11'-0"
 11'-6"
 10'-2"
 10'-2"
 10'-2"
 10'-2"
 10'-2"
 10'-2"
 21'-11"
 89'-3 3/4" BUILDING HEIGHT TO T.O.P.

ALLEY

LEGEND

- 1. Balcony
 1'-3.5" Projection over Property Line

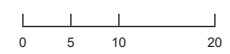


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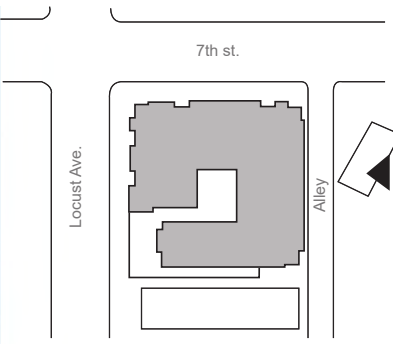


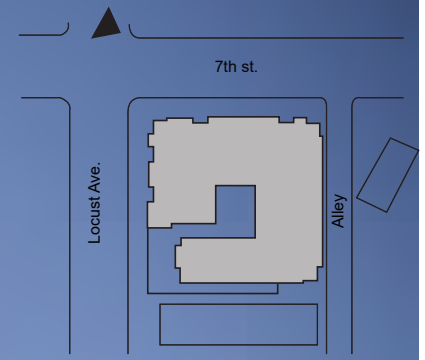
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BUILDING ELEVATIONS





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PERSPECTIVES



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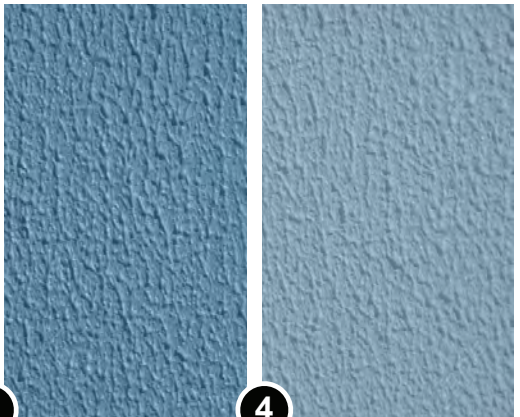
BODY



1 SANDED STUCCO - SW7676 CYBERSPACE

2 SMOOTH STUCCO - PALE GREY

ACCENTS



3 LIGHT BLUE 4 PALE BLUE



10 WELDED WIRE MESH OR PERFORATED METAL BALCONY GUARDRAILS

ACCENTS



5 PAINTED STUCCO ACCENT - NAVY BLUE



9 ALUMINUM WOOD-LOOK SLAT - GREY

BASE



6 BRICK VENEER - CREATIVE MINES



7 STOREFRONT GLAZING WITH ALUMINUM MULLION SYSTEM



8 VPI ENDURANCE SERIES VINYL WINDOW



MATERIAL NARRATIVE

THE BUILDING'S MATERIAL PALLETTE ENVISIONS THE USE OF COOL AND NEUTRAL GREY BASE COLORS CONTRASTED WITH ACCENTS OF BLUES AND OFF-WHITES. THE UPPER RESIDENTIAL LEVELS ARE CLAD IN SMOOTH AND SANDED STUCCO WHILE THE MAJORITY OF THE PODIUM IS WRAPPED WITH A CONTEMPORARY BRICK VENEER. A SMALL USE OF LIGHT BLUE COLORED STUCCO IS PROPOSED ON THE GROUND FLOOR WITHIN THE INSET ENTRIES OF THE STREET-FACING UNITS ALONG LOCUST AVE. COLORED STUCCO WAS DETERMINED TO BE THE BEST METHOD TO GET THE RIGHT POP OF COLOR AT THESE LOCATIONS. WHILE PD-30 PROHIBITS THE USE OF STUCCO AT THE GROUND FLOOR, THIS REPRESENTS LESS THAN 5% OF THE OVERALL GROUND FLOOR FACADE AND DOES NOT DEDUCT FROM THE OVERALL INTEGRITY OF THE DESIGN.



1 2 MOUNTED STEEL LETTERING POWDER COATED LIGHT GREY OR WHITE WITH LED BACKLIGHT



3 4" DEEP INSET LETTERING INTO BRICK VENEER FACADE



4 STEEL LETTERING POWDER COATED AND MOUNTED TO AWNING



LOCUST STREET FRONTAGE



7TH STREET FRONTAGE

2 2' 6"

24' 3'-6"

4

4'-6"

1

SIGNAGE

30'

3 8'-6"

2' 836 7th St

E. 7TH STREET

STREET & PERIMETER LANDSCAPE: LEVEL 1
SEE ENLARGEMENT ON SHEET 35.

N. LOCUST AVENUE

N. WAITE COURT

COURTYARD & POOL DECK LANDSCAPE: LEVEL 3
SEE ENLARGEMENT ON SHEET 36.

ROOF DECK LANDSCAPE: LEVEL 8
SEE ENLARGEMENT ON SHEET 37.



GENERAL NOTES:

1. ALL LANDSCAPE AREAS WILL BE IRRIGATED W/ A HIGH EFFICIENCY IRRIGATION W/ SMART IRRIGATION CONTROLS.
2. ALL PLANTING & IRRIGATION SHALL COMPLY WITH CITY OF LONG BEACH REQUIREMENTS.
3. IRRIGATION DESIGN WILL INCORPORATE EPA WATERSENSE SPECIFICATIONS
4. STREET TREES SHALL BE SELECTED AND INSTALLED PER CITY OF LONG BEACH DEPARTMENT OF URBAN FORESTRY.
5. ALL NEW PLANTED AREAS TO BE HEAVILY MULCHED FOR WATER CONSERVATION.
6. THERE ARE NO PROTECTED TREES ON THE SITE.

WATER CONSERVATION STATEMENT:

ALL LANDSCAPE WILL BE SPECIFIED, PLANTED & IRRIGATED ACCORDING TO XERISCAPE DESIGN PRINCIPLES WHICH INCLUDE: THE PREDOMINANT USE OF DROUGHT TOLERANT PLANT MATERIALS; THE PRACTICE OF HYDROZONING OR GROUPING PLANTS WITH SIMILAR WATER REQUIREMENTS TOGETHER; MINIMIZING TURF AREAS AND THE EFFICIENT APPLICATION OF WATER BY USING MATCH PRECIPITATION HEADS, DRIP LINE, SEPARATE VALVES FOR TURF AND GROUND COVER AREAS AND RAIN SHUT OFF DEVICES. THIS PROJECT WILL COMPLY WITH THE STATE WATER CONSERVATION ORDINANCE EFFECTIVE JANUARY 1, 2010.

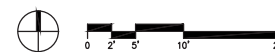


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COMPOSITE
LANDSCAPE PLAN

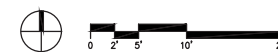


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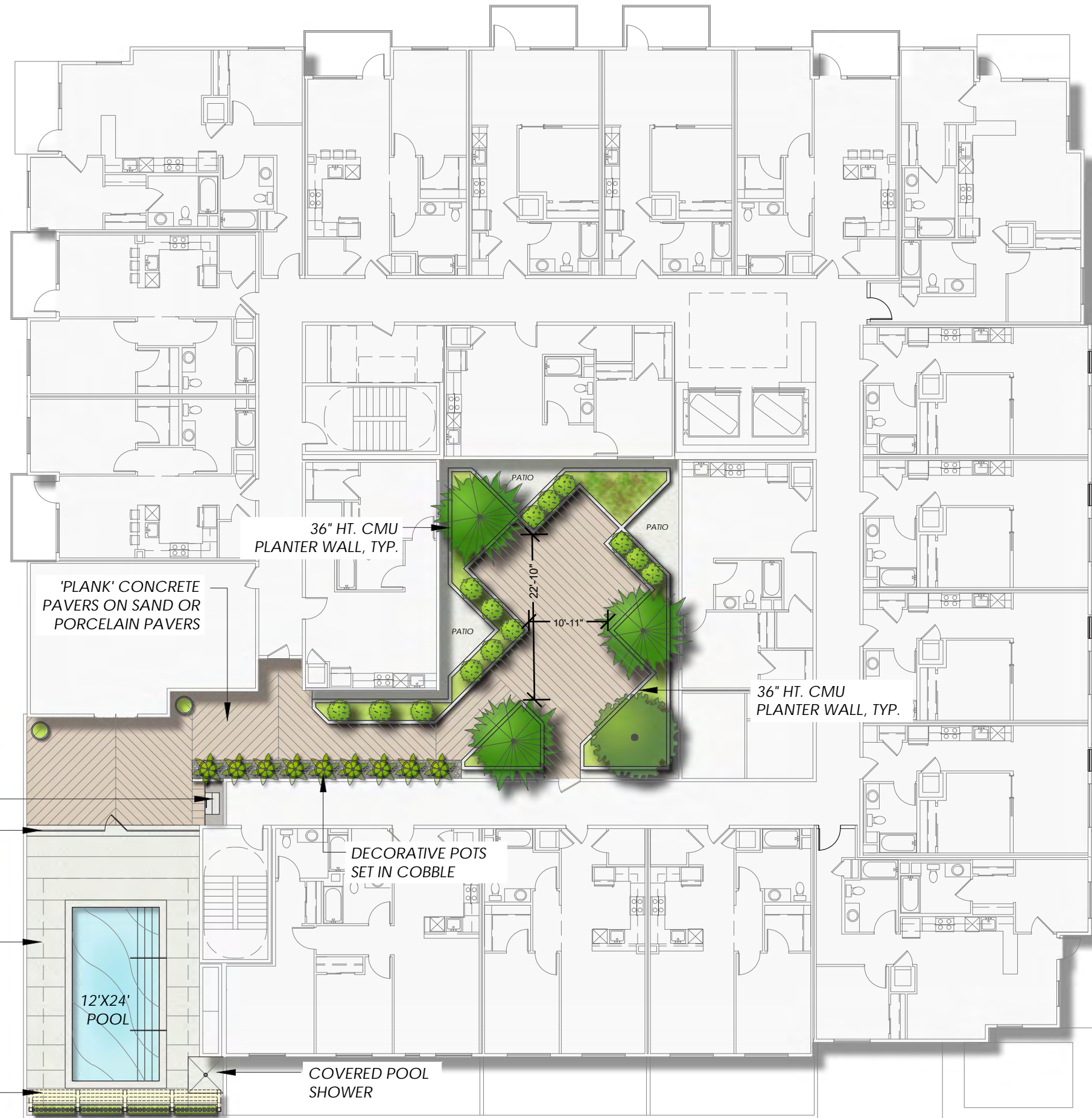


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LANDSCAPE SITE PLAN



NOTE: PLANTS SHALL BE CHOSEN FROM THE FOLLOWING LIST.
ALL PLANT TYPES MAY NOT BE SPECIFIED.

PLANT LEGEND - THIRD LEVEL	
SYMBOL	BOTANICAL NAME "COMMON NAME"
TREES - 24" BOX MIN.	
	BAMBUSA MULTIPLEX "CLUMPING BAMBOO"
	LAURUS NOBILIS "BAY LAUREL"
	RHAPIS EXCELSA "LADY PALM"
SHRUBS	
	BAMBUSA SPECIES "BAMBOO"
	BERBERIS SPECIES
	DIANELLA SPECIES
	FATSIA JAPONICA "JAPANESE ARALIA"
	PITISPORUM EUGENOIDES 'VARIEGATA' "LEMONWOOD"
	PITISPORUM CRASSIFOLIUM 'COMPACTUM' "DWARF KARO"
	PITISPORUM TOBIRA "MOCK ORANGE"



NOTE: PLANTS SHALL BE CHOSEN FROM THE FOLLOWING LIST.
ALL PLANT TYPES MAY NOT BE SPECIFIED.

PLANT LEGEND - ROOF LEVEL	
SYMBOL	BOTANICAL NAME "COMMON NAME"
TREES - 24" BOX MIN.	
	CERCIDIUM 'DESERT MUSEUM' "PALO VERDE"
	OLEA EUROPAEA 'SWANHILL' FRUITLESS OLIVE
	RHUS LANCEA "AFRICAN SUMAC"
SHRUBS	
	ANIGOZANTHOS SPECIES "KANGAROO PAW"
	OLEA 'LITTLE OLLIE'
	PHORMIUM SPECIES "NEW ZEALAND FLAX"
	PITOSPORUM CRASSIFOLIUM 'COMPACTUM' "DWARF KARO"
	SALVIA SPECIES "SAGE"
GREEN ROOF TRAY	
	ALOE SPECIES
	AEONIUM SPECIES
	DIANELLA SPECIES
	SEDUM SPECIES



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ROOF DECK
LANDSCAPE PLAN

TREES

					
BAMBUSA MULTIPLEX "CLUMPING BAMBOO"	CERCIDIUM 'DESERT MUSEUM' "PALO VERDE"	LAURUS NOBILIS "BAY LAUREL"	OLEA EUROPAEA 'SWAN HILL' "SWAN HILL OLIVE"	RHAPIS EXCELSA "LADY PALM"	RHUS LANCEA "AFRICAN SUMAC"

SHRUBS

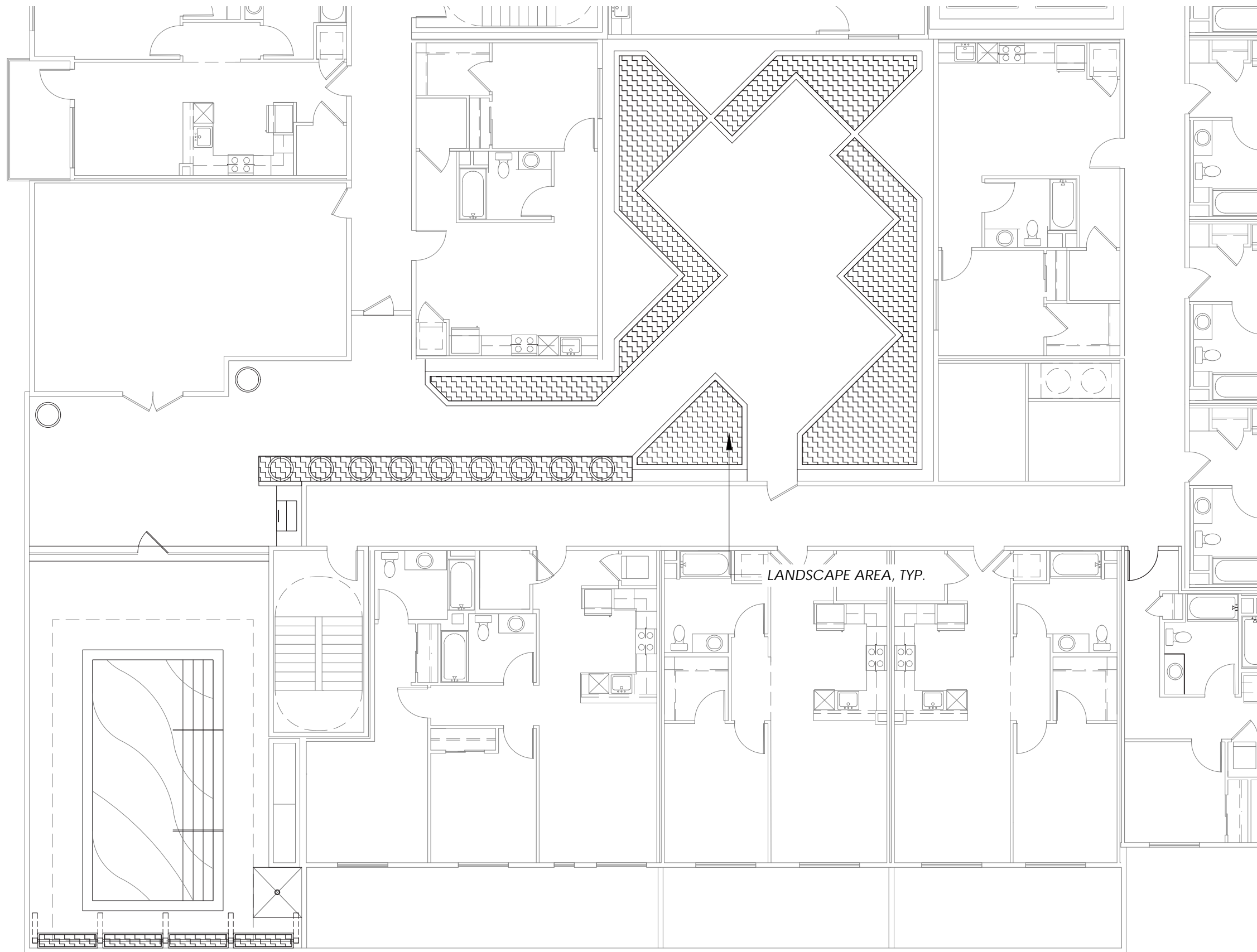
						
ANIGOZANTHOS SPECIES "KANGAROO PAW"	BERBERIS SPECIES "BARBERRY"	DIANELLA SPECIES "FLAX LILY"	FATSIA JAPONICA "JAPANESE ARALIA"	PHORMIUM SPECIES "NEW ZEALAND FLAX"	PITTOSPORUM CRASSIFOLIUM 'COMPACTUM' "DWARF KARO"	PITTOSPORUM EUGENOIDES 'VARIEGATA' "VARIEGATED LEMONWOOD"

SHRUBS

	
PITTOSPORUM TOBIRA "MOCK ORANGE"	SALVIA SPECIES "SAGE"

GREEN ROOF TRAYS

			
ALOE SPECIES "ALOE"	AEONIUM SPECIES "TREE HOUSELEKS"	DIANELLA SPECIES "FLAX LILY"	SEDUM SPECIES "STONECROP"



LEVEL 3 LANDSCAPE SUMMARY	
COMMON OPEN SPACE AREA	= 2,925 S.F.
MINIMUM (10%) LANDSCAPE AREA REQUIRED	= 293 S.F.
LANDSCAPE AREA PROPOSED	= 595 S.F.

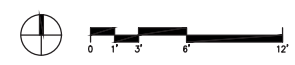


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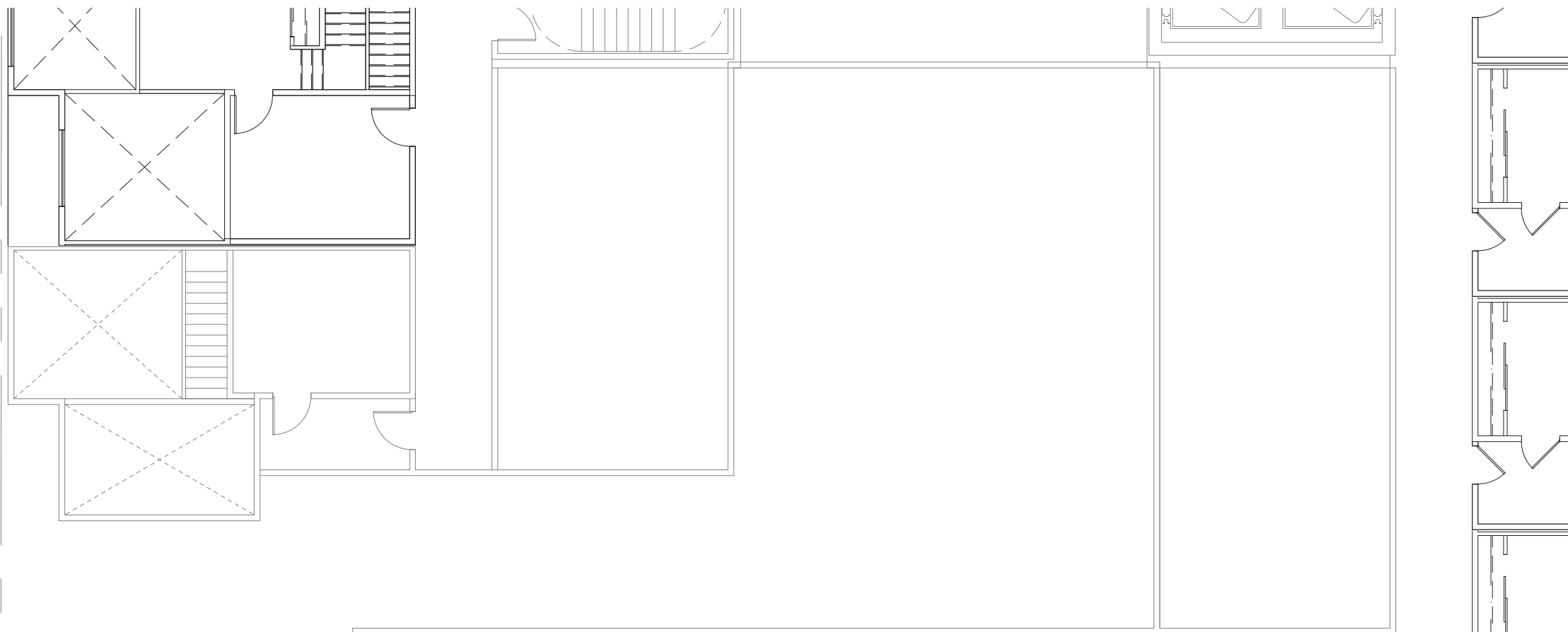


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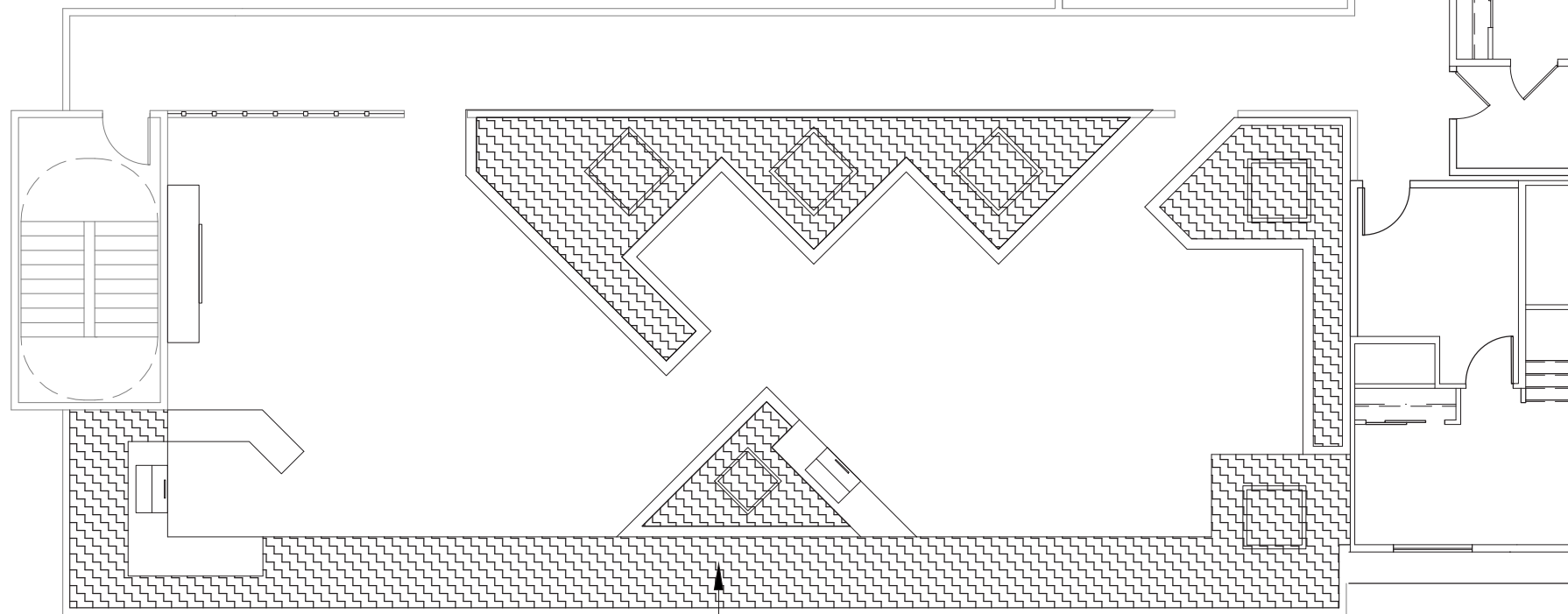
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THIRD FLOOR LANDSCAPE
 AREA EXHIBIT



ROOF DECK LANDSCAPE SUMMARY	
COMMON OPEN SPACE AREA	= 2,405 S.F.
MINIMUM (10%) LANDSCAPE AREA REQUIRED	= 240 S.F.
LANDSCAPE AREA PROPOSED	= 815 S.F.



LANDSCAPE AREA, TYP.

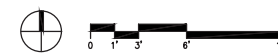


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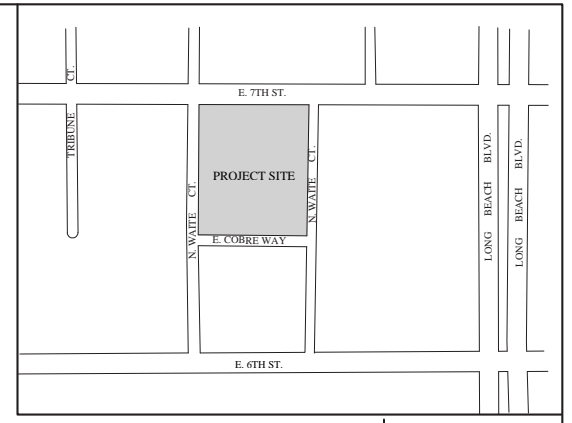
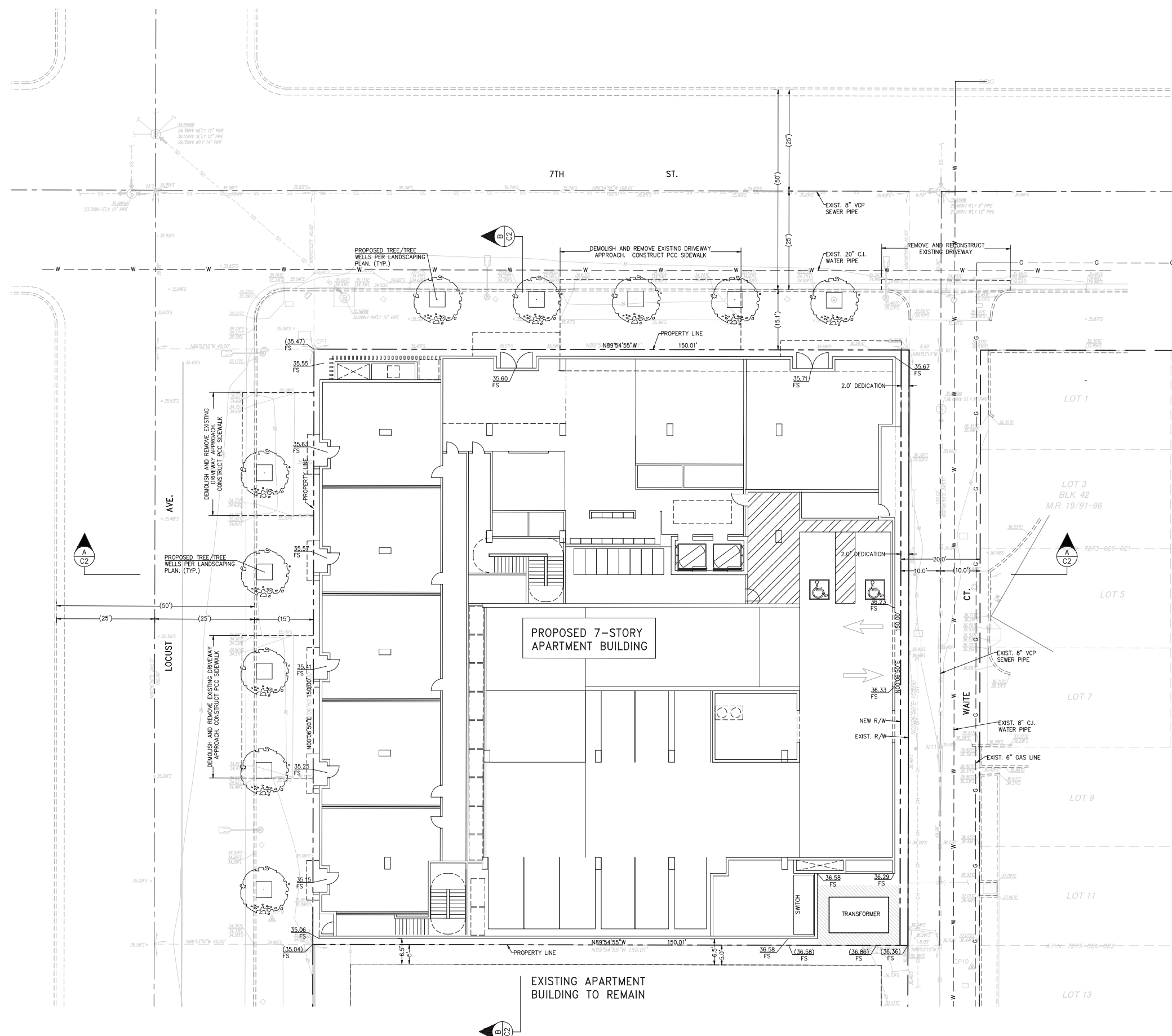


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ROOF DECK LANDSCAPE
 AREA EXHIBIT



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

LOTS 2, 4, 6, 8, 10, AND 12 IN BLOCK 42 OF MAP OF TOWN SITE OF LONG BEACH, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 19, PAGES 91 THROUGH 96 OF MISCELLANEOUS RECORDS OF SAID COUNTY.

BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 5, (2019.75) IN ACCORDANCE TO THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819; SAID BEARINGS ARE DETERMINED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING LEICA SMARTNET NORTH AMERICA REFERENCE NETWORK STATIONS (C.O.R.S.):

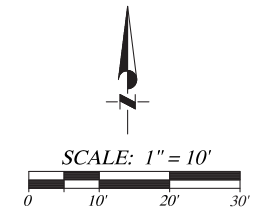
S.N.A. CAPE:
NORTHING = 1730270.25' EASTING = 6476524.38'

S.N.A. CASF:
NORTHING = 1800797.18' EASTING = 6537292.94'

BENCHMARK

ELEVATIONS SHOWN HEREON ARE BASED UPON CITY OF LONG BEACH BENCHMARK NO. 588, ELEVATION 35.32 FEET (NGVD 29 MSL).

BRASS DISC IN CURB; STAMPED "CLB BM 588 2000" 22.5' E/CURB; 0.7' N/CURB LINE.



7TH & LOCUST
LONG BEACH, CALIFORNIA

DEVELOPER/APPLICANT:
STARPOINT PROPERTIES
450 N. ROXBURY DR., SUITE 1050
BEVERLY HILLS, CA 90210
PH: (310) 651-2093
SANDYS@STARPOINTPROPERTIES.COM



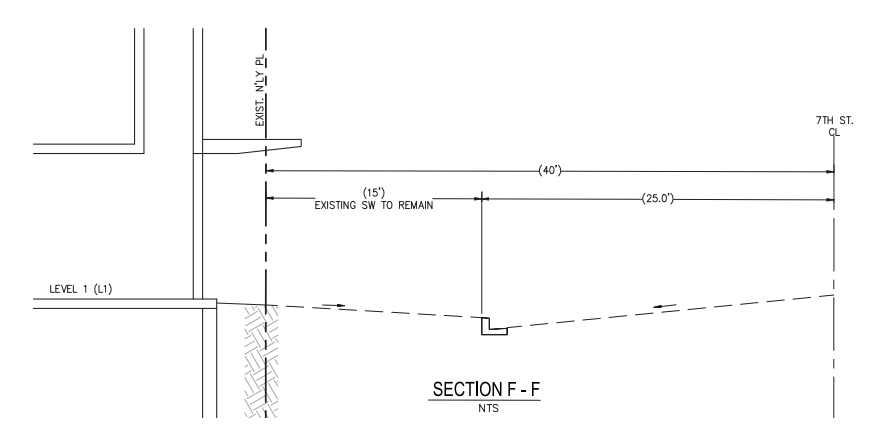
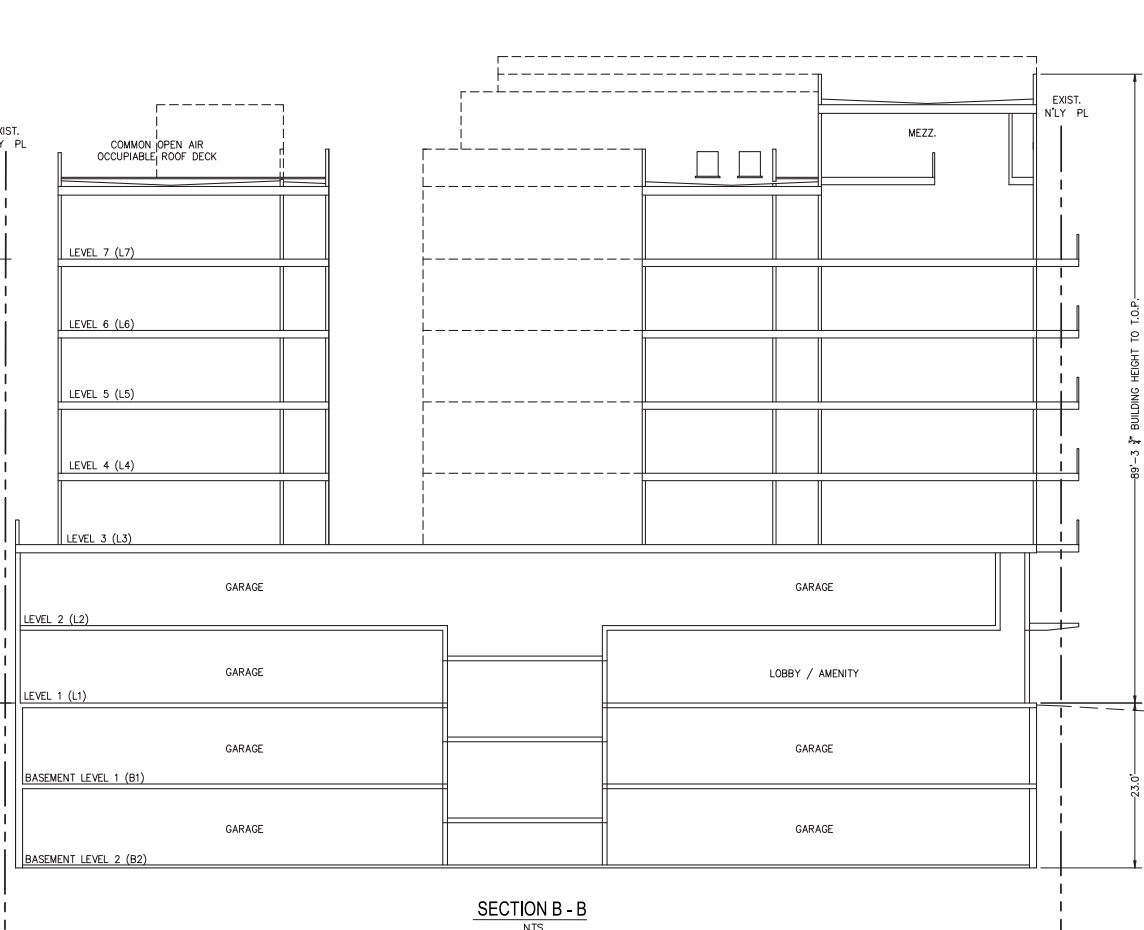
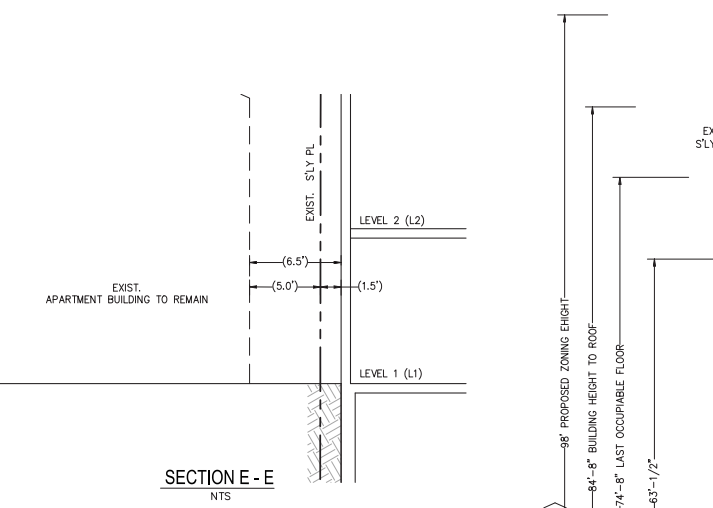
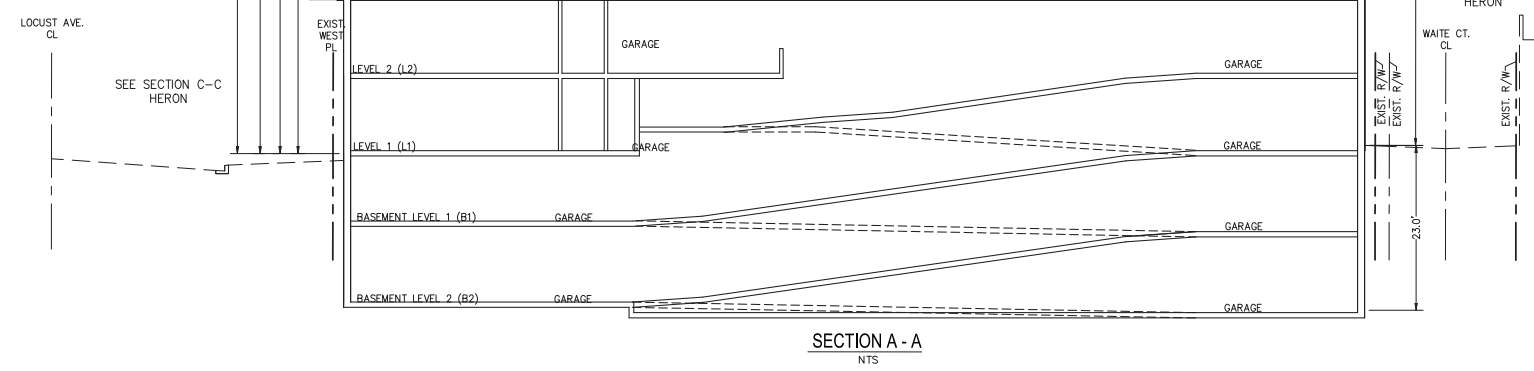
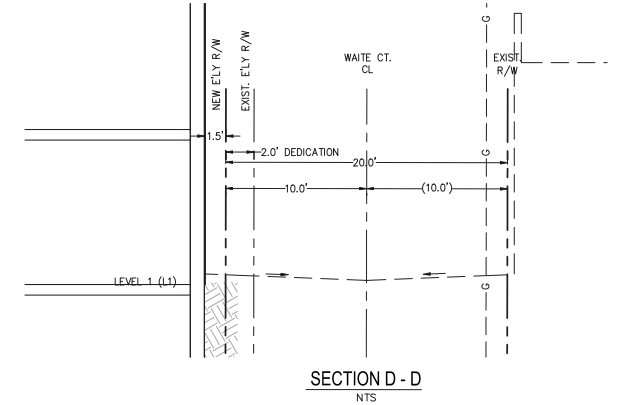
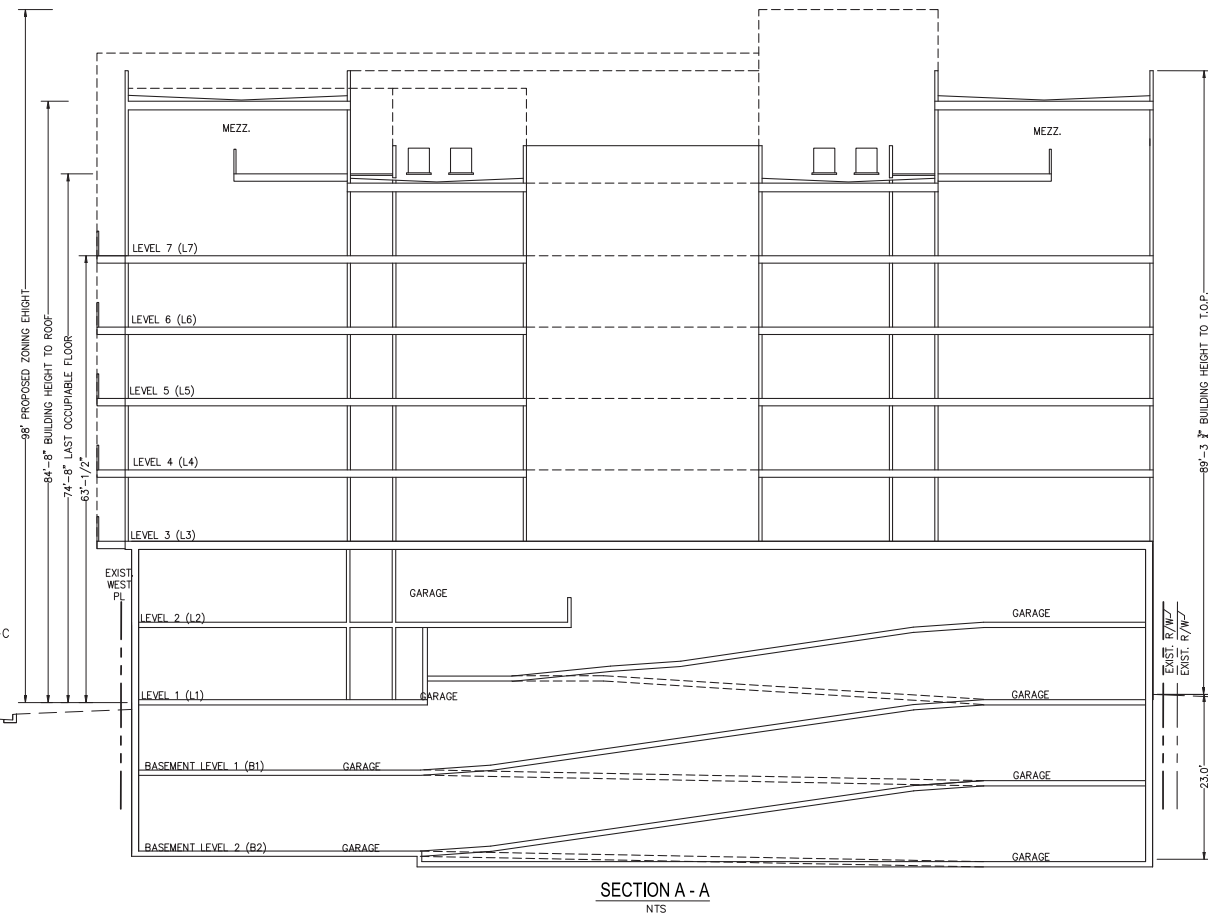
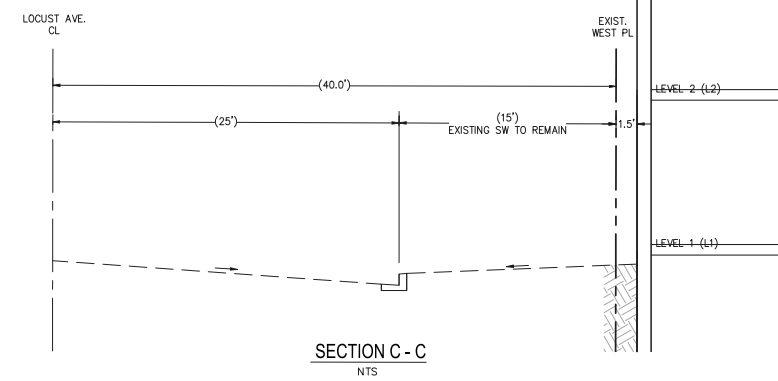
PREPARED BY:
UNITED CIVIL, INC.
30141 AGOURA ROAD, SUITE 215
AGOURA HILLS, CA 91301
PH: (818) 707-8648
FAX: (818) 707-8649

DESIGNED BY:
DATE: 08/10/2020

REVIEWED BY:
DATE:

SITE DEVELOPMENT PLAN

APN: 7273-026-004
636 LOCUST AVENUE
LONG BEACH, CA 90082



7TH & LOCUST
LONG BEACH, CALIFORNIA

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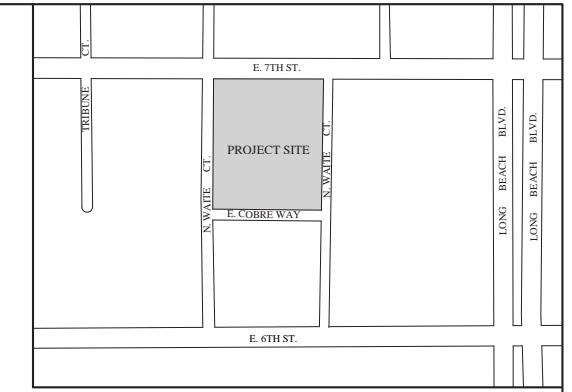
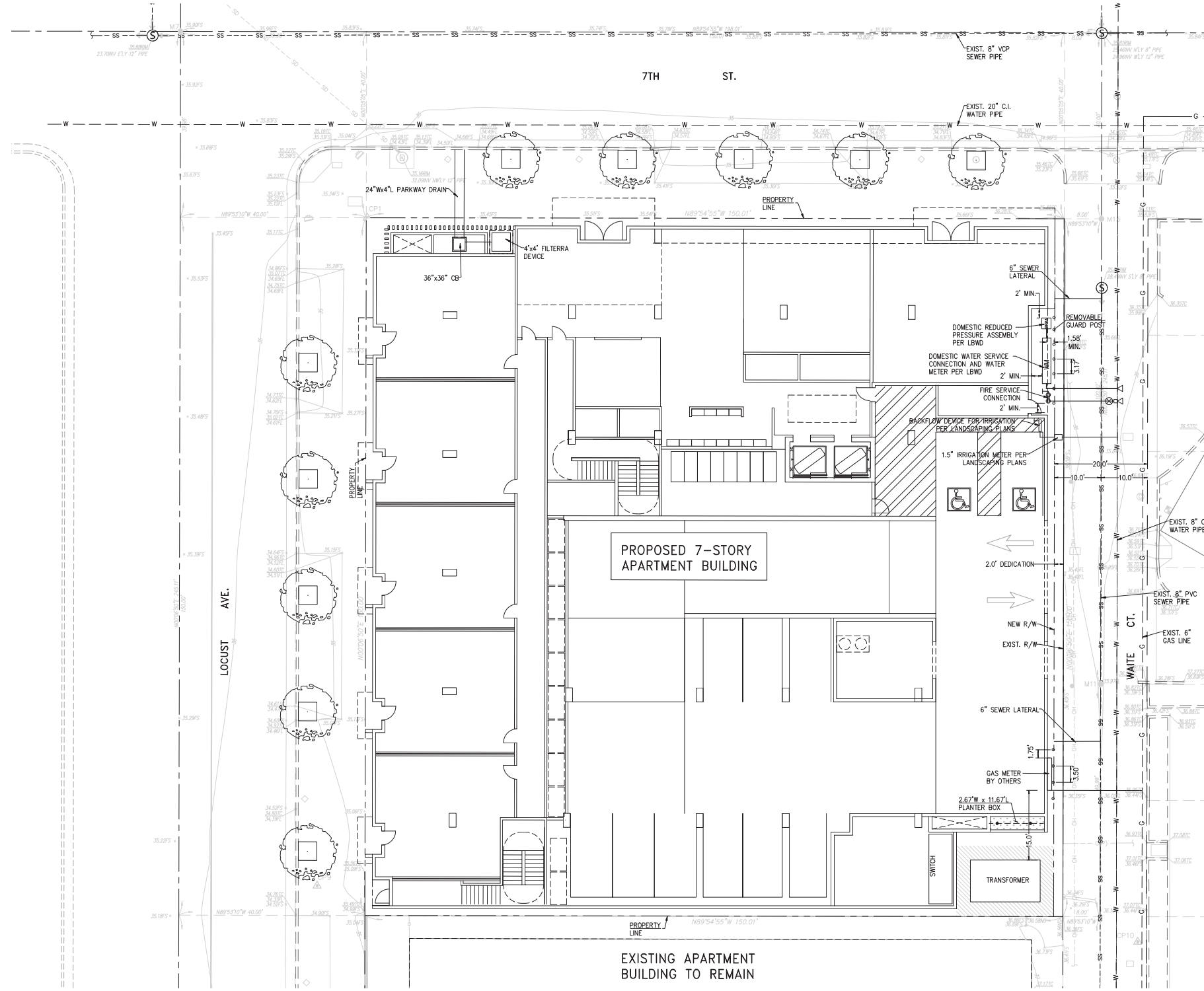


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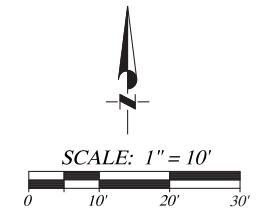
DESIGNED BY: [Signature]
DATE: 08/10/2020

REVIEWED BY: [Signature]
DATE:

SITE DEVELOPMENT PLAN SECTIONS
APN: 7273-026-004
636 LOCUST AVENUE
LONG BEACH, CA 90082

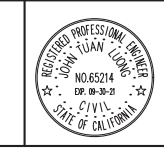


VICINITY MAP
NOT TO SCALE



7TH & LOCUST
LONG BEACH, CALIFORNIA

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PH: (818) 707-8648
FAX: (818) 707-8649

DESIGNED BY:
DATE: 08/10/2020

REVIEWED BY:
DATE:

ON-SITE UTILITY PLAN

APN: 7273-026-004
636 LOCUST AVENUE
LONG BEACH, CA 90082

SITE PLAN REVIEW FINDINGS

636 Locust Avenue

Application No. 2004-11 (SPR20-011)

January 18, 2022

Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the Site Plan Review Committee or the Planning Commission shall not approve a Site Plan Review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings:

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

The applicant proposes to build 108 residential units and 1,188 square feet of new ground-level commercial space (see project plans in App. No. 2004-11) within one new mixed-use structure (seven-stories, 88-feet-6-inches in height). The project will include 135 parking spaces through the construction of at-grade, above grade, and subterranean parking. Thirty-two (32) bicycle parking spaces would be provided on the ground floor of the project.

The project site is bounded by Seventh Street to the north and Locust Avenue to the west. The alley, Waite Court, borders the eastern property line.

The proposed project would replace a former Firestone Auto Care facility with a seven-story, mid-rise, mixed use building. The project's architecture incorporates high-quality exterior building materials and architectural elements that vary and yet are complementary. The building materials and architectural design treatments, including balconies, material changes and plane breaks to provide articulation along the street-facing elevations. The interior and alley elevations maintain cohesiveness with the use of material variations. Four levels of parking are integrated into the building with two levels of subterranean and two levels above ground. High-quality and thoughtful materials are used throughout the building.

The scale of the mid-rise building is well within the height limit for this area of PD-30, and the project would be compatible with both the mix uses and the variable scale found in surrounding area, including the Oropeza Elementary School and Renaissance High School for the Arts located across 7th Street to the north, a surface parking lot, the Molina Healthcare facility, and El Economico, a newspaper publisher to the west across Locust Avenue, commercial-retail businesses to the east, across the alley (Waite Court) and a two-story residential building immediately to the south of the subject site. The existing auto service building is built to the property line. The project is designed at the same zero-foot setback with the enclosed parking garage on levels one and two, so no openings will face the existing two-story building, and the upper floors will be setback 10-feet to

provide a buffer. There is open space at the podium level (floor 3) that will include landscaping and privacy screening. Residential balconies and a courtyard amenity deck contribute to add depth and textural form along the frontages. The ground floor retail areas would feature a storefront window system with canopies. All windows will have recessed features to provide depth to the elevations as required in the PD-30 Plan. This level of design quality and architectural expression is consistent with the goals of the Downtown Plan for high-quality building design and architecture.

A total of 135 parking spaces are required for this project per the PD-30 Plan requirements. This includes one space per unit (108 spaces) and guest parking at a rate of one space per each four dwelling units (27 spaces). The PD-30 Plan exempts parking for retail, restaurants, bar areas containing less than 6,000 square feet. The project contains 1,188 square feet of commercial space, which is exempt from parking. The project proposes the 135 parking spaces integrated into the building in at-grade, above-grade, and subterranean configurations.

The site is served by a variety of multi-modal, local, and regional transportation options. It has access from the Interstate-710 (I-710) freeway, which travels north-south with an off-ramp at 6th Street, and an on-ramp that can be accessed via 7th Street. As of June 2021, Long Beach Transit offers a modified bus schedule that operates four bus routes along 7th Street. Additional regional access is provided by the Metro A line, which travels to and from downtown Los Angeles and the greater Los Angeles County area, with the 5th Street Station at Long Beach Boulevard, between 4th and 5th Street, approximately 500 feet southeast of the project site.

The Project site is located in the Height Incentive Area of the Downtown Planned Development District (PD-30). Within the Height Incentive Area, buildings are permitted to be 240 feet in height and a FAR of 8.0, or 500 feet in height and a FAR of 11.0 with certain sustainability features incorporated into the building's design. At an FAR of 3.6:1, the project proposed is below the maximum FAR limits and would conform to the PD-30 height and FAR development standards.

The PD-30 Height Incentive Area is a subarea characterized by mid- and high-rise residential development; high-intensity employment; and various retail, cultural, and entertainment destinations. The project, designed to conform with all applicable development standards of PD-30, is consistent with the level and intensity of development envisioned for the site by the PD-30 Downtown Plan.

The project is compatible in design, character, and scale with its surroundings, which include the adjacent mid-rise mix of uses in the project vicinity. The incorporation of varying design treatments breaks up the massing and presence of the structure while enhancing the pedestrian environment.

2. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES ADOPTED BY THE PLANNING COMMISSION OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES OR THE GENERAL PLAN;

The project site is located in the Downtown Plan Planned Development District (PD-30) and conforms to the special design guidelines outlined in Chapter 4 of that document. These guidelines set standards for build-to lines, street walls, pedestrian paseos, form and massing, materials and finish, and overall quality of development.

Pedestrian orientation is achieved through the building's zero (0) setback along Locust Avenue and 7th Street frontages. Also, the proposed placement of active street-level uses within the commercial and lobby spaces would facilitate an enhanced pedestrian environment. These areas feature large glass storefront systems and elevated floor-to-ceiling heights to define the street and public realm. In addition, direct access to ground level units from Locust Avenue further activates and enhances the streetscape.

The project design, as discussed above, consists of high-quality architecture and materials choices, and complies with the requirements of the design guidelines. The project establishes a pedestrian-friendly environment. The single building has a cohesive design theme and will use quality, durable materials. Visual relief is provided on upper levels of the building with the incorporation of balcony designs and an outdoor amenity deck. The project follows the Downtown Plan's recommended materials palette by building type and uses materials and color to create variation in building form and massing. The building exhibits the most detail at ground levels and makes a positive contribution to the streetscape by directly addressing Locust Avenue and 7th Street with quality architectural elevations on each frontage.

The site is located within the Downtown (DT) General Plan Land Use PlaceType Downtown, which is subject to compliance with the development standards for the PD-30 document. The PD-30 Planned Development District was adopted by City Council in January 2012. The PD-30 area is divided into a Downtown Plan area and a Downtown Neighborhood Overlay district. The project site is located in the height incentive area of the Downtown Plan area, which intends for a combination of land uses including retail, offices, and higher density residences. As noted above, the project site is located within a transit-rich environment. The proposed mixed-use project is consistent with the intent of the district and the objective to develop a downtown that emphasizes a quality physical environment, a pedestrian focus, and quality architecture. The project includes residential units incorporating

a mix of one-, two- and three-bedroom units to accommodate a variety of household sizes consistent with adopted Housing Element goals and objectives. The additional housing units will contribute to the reduction of the state-wide housing shortage.¹

The application (App. No. 2004-11) filed prior to March 6, 2021, which is the effective date of the inclusionary housing ordinance (ORD-21-0006). Therefore, this project is not subject to the provisions of the inclusionary housing ordinance.

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

The site is currently developed with a former Firestone Auto Care Facility. The site has minimal ornamental vegetation consisting of planters with turf and two palm trees.

As conditioned, street trees abutting the site shall be in conformance with the amount and species outlined in the PD-30 landscaping provisions and pursuant to Section 21.42.050 of the City Municipal Code. The installation of new street trees consistent with applicable standards will provide a continuous perimeter of broad, leafy shade canopy trees around and throughout the project site.

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

Improvements to the public right-of-way adjacent to the project site will include dedications and easements required by the Long Beach Municipal Code. Conditions of approval include the construction of Americans with Disabilities Act (ADA) compliant sidewalks, curbs, intersection improvements adjacent to the project, and street trees adjacent to the project site (see 2004-05 conditions of approval).

The widened alleys will be used as the vehicular access to the proposed parking structure. The required dedication would widen the alley increasing the existing capacity to a 20-foot-wide alley (Waite Court). This widening is key for providing vehicular access to the parking facilities for the building.

It is anticipated that street trees and associated irrigation systems will be installed along the Locust Avenue and 7th Street frontages adjacent to the Project which will soften the street-side pedestrian experience.

¹ The application (App. No. 2005-04) was filed on April 16, 2020 prior to March 6, 2021, which is the effective date of the inclusionary housing ordinance (ORD-21-0006). Therefore, this project is not subject to the provisions of the inclusionary housing ordinance.

5. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT), WHICH REQUIREMENTS ARE SUMMARIZED IN TABLE 25 1 AS FOLLOWS:

Table 25-1
 Transportation Demand Management Ordinance Requirements

TDM Requirements	New Nonresidential Development		
	25,000+ Square Feet	50,000+ Square Feet	100,000+ Square Feet
Transportation Information Area	♦	♦	♦
Preferential carpool/vanpool parking		♦	♦
Parking designed to admit vanpools		♦	♦
Bicycle parking		♦	♦
Carpool/vanpool loading zones			♦
Efficient pedestrian access			♦
Bus stop improvements			♦
Safe bike access from street to bike parking			♦
Transit review	For all residential and nonresidential projects subject to EIR		

The project contains 1,188 square feet of commercial floor area which is less than the first tier of 25,000 square feet of new non-residential development that would require implementation of Transportation Demand Management requirements.

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

The project will comply with green building standards for private development, as per the requirements of Section 21.45.400. The project design does not require additional green building project design features for development incentives. As conditioned and in conformance with Section 21.45.400, the project would meet the intent of LEED at the Certified Level.

Additionally, bicycle parking is provided, the rooftop is designed for solar readiness, and the trash collection areas will feature a designated area for recyclable materials. Therefore, the project would be in conformance with the Green Building Standards outlined for public and private development, as listed in Section 21.45.400 of the Long Beach Municipal Code.

**CONDITIONS OF APPROVAL
SITE PLAN REVIEW
636 Locust Avenue
Application No. 2004-11 (SPR20-009)
January 18, 2022**

Special Conditions:

1. The following approvals are granted for this project:
 - a. Approval of an Environmental Impact Report Addendum (EIRA 06-20) to the Downtown Plan Program EIR (SCH #2009071006).
 - b. Site Plan Review approval for the construction of a seven-story, mixed-use, building containing 108 dwelling units, 1,188 square feet of ground level commercial uses, and an integrated four-level, 135 stall parking garage at 636 Locust Avenue in the Downtown Plan (PD-30) District.

Plans and Construction

2. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services, Planning Bureau, and reviewed by the Planning Commission on September 2, 2021.
3. The applicant shall comply with the Mitigation Measures specified in the Mitigation Monitoring and Reporting Program of the Downtown Plan PEIR, to the satisfaction of the Director of Development Services. These mitigation measures are attached to these conditions of approval and by this reference made a part hereof.
4. Pursuant to PD-30 Plan, all windows and doors shall be recessed at least 3-inches from the face of the finished exterior wall to achieve a sufficient depth and shadow reading. Flush finish installations, especially with stucco, are not permitted.
5. A minimum of 135 required parking stalls shall be permanently maintained and in useful operation within the building's parking garage. The number of Electric Vehicle (EV) charging stations and spaces shall meet California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements.
6. Thirty-two bicycle parking spaces, or the number of spaces as required by PD-30 development standards, shall be provided for and maintained on site. The type, spacing and placement of exterior bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services.
7. One or several central satellite television/data receiver dish(es) shall be located on the roof of the building or in another utility area so that a separate satellite receiver dish is not needed for each residential and commercial unit.

8. All required off-site street improvements shall be installed or provided for, to the satisfaction of the Director of Public Works, as provided in the conditions of approval below, prior to the issuance of Certificate of Occupancy.
9. Pursuant to section 21.45.400 (c), the project shall meet the intent of LEED at the Certified level to the satisfaction of the Director of Development Services. Prior to issuance of any project-related building permits, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration, or provide proof by a third party as meeting the intent of LEED at the level required by Chapter 21.45.400.
10. Pursuant to section 21.45.400 (i), the project shall provide:
 - a. Roofs shall be designed to be solar-ready subject to all applicable state and local construction codes and provide conduit from the electrical panel to the roof;
 - b. A designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.
11. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 - Exterior Noise Limits.
12. Prior to the issuance of a building permit for each phase of construction, the applicant shall notify all adjacent property owners and occupants in writing of when the start of grading/construction is to occur. The letter shall include a name and phone number of a responsible person who has the authority to resolve concerns.
13. All required on-site parking for the project buildings shall be provided and maintained upon issuance of Certificate(s) of Occupancy for the project buildings.
14. Prior to issuance of a Certificate of Occupancy, any unused curb cuts adjacent to the project site shall be closed and reconstructed to full-height curb and gutter under a permit from the Department of Public Works, to the satisfaction of the Director of Development Services.
15. Prior to issuance of a grading or demolition permit (whichever occurs first), the developer shall submit a proposed haul route/trucking route for all construction truck trips for review by the Director of Development Services and the City Engineer. The Director of Development Services and/or City Engineer may modify this proposed haul route/trucking route prior to its approval, as they deem necessary to protect the public safety and welfare, and to prevent negative impacts upon neighboring uses. Said modifications (if any) and approval shall be binding upon all hauling activities and construction truck trips by the developer.

16. The developer shall abide by the haul route/trucking route approved by the Director of Development Services and City Engineer. Failure to do so shall cause the City to issue a stop work order and withhold issuance of further construction permits, inspections, or certificates of occupancy, until such time as the Director of Development Services and City Engineer determine the developer's hauling practices to be remedied.
17. Prior to the issuance of grading and building permits, the applicant shall submit a pedestrian access and protection plan to the Department of Development Services and the Department of Public Works for review and approval. The plan shall detail all pedestrian access closures and detail detours for safe navigation around the project site during construction. The approved pedestrian access and protection plan shall be maintained on-site at all times during project construction activities.
18. All modifications to vegetation on onsite and offsite (public right-of-way) shall comply with the Migratory Bird Treaty Act (MBTA), including the completion of nesting bird surveys prior to any tree or vegetation removal:
 - a. If initial clearing activities prior to the start of construction take place during the bird nesting season (generally January through September, but variable based on seasonal and annual climatic conditions), a nesting bird survey should be performed by a qualified biologist within three days of such activities to determine the presence/absence, location, and status of any active nests on-site or within 100 feet of the site. The findings of the survey should be summarized in a report to be submitted to the City of Long Beach prior to undertaking construction activities at the site.
 - b. If nesting birds are found on-site, a construction buffer of 500 feet for nesting raptors or threatened or endangered species and 100 feet of all other nesting birds should be implemented around the active nests and demarcated with fencing or flagging. Nests should be monitored at a minimum of once per week by the qualified biologist until it has been determined that the nest is no longer being used by either the young or adults. No ground disturbance should occur within this buffer until the qualified biologist confirms that the breeding/nesting is completed and all the young have fledged. If project activities must occur within the buffer, they should be conducted at the discretion of the qualified biologist.
 - c. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary.
19. The project shall be developed in substantial conformance with the plans dated August 3, 2021 and presented to the Planning Commission on September 2, 2021. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design.
20. The applicant shall submit an application for a Sign Program or individual sign permit

if less than two signs. No permanent on-site signs shall be installed prior to approval of a sign permit or a Sign Program. The Sign Program shall include signage for all vehicular access and loading areas.

21. Minor changes to these approved plans, in keeping with the intent and spirit of the project approvals, may be approved at the discretion of the Director of Development Services. For any major changes, including changes to building/architectural materials, on-site improvements, site plan or layout, landscaping, or other significant items (including deviations from any of these conditions of approval), the developer shall be required to submit an application for a Modification of Approved Permit.
22. The developer shall provide a sample of all final exterior finish and architectural materials and colors selected for construction for review by the Director of Development Services, prior to issuance of a building permit for new construction. If these materials are found to be below the standards approved in concept, the developer shall remedy the deficiency by revising plans to include exterior finish and architectural materials and colors to the satisfaction of the Director of Development Services.
23. All groundcover and shrubs shall be drought-tolerant and low-water requirement species. The project landscaping shall comply with the Water Efficient Landscaping standards of Chapter 21.42 of the Zoning Regulations.
24. Landscape plans shall be submitted as a separate, but concurrent plan check.
25. Pursuant to Section 21.42.050 of the City Municipal Code, one (1) large canopy street tree, of not less than twenty-four inch (24") box size, shall be provided for each twenty-five feet (25') of property line length. Street trees shall be consistent with the street tree standards and designated species outlined in the Downtown Plan (PD-30). The landscaped parkway shall be located in coordination with the location of on-street parking.
 - a. Street trees shall be spaced from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway as provided in Chapter 14.28 of the Municipal Code.
26. All forms of barbed wire and razor wire shall be prohibited on the site.
27. Any street lights, pedestrian lights, parking lot lights, and other exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of Development Services prior to issuance of building and electrical permits. All lights shall be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure, in compliance with the appropriate backlight/uplight/glare (BUG) rating requirements of the Illuminating Engineering Society of North America (IESNA) equivalent to the previous standard for certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.

28. The developer shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations and the applicable standards of the PD-30 ordinance.
29. During construction, in order to avoid archaeological resources, human remains, and paleontological resources plans containing specific details and logistics for carrying out the Program EIR mitigation measures will be prepared. The plans shall cover archaeological resources/human remains and paleontological resources, and would include: the professional qualification standards for archaeological and paleontological staff (following the Secretary of the Interior and Society for Vertebrate Paleontology, as applicable); communication protocols; a description and maps noting the locations/depths of where monitoring is required based on sensitivity and construction plans; training for construction personnel; the process for modifying monitoring frequency (reducing or discontinuing); protocols to follow in the event of a discovery, including work stoppage and notification procedures; an outline for significance evaluations of discovered resources; protocols for sampling, recovery, treatment, and analysis of resources; and reporting and curation requirements.
30. Cultural tribal monitoring with the local culturally affiliated tribe will still be required during construction. The project applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the culturally affiliated tribe and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.
31. Pile-driving as a means of construction is explicitly prohibited during all phases of construction.

Use and Operation

32. All refuse collection shall take place at the alley, with all trash receptacles being moved internally within the project site to the alley for collection. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.

33. All exterior on-site newsstands and racks (including free publications, classifieds, etc.), vending machines, donation bins, and publicly-accessible telephones shall be prohibited, and any existing ones shall be removed.

Police Department Conditions

34. The applicant shall provide for all CPTED (crime prevention through environmental design) recommendations issued for the project by the Long Beach Police Department, in the memo dated May 3, 2020, attached to these conditions of approval and by this reference made a part hereof.

Building and Safety Conditions

35. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated on May 28, 2020.

Water Department Conditions

36. The applicant shall comply with all comments from the Water Department dated on May 27, 2020.

Energy Resources Department Conditions

37. The applicant shall comply with all comments from the Long Beach Energy Resources (LBER) Department dated on May 20, 2020.
38. The developer is to review and get approval for proposed meter(s) locations and gas service line routing with LBER.
39. The Developer shall provide gas loads for proposed development and to confirm that the new meter(s) locations meet all LBER requirements.
40. Developer/owner is responsible in coordinating with LBER to make sure there is a plan in place for the relocation of gas facilities. Per LB Municipal Code, any structures or obstructions are not allowed to be built above the existing gas lines deterring access to those facilities. Furthermore, the builder should be aware of the cost and schedule impacts up front associated with the relocation work for this development project.

Public Works Conditions

41. The developer shall provide for the following to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

- a. Prior to the start of ANY demolition, excavation, or construction, the Developer

shall,

- i. Submit a construction plan for pedestrian protection, construction staging, scaffolding and excavations, and
- ii. Submit a traffic control plan with street lane closures and routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.) prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, and
- iii. Submit a plan for construction area and/or site perimeter fencing with custom printed screen(s),
- iv. All for review and approval by the Department of Public Works and installed in accordance with the latest version of the Public Works Development Guideline.

Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit. The Developer shall comply with all requirements outlined within the latest version of the Public Works Development Guideline and all referenced standards at the time of application submittal.

- b. The Developer proposes architectural projection encroachments into the public right-of-way that include architectural features, signage, balconies and awnings. Construction plans shall be submitted to the Department of Public Works for all projections over the public right-of-way to be reviewed for approval, to the satisfaction of the Director of Public Works.
- c. Doors and/or gates shall not swing or project into the public right-of-way. All door openings swinging into public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- d. The Developer is proposing a refuse and recycling receptacle area as part of the proposed development. All proposed refuse and recycling structures and receptacles must be placed entirely on private property, outside of the public right-of-way. The Developer and/ or successors shall be responsible for the cleanliness of the sidewalk/roadway adjacent to the refuse and recycling area and the overall development.
- e. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, as determined during the plan check process, the right-of-way dedication way shall be provided.
- f. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and **submitted to the Public Works counter at the Permit Center on the 2nd Floor of City Hall (411 W. Ocean Blvd., Long Beach, CA 90802)**, for review and approval. The City's Public

Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. **This is in addition to, and separate from, any plan check required by the Department of Development Services, Building & Safety Bureau.**

- g. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review to the Department of Public Works.

PUBLIC RIGHT-OF-WAY

- h. The Developer shall dedicate and improve an additional 2 feet of right-of-way along the north-south alley (N. Waite Court) adjacent to the site, for alley widening purposes resulting in an improved 20-foot wide alley along the eastern proposed development property line boundary, relocating and/ or undergrounding all existing facilities as necessary to accommodate the alley widening. Alley improvements shall be constructed with Portland cement concrete. A complete application along with all required items plus filing fee shall be submitted for review and processing.
- i. The Developer shall be responsible for resolving all matters of easement(s) and/ or utilities encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.

OFF-SITE IMPROVEMENTS

- j. Locust Avenue is currently subject to a street pavement cut moratorium ending in June 2022. The Developer shall provide written approval from the City to implement any street improvements prior to the end of the existing moratorium, in the form of a discretionary permit for excavation. Any work within a street under moratorium requires a complete grind and overlay from block to block and the Developer shall adhere to this requirement.
- k. The Developer shall improve the alley dedication area and reconstruct the full width of the north-south alley (N. Waite Court) adjacent to the eastern proposed development property line boundary of the project site, from the southeastern corner of the project site to 7th Street, with Portland cement concrete, to the latest City standards and to the satisfaction of the Director of Public Works.
- l. The Developer shall provide for or install alley lighting in the improved alley (N. Waite Court) adjacent to the project site, to the satisfaction of the Director of Public Works.
- m. The Developer shall reconstruct the alley curb intersection at 7th Street and N.

Waite Court to align with the new alley widening, to the satisfaction of the Director of Public Works. The Developer shall construct the alley intersections to meet full ADA compliance. Alley improvements shall be constructed with Portland cement concrete.

- n. The Developer shall check with the Long Beach Water Department at (562) 570-2300 and the Gas and Oil Department at (562) 570-2030 for scheduled main replacement work prior to submitting any improvement plans to the Department of Public Works.
- o. As shown on the submitted plans, the Developer shall provide for tree wells, new street trees with root barriers and irrigation along 7th Street and Locust Avenue, adjacent to the project site. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. At a minimum, parkway trees shall provide shade coverage, after five years of growth, of 50% of the total area dedicated for public right of way.
- p. The Developer shall remove unused driveways and curb cuts, along 7th Street and Locust Avenue, and replace with full-height curb, curb gutter and sidewalk to the latest City standards and to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- q. The Developer proposes improvements that may impact existing under- and above-ground utilities adjacent to the project site, such as street light and conduits, along the perimeter streets and alleyways adjacent to the project site. The Developer shall be responsible for all design, applicable utility approval, permitting, relocation work, easements relocation and commissioning as required by the interested agency and shall work with each utility directly.
- r. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements adjacent to the development site, and/or along the truck delivery route found damaged as a result of construction activities, shall be reconstructed or replaced by the Developer, to the satisfaction of the Director of Public Works.
- s. The Developer shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- t. The Developer shall submit a grading plan 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, prior to approval of the map and/or release of any building permit.

- u. The Developer shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.
- v. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the Developer must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 576-6600 or visit their website for complete instructions at www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml.

TRAFFIC AND TRANSPORTATION

- w. The Developer shall upgrade the traffic signal controller to the most current City of Long Beach standard, a McCain 2070 controller, at the intersection of Locust Avenue and 7th Street.
- x. The Developer shall upgrade the existing crosswalks at the intersection of 7th Street and Locust Avenue to new continental style crosswalks, using thermoplastic materials, per the latest City standards and to the satisfaction of the City Traffic Engineer.
- y. The Developer shall salvage, protect and reinstall all parking meters on 7th Street and Locust Avenue that require temporary removal to accommodate new construction within the public right-of-way. All parking meters shall be reinstalled to the satisfaction of the City Traffic Engineer. At the discretion of the Director of Public Works, the Developer may be required to replace the current parking meters with the newest upgraded City standard type.
- z. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- aa. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- bb. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.

cc. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.

dd. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).



626 Wilshire Boulevard
Suite 1100
Los Angeles, CA 90017
213.599.4300 phone
213.599.4301 fax

memorandum

date June 18, 2021
to City of Long Beach, Planning Department
from Kimberly Comacho, ESA
subject Land Use Equivalency Program for the Downtown Plan Program Environmental Impact Report

Introduction

This Land Use Equivalency Program (LUEP) has been prepared to provide development flexibility so that the project could respond to market conditions over the build-out duration of the development. Land uses to be developed would be allowed to be reallocated among the permitted land uses so long as the limitations of the LUEP are satisfied and do not exceed the analyzed upper levels of environmental impacts that are identified in the Program Environmental Impact Report (Certified PEIR) or exceed the maximum Floor Area Ratio (FAR)¹. Increases in permitted land uses can be reallocated for corresponding decreases of other permitted land uses under the proposed LUEP.

A new residential project, when considered with projects that have been completed, under construction, or approved, would exceed the 5,000 residential units contemplated in the Certified PEIR. However, the Certified PEIR also evaluated impacts from the construction and operation of 480,000 square feet of retail/commercial space, 1,500,000 square feet of office space, and 800 hotel rooms. To date, approximately 203,710 square feet of retail/commercial space and 490,000 square feet of office space, and 223 hotel rooms have been completed, is under construction, or approved. Given that there is a demand for new housing units in the Downtown Plan Area and decreased demand for new commercial,² office, and hotel uses, a Land Use Equivalency Program analysis has been prepared as a part of this Addendum to characterize the extent of additional residential development that could occur within the Downtown Plan Area.

To determine the reallocation rates, a Downtown Plan Equivalency Calculator (DPEC),³ included as Attachment A, has been developed to allow for the City to easily track the approved projects and to reduce available commercial, office, and/or hotel space to accommodate increased demand for residential housing units. The DPEC has developed a conservative exchange rate to allow for the reallocation of commercial, office, and/or hotel space as residential units such that applicable regulations are satisfied and no additional significant environmental impacts or substantially greater impacts would occur than previously identified in the Certified

¹ Maximum Floor Area Ratios (FARs) in the three Downtown Plan Area height districts would be 2.25 FAR in the 38-foot height area, 4.0 FAR in the 80-foot height area, and 5.0 FAR in the 150-foot height area.

² Note that commercial land use includes restaurant and retail uses.

³ Environmental Science Associates (ESA). *Downtown Plan Equivalency Calculator Memorandum*. April 2021.

PEIR. The DPEC provides for the initial reallocation of non-residential land use to account for an additional 3,260 housing units to be developed within the City.

Existing Build-Out Conditions

Figure 1 illustrates the projects that have been approved to-date in the Downtown Plan area since 2012 when the PEIR was certified. These projects fall into the following categories: completed, under construction, and approved. A detailed list of approved projects, and the year they were approved, is provided in Table 1. This list includes the Traffic Study Zone (TSZ) where each project is located, which is an artificial boundary used in the traffic analysis conducted for the Certified PEIR. While this information can be useful in characterizing intersection-level traffic operations, it is not a part of the overall Downtown Plan area equivalency analysis. Table 2 shows a comparison of land uses between the Certified PEIR and those approved to date organized by traffic study zones.

**TABLE 1
APPROVED PROJECTS IN THE DOWNTOWN COMMUNITY PLAN ^a**

Name	Location	Land Use	Traffic Study Zone
2020/2021			
636 locust Avenue Addendum	636 Locust Avenue	108 DU 1,19 Rest/Ret	11
525 E. Broadway Addendum	525 E. Broadway	48 DU 5.09 Rest/Ret	18
Pine	711 Pine Avenue	24 DU	10
1811-11	1028 10 th Street	5 DU	20
1705-19	538 Golden Avenue	3 DU	2
1803-23	949 Pacific Avenue	6 DU	5
1610-04	825 E. 7 th Street	27 DU	20
2019			
Anastasi Project	507 Pacific Ave.	157 DU Res 9K Ret/Rest	7
Mixed-Use Project	600 W. Broadway	756 DU Res 3K Ret/Rest	4
Third & Pacific Project	131 W. 3 rd St.	271 DU Res 14.5K Ret/Rest	12
2018			
Harvey Milk Promenade Park	185 E. 3 rd St.	n/a	12
Table 301 (closed)	301 The Promenade N.	3.9K Rest	12
Huxton	227 Elm Ave.	40 DU Res	18
Long Beach Civic Center Project			
-City Hall Building	401 W. Ocean Blvd.	143K Office ^b	9
-Port Administration Building	415 W. Ocean Blvd.	134K Office ^b	9
-Main Library Building	200 W. Broadway	-44.3K Office ^b	9
-Mid-Block Mixed-Use Building	411 W. Ocean Blvd.	580 DU Res 40K Ret/Rest	9
Hotel Project	107 Long Beach Blvd.	34 rooms	14
The Alamitos	101 Alamitos Ave.	136 DU Res 2.6K Ret/Rest	24
The Beacon	1201-1235 Long Beach Blvd.	160 DU Res 6K Ret/Rest	N/A ^c
The Pacific	230 W. 3 rd St.	163 DU Res	8
The Place	495 The Promenade N.	20 DU Res 5.2K Ret/Rest	12
AMLi Park Broadway	245 W. Broadway	222 DU Res 8.5K Ret/Rest	8

The Linden	434 E. 4 th St.	49 DU Res 2.5K Ret/Rest	17
Shoreline Gateway	777 E. Ocean Blvd.	315 DU Res 6.7K Ret/Rest	24
Inkwell	127-135 E. Broadway	189 DU Res 10K Ret/Rest	13
Pacific-Pine	635 Pine Ave./636 Pacific Ave.	271 DU Res 1.4K Ret/Rest	11
Locust Long Beach Apartments	1112 Locust Ave.	97 DU Res	N/A ^c
Broadway Block	200-256 Long Beach Blvd.	432 DU Res 33K Ret/Rest	18
Mixed-Use Project	1101-1157 Long Beach Blvd.	120 DU Res 6K Ret/Rest	N/A ^c
Aster	125 Long Beach Blvd.	218 DU Res 7.3K Ret/Rest	14
2017			
210 Third Lofts	210 E. 3 rd St.	Façade Remodel Only	13
Mixed-Use Project	135 Linden Ave.	82 DU Res 4.1K Ret/Rest	19
Broadway & Magnolia	500 W. Broadway	142 DU Res 3.5K SF Ret/Rest	4
Residential Project	320 Alamitos Ave.	77 DU Res	26
2016			
The Current	707 E. Ocean Blvd.	223 DU Res 6.8K Ret/Rest	24
Edison	100 Long Beach Blvd.	156 DU Res 3.6K Ret/Rest	19
Pacific Court Apartments	250 Pacific Ave.	69 DU Res	13
Newberry Lofts	433 N. Pine Ave.	28 DU Res 6.5K Ret/Rest	12
Studio One Eleven	245 E. 3 rd St.	34.3K Office	12
Mixed-Use Project	137 W. 6 th St.	10 DU Res 1.2K Ret/Rest	11
4 th and Olive Restaurant	743 E. 4 th St.	3.7K Ret/Rest	22
Mixed-Use Project	437 E. 5 th St.	18 DU Res 0.23k Ret/Rest	17
Security Pacific Nat'l Bank Building	110 Pine Ave.	189 DU Res	14
2015			
Psychic Temple/American Hotel	228-230 E. Broadway	7K Office 3.7K Ret/Rest	14
Beachwood Blendery	247 N. Long Beach Blvd.	4.5K Ret/Rest	13
Sixth Street Lofts	431 E. 6 th St.	30 DU Res	16
2014			
Meeker-Baker Building	650 Pine Ave.	127K Office	11
Off Broadway ^d	125 Linden Ave.	82 DU Res 2.7K Ret/Rest	19
2012-2013			
Press-Telegram Building	604 Pine Ave.	89K Office	11

Notes:

DU = dwelling unit; ksf = 1,000 square feet

^a Includes developments that were either completed, under construction, or approved as of October 2020.^b Land Use values provided are net values (proposed land use – existing land use).^c Development is located within Downtown Plan Area, but not within a Traffic Study Zone.^d Development not constructed and replaced by the 2017 Mixed-Use Project located at 135 Linden Avenue. The 2017 Project information supersedes this Project and this project is not counted in the total unit count.

SOURCES: Long Beach Development Services, 2021; ESA, 2021.

**TABLE 2
LAND USE COMPARISON**

Traffic Study Zone	Certified PEIR				Approved to Date ^a				Remaining			
	Residential (DUs)	Office (KSF)	Commercial (KSF)	Hotel (Rooms)	Residential (DUs)	Office (KSF)	Commercial (KSF)	Hotel (Rooms)	Residential (DUs)	Office (KSF)	Commercial (KSF)	Hotel (Rooms)
2	40	0	0	0	3	0	0	0	37	0	0	0
3	0	150	5	0	0	0	0	0	0	150	5	0
4	500	250	15	60	898	0	7	0	-398	250	9	60
5	80	0	0	0	6	0	0	0	74	0	0	0
6	20	0	0	0	0	0	0	0	20	0	0	0
7	280	0	60	0	157	0	9	0	123	0	51	0
8	320	0	0	0	385	0	9	0	-65	0	-9	0
9	800	460	80	0	580	233	40	0	220	227	40	0
10	320	55	0	0	24	0	0	0	296	55	0	0
11	280	60	0	0	389	216	4	0	-109	-156	-4	0
12	340	110	0	0	319	34	30	0	21	76	-30	0
13	320	175	125	0	258	0	15	0	62	175	111	0
14	180	175	0	0	218	7	11	223	-38	168	-11	-223
15	120	0	0	0	0	0	0	0	120	0	0	0
16	20	0	0	0	30	0	0	0	-10	0	0	0
17	280	0	80	60	67	0	3	0	213	0	77	60
18	20	0	35	120	520	0	38	0	-500	0	-3	120
19	220	0	80	240	238	0	8	0	-18	0	72	240
20	110	65	0	0	32	0	0	0	78	65	0	0
21	20	0	0	0	0	0	0	0	20	0	0	0
22	240	0	0	40	0	0	4	0	240	0	-4	40
23	140	0	0	120	0	0	0	0	140	0	0	120
24	180	0	0	100	674	0	16	0	-494	0	-16	100
25	20	0	0	20	0	0	0	0	20	0	0	20
26	40	0	0	0	77	0	0	0	-37	0	0	0
27	110	0	0	40	0	0	0	0	110	0	0	40
Other ^b	0	0	0	0	377	0	12	0	-377	0	-12	0
Total	5,000	1,500	480	800	5252	490	204	223	-252	1010	276	577
					<i>% approved vs. PEIR</i>	<i>105%</i>	<i>33%</i>	<i>42%</i>	<i>28%</i>			

**TABLE 2
LAND USE COMPARISON**

Traffic Study Zone	Certified PEIR				Approved to Date ^a				Remaining			
	Residential (DUs)	Office (KSF)	Commercial (KSF)	Hotel (Rooms)	Residential (DUs)	Office (KSF)	Commercial (KSF)	Hotel (Rooms)	Residential (DUs)	Office (KSF)	Commercial (KSF)	Hotel (Rooms)

Notes:

DU = dwelling unit; ksf = 1,000 square feet

^a Includes developments that were either completed, under construction, or approved as of October 2020.

^b Development is located within Downtown Plan Area, but not within a Traffic Study Zone.

SOURCES: Long Beach Downtown Community Plan Program EIR Traffic Impact Analysis, 2010; Long Beach Development Services, 2021; ESA, 2021.

As shown in Table 2, the number of residential units approved to-date (5,252 dwelling units) exceeds the number that were evaluated in the Certified PEIR (5,000 dwelling units). However, the amount of office and commercial square footage and hotel rooms that have been approved to date are substantially lower than what was evaluated in the Certified PEIR. Therefore, some reallocation among land uses can occur – meaning that residential units may continue to be approved by the City under the Downtown Community Plan by reallocating some portion of the large amount of undeveloped office, commercial, and hotel uses within the Downtown Plan area can be subject to approval within the Downtown Plan.

The DPEC provides exchange rates of approximately 0.315 thousand square feet (KSF) of office space, 0.082 KSF of commercial space, and 0.629 hotel rooms per dwelling unit. Based on the impact analysis below and using the DPEC, the 3,260 additionally approved residential units can be accommodated by reducing office by 417,060 square feet, commercial uses by 135,320 square feet, and hotel uses by 177 rooms. Taking into account the already approved development, this leaves a balance of 3,008 dwelling units, 592,95 KSF office space, 140.97 KSF commercial space, and 400 hotel rooms. As described further in Appendix A, *Downtown Plan Equivalency Calculator Memorandum*.

Impact Analyses under the LUEP

Aesthetics

The Certified PEIR determined that the Downtown Plan would result in less-than-significant impact to scenic vista. In addition, the Certified PEIR determined that no state scenic highway exists within the project area or within any area where development within the project area would affect views from a state scenic highway. Thus, the Certified PEIR concluded that the Downtown Plan would result in no impact to scenic resources. Exchanging retail/commercial or hotel square footage with residential square footage, would not alter these conclusions, as the overall project would be within the defined Downtown Plan Area and development parameters considered in the Certified PEIR and would not allow for development at a greater density/intensity than previously considered. Therefore, impacts would remain less than significant under the equivalency scenario.

As described in the Certified PEIR, the visual character of the Downtown Plan Area would be altered through the introduction of additional high-rise structures and full-block complexes at locations within the Downtown Plan area. However, with implementation of the Downtown Plan's Design Guidelines and the City's Design Review process, future development would be compatible with existing development patterns and enhance the visual environment. Thus, the Certified PEIR determined that impacts would be less than significant. Exchanging retail/commercial or hotel square footage with residential square footage would also not change this conclusion, as all proposed project's under the Downtown Plan would be subject to the same Downtown Plan Design Guidelines as well as the City's Design Review process. This would ensure that all projects are compatible with existing development patterns, as well as serve to enhance the visual environment. Therefore, impacts would remain less than significant under the equivalency scenario.

Regarding light and glare, the Certified PEIR states that future development within the Downtown Plan area would introduce new sources of light and glare due to the increased height and scale of future development. Projects would also increase the proportion of glazing on building façades and potential use of reflective materials. Potential sources of lighting include the windows of the residential units and ground-floor commercial/institutional space, and spillover of light onto the street from the illumination of the high-rise structures and podium development during the nighttime hours. Glare sources also include the sun's reflection from metallic or glass surfaces on vehicles parked in surface parking lots and along the roadways. The introduction of such materials would be a potentially significant impact. However, this impact would be reduced through the implementation of Certified PEIR Mitigation Measures AES-2(a), Lighting Plans and Specifications; AES-2(b), Building Material Specifications; AES-2(c), Light Fixture Shielding; and AES-2(d), Window Tinting, identified in the Certified PEIR. Exchanging retail/commercial or hotel square footage with residential square footage would also not change this conclusion as the Certified PEIR Mitigation Measures would still be implemented. Therefore, impacts would remain less than significant with mitigation under the equivalency scenario.

Agriculture and Forestry Resources

The Certified PEIR determined that the Downtown Plan would result in no impact to agricultural and forest resources. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

Air Quality

As detailed under the LUEP process and as shown in Table 2, above, the number of residential dwelling units approved to-date exceeds the number that were evaluated in the Certified PEIR. However, the floor area of office and commercial uses and the number of hotel rooms that have been approved to date are substantially lower than what was evaluated in the Certified PEIR. From an air quality perspective, air pollutant emissions generated by all the land uses developed in the Downtown Plan area must not be exceeded by new projects under consideration for approval under the Downtown Community Plan.

The DPEC was developed to allow for reallocation of land uses while ensuring the impacts from the reallocation do not exceed the air quality emissions for the Downtown Plan area that were determined in the Certified PEIR. As detailed in Attachment A, the 3,260 additional residential units can be accommodated by the reallocation of other land uses. The 3,260 additional residential units would result in a reduction of available non-residential development of 417,060 square feet of office; 135,320 square feet of commercial; and 177 hotel rooms. This

reallocation will not result in any additional impacts than what was described in the Certified PEIR. Therefore, impacts would remain less than significant under the equivalency scenario.

Biological Resources

The Certified PEIR determined that the Downtown Plan is located within an urbanized area with no sensitive habitat or animal species present. In addition, the Certified PEIR stated that the Downtown Plan would not propose to alter existing parks or open space where native or migratory bird species could be present. Therefore, the Certified PEIR determined that the Downtown Plan would result in no impact to biological resources. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

Cultural Resources

As discussed in the Certified PEIR, adoption of the Downtown Plan may result in redevelopment of properties considered to be eligible for listing on the National Register or the California Register, or that is determined eligible for listing as a City Landmark. The Historic Survey Report, prepared for the Certified PEIR, identified 58 properties presently listed as local landmarks within the Downtown Plan area. Compliance with Mitigation Measures CR-1(a) through CR-1(b), identified in the Certified PEIR, which encourage the identification and preservation of cultural and historic resources in the Downtown Plan area, would provide an opportunity to avoid or reduce impacts to historic properties. However, it is not feasible to fully implement the Downtown Plan without impacting historic resources. Therefore, the Certified PEIR found that impacts to historic resources would be significant and unavoidable. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain significant and unavoidable under the equivalency scenario.

Furthermore, as discussed in the Certified PEIR, due to the lack of natural ground surfaces in the project area, no surveys would be conducted prior to onset of demolition or other ground-disturbing activities. Nearly all properties (with the exception of parks and natural resource preserves) have been previously disturbed by grading and other prior development activities. Therefore, near-surface archeological or paleontological resources, or human remains, on previously developed properties that may have existed are likely to have been disturbed or removed. Despite this, the potential still exists for development activities to encounter and damage archaeological or paleontological resources, or encounter human remains and, thus, impacts would be potentially significant. However, impacts would be mitigated by complying with Mitigation Measures CR-2(a) through CR-2(c), as well as Mitigation Measure CR-3(a) and Mitigation Measure CR-3(b), as identified in the Certified PEIR. Mitigation Measures CR-2(a) through CR-2(c), as well as Mitigation Measure CR-3(a) and Mitigation Measure CR-3(b), as identified in the Certified PEIR require the project proponent to hire a qualified archaeologist, paleontologist, and Native American representative to monitor the project site during construction and address preservation of any identified resources that may be encountered during project implementation. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant with mitigation under the equivalency scenario.

Geology and Soils

As described in the Certified PEIR, seismically induced ground shaking could damage existing and proposed structures in the Downtown Plan area and could expose people or structures to potential substantial risk of loss, injury, or death. The Newport-Inglewood Fault Zone, which is mapped as an Alquist-Priolo Earthquake Fault Zone, is located within approximately 2 miles of the Downtown Plan area. Several other fault zones located within approximately 5 to 30 miles have the potential to impact the Downtown Plan area. The Downtown Plan area is located at an elevation of approximately 30 feet above mean sea level with essentially flat topography. Groundwater associated with sea level has recently been encountered at between 29 and 35 feet below ground level (City of Long Beach, 2010). These conditions create the potential for substantial adverse effects associated with seismic activity. However, this impact would be reduced through the implementation of Certified PEIR Mitigation Measures Geo-1. Furthermore, exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant with mitigation under the equivalency scenario.

The Certified PEIR also determined that the Downtown Plan would result in no impact to the risk of loss, injury, or death involving landslides and less-than-significant impact associated with soil erosion or the loss of topsoil. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint would remain the same regardless of the proposed uses.

Furthermore, as described in the Certified PEIR, seismic activity could induce ground shaking that could cause structural failure and potential subsidence risk of loss, injury, or death. The Seismic Safety Element maps a portion of the Downtown Plan area, immediately adjacent to the Los Angeles River, as an area of highest potential impact. However, even within the central Downtown Plan area, groundwater may occur at depths of 20 feet and subterranean structures, such as parking garages and basements, could extend to depths at which groundwater is encountered. This creates the potential for a significant impact associated with liquefaction for projects in the Downtown Plan area. However, the Certified PEIR found this impact would be reduced through the implementation of Mitigation Measure Geo-2, which requires the preparation of a comprehensive geotechnical investigation for projects. Similar to the above discussion regarding ground shaking, exchanging retail/commercial or hotel square footage with residential square footage would not alter impacts to liquefaction as the project footprint would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant with mitigation under the equivalency scenario.

As described in the Certified PEIR, the potential exists within the Downtown Plan area to encounter expansive soils or soils that are unstable or would become unstable as a result of new development. These conditions could result in onsite or offsite lateral spreading or subsidence. Although native soils in the Downtown Plan area typically have low expansion potential, soil characteristics vary widely and clay deposits may occur on project sites. This variation creates the potential for a significant impact associated with expansive or unstable soils in the Downtown Plan area. However, this impact would be reduced through the implementation of Mitigation Measure Geo-3, as identified in the Certified PEIR. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant with mitigation under the equivalency scenario.

Lastly, regarding wastewater disposal, the Certified PEIR determined that the Downtown Plan would result in no impact to the risk associated with soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems. Thus, exchanging retail/commercial or hotel square footage with residential square footage would not alter impacts to wastewater disposal as the project footprint would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant with mitigation under the equivalency scenario.

Greenhouse Gas Emissions

As detailed under the LUEP process and as shown in Table 2, above, the number of residential dwelling units approved to-date exceeds the number that were evaluated in the Certified PEIR. However, the floor area of office and commercial uses and the number of hotel rooms that have been approved to date are substantially lower than what was evaluated in the Certified PEIR. From a greenhouse gas (GHG) emissions perspective, GHG emissions generated by all the land uses developed in the Downtown Plan area must not be exceeded by new projects under consideration for approval under the Downtown Plan.

The DPEC was developed to allow for reallocation of land uses while ensuring the impacts from the reallocation do not exceed the GHG emissions for the Downtown Plan area that were determined in the Certified PEIR. As detailed in Attachment A, the 3,260 additional residential units can be accommodated by the reallocation of other land uses. The 3,260 additional residential units would result in a reduction of available non-residential development of 417,060 square feet of office; 135,320 square feet of commercial; and 177 hotel rooms. This reallocation will not result in any additional impacts than what was described in the Certified PEIR. Therefore, impacts would remain less than significant under the equivalency scenario.

Hazards and Hazardous Materials

As described in the Certified PEIR, the types of commercial and residential land uses envisioned for the Downtown Plan area would not typically contain businesses involved in the transport, use, or disposal of substantial quantities of hazardous materials. Therefore, hazardous material impacts to residences, schools, or other properties would not be expected to result from transport, use, or disposal of hazardous materials from business anticipated to locate within the Downtown Plan area. However, future development projects would involve the demolition of existing structures, some of which, may contain asbestos and lead-based paint materials. Additionally, the historic activity involving industrial uses and storage of hydrocarbons, heavy metals, and acids on properties within the Downtown Plan area may have contaminated onsite soils and/or groundwater quality. Any disturbances to ground surfaces associated with new development may disturb surface or near-surface contaminants, and excavation and transport of such contaminants could result in exposure of workers to public health hazards. This creates the potential for significant impacts associated with the transport, use, disposal, upset or accidental release of hazardous materials. These impacts would be reduced with the implementation of Mitigation Measures Haz-1(a) through Haz-1(c) as identified in the Certified PEIR, which would require that all demolition, renovation, and excavation projects survey and remove any lead or asbestos found in their project sites in accordance with proper abatement procedures in compliance with California, federal OSHA, and SCAQMD requirements. The materials would be hauled to a licensed receiving facility by a certified transportation company and an abatement report submitted to the City, prior to the issuance of construction or demolition permits. Additionally, implementation of Mitigation Measures Haz-3(a) through Haz-3(c), as identified in the Certified PEIR, would require all projects to prepare and implement a contingency plan, coordinate with local regulatory agencies for review and approval of remedial activities, prepare a report, and

conduct soil and groundwater sampling assessments. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as construction and operational activities under both equivalency scenarios would require use of similar quantities and types of potentially hazardous materials. Furthermore, regardless of uses, all projects would be required to implement Mitigation Measures Haz-1(a) through Haz-1(c) and Haz-3(a) through Haz-3(c), which would further ensure that impacts would remain less than significant with mitigation.

As discussed in the Certified PEIR, a total of six schools are located within the Downtown Plan area and three others are within 0.25 mile of downtown. Demolition, renovation, or excavation activities within 0.25 mile of these schools could expose children to release of hazardous materials, particularly which walking to and from school and during time spent outside classrooms. As such implementation of Mitigation Measures Haz-1(a) through Haz-1(c), as identified in the Certified PEIR, would require all projects to prepare a lead based paint and asbestos survey and remove (if identified) all asbestos-containing material in compliance with California and federal OSHA and SCAQMD requirements, prior to issuance of a demolition or renovation permit. Additionally, implementation of Mitigation Measures Haz-3(a) through Haz-3(c), as identified in the Certified PEIR, would require all projects to prepare and implement a contingency plan, coordinate with local regulatory agencies for review and approval of remedial activities, prepare a report, and conduct soil and groundwater sampling assessments. As discussed above, exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as construction and operational activities under both equivalency scenarios would require use of similar quantities and types of potentially hazardous materials. Furthermore, regardless of uses, all projects would be required to implement Mitigation Measures Haz-1(a) through Haz-1(c) and Haz-3(a) through Haz-3(c), which would further ensure that impacts would remain less than significant with mitigation.

As described in the Certified PEIR, it is possible that projects in the Downtown Plan area would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, therefore, would pose a potentially significant impact to risks associated with contaminated sites. However, Mitigation Measures Haz-1(a) through Haz-1(c) and Mitigation Measures Haz-3(a) through Haz-3(c), as identified in the Certified PEIR, would require that all demolition, renovation, and excavation projects perform surveys to determine whether hazardous materials exist on the project sites and would require that the project to remove the materials in accordance with proper abatement procedures. As discussed above, exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as construction and operational activities under both equivalency scenarios would require use of similar quantities and types of potentially hazardous materials. Furthermore, regardless of uses, all projects would be required to implement Mitigation Measures Haz-1(a) through Haz-1(c) and Haz-3(a) through Haz-3(c), which would further ensure that impacts would remain less than significant with mitigation.

The Certified PEIR determined that the Downtown Plan would result in no impact to airport safety, emergency preparedness, or wildland resources. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

Hydrology and Water Quality

As discussed in the Certified PEIR, construction activities associated with future developments could result in discharges of urban pollutants into the City drainage systems. This would include runoff from excavation and

grading; fuel, lubricants, and solvents from construction vehicles and machinery; and trash and other debris. These factors would potentially result in a significant adverse impact on water quality. However, construction impacts would be reduced with the implementation of Mitigation Measure Hydro-1, as identified in the Certified PEIR, which will determine the need for the developer to prepare a Storm Water Pollution Prevention Plan (SWPPP) and require the implementation of BMPs or equivalent measures to reduce erosion and sedimentation and control pollutant runoff to the maximum extent practicable. Thus, with implementation of Mitigation Measure Hydro-1 impacts were determined to be less than significant with mitigation. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant with mitigation under the equivalency scenario.

As discussed in the Certified PEIR, future development in the Downtown Plan area would generate various urban pollutants such as soil, herbicides, and pesticides that could adversely affect surface water and groundwater quality in the project area watershed. These factors would potentially result in a significant impact on water quality. However, operational impacts would be reduced through the implementation of Mitigation Measure Hydro-2, as identified in the Certified PEIR, which will determine the need for the developer to prepare a Standard Urban Stormwater Mitigation Plan (SUSMP). Thus, with implementation of Mitigation Measure Hydro-2 impacts were determined to be less than significant with mitigation. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as construction and operational activities under both equivalency scenarios would require use of similar quantities and types of potential contaminants. Furthermore, regardless of uses, all projects would be required to implement Mitigation Measures Hydro-2, which would further ensure that impacts would remain less than significant with mitigation under the equivalency scenario.

As discussed in the Certified PEIR, future development within the Downtown Plan area would result in an incremental increase in water demand due to the intensification of development in the Downtown Plan area. Although the majority of the City's water supply consists of imported water purchased from the Metropolitan Water District of Southern California, a significant portion is extracted from the local groundwater basin. Exchanging retail/commercial or hotel square footage with residential square footage would not substantially alter this conclusion as construction and operational activities under both equivalency scenarios would require use of similar quantities of water in the context of the overall Downtown Plan area. In addition, all proposed projects would be required to obtain a will serve letter stating that sufficient water supplies are available to serve the proposed project. Therefore, impacts would remain less than significant under the equivalency scenario.

As discussed in the Certified PEIR, future development within the Downtown Plan area would result in an incremental increase in water usage due to the intensification of development in the Downtown Plan area. Although the Downtown Plan area is substantially urbanized, the Downtown Plan would convert areas of relatively low-intensity development into more intensely developed land. This conversion would create a potentially significant impact to existing drainage patterns for projects located within the Downtown Plan area. However, operational impacts would be reduced through the implementation of Mitigation Measure Hydro-3, as identified in the Certified PEIR, which would determine the need for the developer to conduct an analysis of the existing stormwater drainage system and to identify improvements needed to accommodate any projected increased runoff that would result from the proposed project. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Furthermore, regardless of uses, all projects would be required

to implement Mitigation Measures Hydro-3, which would further ensure that impacts would remain less than significant with mitigation under the equivalency scenario.

The Certified PEIR determined that the Downtown Plan would result in no impact to risks associated with flooding, or inundation by seiche, tsunami, or mudflow. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

Land Use and Planning

The Certified PEIR determined that the Downtown Plan would result in a less-than-significant impact to community cohesion. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

As described in the Certified PEIR, future development within the Downtown Plan area is subject to consistency with the Land Use Element of the Long Beach General Plan, which designates the majority of the Downtown Plan area as LUD No. 7 Mixed Use District and PD-30 zoning region, which allows for a mix of commercial and high density residential uses. The Certified PEIR determined that since the Downtown Plan would adopt updated plans and development regulations, future development subject to the Downtown Plan would be consistent with the existing and planned zoning and development district regulations. No other land use plans or regulations exist within the Downtown Plan area. Thus, the Downtown Plan would result in a less than significant impact to land use compatibility. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

The Certified PEIR determined that the Downtown Plan would result in no impact to habitat conservation. As stated above, exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

Mineral Resources

The Certified PEIR determined that the Downtown Plan would result in no impact to mineral resources. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

Noise

As detailed under the LUEP process and as shown in Table 2, above, the number of residential dwelling units approved to-date exceeds the number that were evaluated in the Certified PEIR. However, the floor area of office and commercial uses and the number of hotel rooms that have been approved to date are substantially lower than what was evaluated in the Certified PEIR. From a noise perspective, an equivalency scenario considers community-wide noise generated by all the land uses developed in the Downtown Plan area. Differences in community-wide noise from land use development would result from differences in trip generation and the resultant traffic noise levels from various land use types on an equivalent floor area or unit basis.

The DPEC was developed to allow for reallocation of land uses while ensuring the impacts from the reallocation do not exceed the noise impacts for the Downtown Plan area that were determined in the Certified PEIR. As detailed in Attachment A, the 3,260 additional residential units can be accommodated by the reallocation of other land uses. The 3,260 additional residential units would result in a reduction of available non-residential development of 417,060 square feet of office; 135,320 square feet of commercial; and 177 hotel rooms. This reallocation will not result in any additional impacts than what was described in the Certified PEIR. Therefore, impacts would remain less than significant under the equivalency scenario.

Population and Housing

As discussed in the Certified PEIR, the Downtown Plan is intended to accommodate substantial population growth in the Downtown Plan area with the proposed addition of 5,000 dwelling units. Based on the City average of 2.90 persons per household (City of Long Beach, 2010), the proposed Downtown Plan area's 5,000 dwelling units would generate a net increase of approximately 14,500 new residents. The SCAG projections estimated the City's population growth to be 6 percent during 2005 to 2015 and increase another 3 percent during 2015 to 2020. This represents an annual growth rate of less than 1 percent per year over the next two decades. According to the 2008 SCAG projections, the City was expected to increase in population to approximately 503,251 residents by 2010 and exceed 572,000 residents by 2035. The Downtown Plan area is expected to increase in population to approximately 70,091 residents by 2010 and nearly 80,000 residents by 2035. Thus, projected population increase in Downtown Plan is within the SCAG projections for the City. Although the area is presently zoned to permit densities of up to and exceeding 138 dwelling units per acre under the existing PD-30 zone, because implementation of the Downtown Plan would increase population growth substantially, the impact of this growth was determined to be significant and unavoidable. While exchanging retail/commercial or hotel square footage with residential square footage would increase the amount of residential units and residents generated, this increase is within SCAG's population projections for the City and the Downtown Plan area. Therefore, impacts would remain significant and unavoidable under the equivalency scenario.

As discussed in the Certified PEIR, implementation of the Downtown Plan would occur over a period of 25 years or longer and would potentially result in the displacement of existing housing and people, primarily housed in medium density multifamily dwelling units. Although new development would occur at higher densities and with more modern housing, frequently as part of a mixed-use development, residents would be displaced from their existing dwelling units and may be unable to obtain similar housing with respect to quality, price, and/or location. Therefore, housing displacement impacts were determined to be significant and unavoidable. As discussed above, exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion despite differences in the amount of residents generated, due to the small percentage the additional residential units proposed under the equivalency scenario would comprise, when compared to the overall Downtown Plan projections. Therefore, impacts would remain significant and unavoidable under the equivalency scenario.

Public Services

As discussed in the Certified PEIR, fire protection services would be provided by the Long Beach Fire Department (LBFD), which maintains 24 fire stations in addition to its headquarters near Long Beach Airport. The LBFD employs a total of 527 fire fighters with 133 suppression fire fighters on duty at all times. Additionally, structural fire suppression in the Downtown Plan area would receive response from three stations (Fire Stations 1,2, and 3) and approximately 27 firefighters, as identified in the Certified PEIR. The standard

established by the National Fire Protection Association for response to emergency calls is 6 minutes from call initiation to arrival on-scene of the first appropriate unit 90 percent of the time. As stated in the Certified PEIR, the LBFD currently meets these standards. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

As discussed in the Certified PEIR, police protection services would be provided by the Long Beach Police Department (LBPD), which maintains 40 sworn officers in the Downtown Plan area and approximately 800 sworn officers in the entire City, as identified in the Certified PEIR. LBPD's average response time for Priority One emergency calls is 4.2 minutes, meeting the target response time of 5 minutes. The Downtown Plan would incrementally increase demands on the LBPD and may require expansion facilities or replacement of existing facilities. However, as stated in the Certified PEIR, funding for the LBPD is not tied to individual development projects. Furthermore, the City of Long Beach Department of Development Services requires the payment of development impact fees for police facilities to ensure adequate service levels are maintained as per LBMC Chapter 18.15. Therefore, provided that additional funding is provided to the LBPD to support any expanded operations, the Downtown Plan's impact on police protection services would be less than significant. As discussed above, exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

The Downtown Plan area is within the boundaries of the Long Beach Unified School District (LBUSD), which operates 52 elementary schools, 23 middle and K-8 schools, and 12 high schools. The total district enrollment for the 2005-2006 school year was approximately 83,691 students, as identified in the Certified PEIR. As discussed in the Certified PEIR, the Downtown Plan would generate an estimated 670 school-age student, which could adversely affect school facilities. However, as a condition of development, each individual project within the Downtown Plan area would be required to pay the applicable required State-mandated school impact fees under the provisions of SB 50. Therefore, impacts to school facilities and services in the Downtown Plan area would be reduced to a less-than-significant level. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

As discussed in the Certified PEIR, the City of Long Beach is currently deficient in parkland by about 820 acres. With new development in the Downtown Plan area, the deficiency would likely increase with each subsequent project. The increased demand for recreational opportunities associated with the Downtown Plan would place additional stress on the City's recreation system. To reduce this stress, individual project approvals within the Downtown Plan area would be required to pay an in-lieu park and recreation facilities impact fee as a condition of approval. Although the collection of required fees would mitigate some of the overburden on the recreation system, it is not expected to be enough to meet the established standard of 8 acres of parkland per 1,000 residents. Therefore, the Certified PEIR found that the impact on park and recreation facilities from new development would be significant and unavoidable. As discussed above, exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses, and the overall condition of insufficient parkland throughout the

Downtown Plan area would remain the same. Therefore, impacts would remain significant and unavoidable under the equivalency scenario.

The Downtown Plan area is service by the Long Beach Public Library (LBPL) system, which is staffed by approximately 250 personnel at the Main library located in Downtown and the 11 branch libraries. Buildout of the Downtown Plan would incrementally increase demand for library services in the City, and may cause demands for library services to exceed the capacity of the Main Library and at branch libraries that serve the Downtown Plan Area. However, as stated in the Certified PEIR, funding for the LBPL is not tied to individual development projects. Therefore, provided that additional funding is provided to the LBPL to support any expanded operations, the Downtown Plan's impact on library services would be less than significant. Exchanging retail/commercial or hotel square footage with residential square footage would not alter this conclusion as the project footprint and location would remain the same regardless of the proposed uses. Therefore, impacts would remain less than significant under the equivalency scenario.

Recreation

Refer to discussion under Public Services, for a discussion on this topic.

Transportation and Traffic

The purpose of the transportation/traffic equivalency analysis is to provide a method by which additional residential development can occur within the Downtown Plan area despite the fact that the amount of residential development evaluated in the Certified PEIR has been exceeded.

The DPEC was developed to allow for reallocation of land uses while ensuring the impacts from the reallocation do not exceed the traffic impacts for the Downtown Plan area that was determined in the Certified PEIR. As detailed in Attachment A, the 3,260 additional residential units can be accommodated by the reallocation of other land uses. The 3,260 additional residential units would result in a reduction of available non-residential development of 417,060 square feet of office; 135,320 square feet of commercial; and 177 hotel rooms. This reallocation will not result in any additional impacts than what was described in the Certified PEIR. Therefore, impacts would remain less than significant under the equivalency scenario.

Utilities and Service Systems

As discussed in the Certified PEIR, buildout of the Downtown Plan would incrementally increase wastewater disposal demand in the City due to the increased demand for wastewater disposal and the increase in development activity in the Downtown Plan area. However, development projects built within the Downtown Plan area would generate an estimated 2.55 mgd of wastewater per day at peak flow, which would account for approximately 0.6 percent of the combined 400 mgd design capacity of the Joint Water Pollution Control Plant (JWPCP) and the Long Beach Reclamation Plant's (LBWRP) 25 mgd capacity. Due to sufficient capacity levels, the Certified PEIR determined that the Downtown Plan's impacts to wastewater would be less than significant. Exchanging retail/commercial or hotel square footage with residential square footage would not substantially alter this conclusion as construction and operational activities under both equivalency scenarios would generate similar quantities of wastewater in the context of the overall Downtown Plan area. In addition, all proposed projects would be required to obtain a will serve letter stating that sufficient wastewater services are available to serve the proposed project. Therefore, impacts would remain less than significant under the equivalency scenario.

As discussed in the Certified PEIR, buildout of the Downtown Plan would incrementally increase water supply and demand in the City. Due to the increased demand for water supply and the increase in development activity in the Downtown Plan area, the impact on water supply and demand would be considered potentially significant. However, the Certified PEIR evaluated the Long Beach Water Department (LBWD)'s capabilities and determined that the LBWD would have the resources to meet the demand of future projects in the Downtown Plan area. Therefore, development projects built within the Downtown Plan area that conform to the provisions of the Downtown Plan have been anticipated by the LBWD and impacts would be less than significant. As discussed above, exchanging retail/commercial or hotel square footage with residential square footage would not substantially alter this conclusion as construction and operational activities under both equivalency scenarios would require use of similar quantities of water in the context of the overall Downtown Plan area. In addition, all proposed projects would be required to obtain a will serve letter stating that sufficient water supplies are available to serve the proposed project. Therefore, impacts would remain less than significant under the equivalency scenario.

As discussed in the Certified PEIR, buildout of the Downtown Plan would incrementally increase solid waste disposal treatment demand in the City. However, the City has one of the highest landfill diversion rates of any large city in the United States, with an estimated 69 percent of the City's trash diverted from disposal through recycling, reuse, and waste reduction as of 2006 (the most recent year reported). Following collection, refuse within the City is transported directly to landfills or to landfills following combustion in the Southeast Resource Recovery Facility (SERRF), a publicly owned solid waste management facility. SERRF applies mass burn technology to reduce the volume of solid waste entering landfills by 80 percent this technology, generates electricity for operation of the SERRF and residual electricity is available for purchase by Southern California Edison (SCE) for use throughout the City and State. SERRF processes an average of 1,290 tons of municipal solid waste per day with a daily capacity for 1,380 tons. It has processed over 3.5 million tons of solid waste since it first opened and has reduced the volume of solid waste entering landfills by over 4 million cubic yards. Based on Los Angeles County Sanitation District's (LACSD) operation of the Mesquite Regional Landfill, which is permitted for up to 20,000 tons per day for approximately 100 years, adequate landfill capacity exists to accommodate solid waste disposal needs of the Downtown Plan. Due to the increased demand for solid waste disposal treatment and the increase in development activity in the Downtown Plan area, the impact on solid waste disposal systems would be considered potentially significant. However, this impact would be reduced to less than significant with the implementation of Mitigation Measures Utilities-3(a) through Utilities-3(d), as identified in the Certified PEIR.

Exchanging retail/commercial or hotel square footage with residential square footage would not substantially alter this conclusion as construction and operational activities under both equivalency scenarios would generate similar quantities of solid waste in the context of the overall Downtown Plan area. In addition, all proposed projects would be required to implement Mitigation Measures Utilities-3(a) through Utilities-3(d), which would further ensure impacts would remain less than significant. Therefore, impacts would remain less than significant with mitigation under the equivalency scenario.



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memorandum

date June 18, 2021
to City of Long Beach, Planning Department
from Kimberly Comacho and Heather Dubois, ESA
subject Downtown Plan Equivalency Calculator

Introduction

This Downtown Plan Equivalency Calculator (DPEC) has been developed to provide development flexibility so that the City of Long Beach (City) can allow for changes in market conditions over the build-out duration of the development of the Downtown Plan. Under the Equivalency Analysis, land uses to be developed would be allowed to be reallocated among the permitted land uses so long as the reallocations do not exceed the analyzed upper levels of environmental impacts that are identified in the Program Environmental Impact Report (Certified PEIR). The DPEC allows the City to easily track new projects and to consistently reduce the available commercial, office, and/or hotel space to accommodate increased demand for residential units.

This memorandum documents the analysis used to determine a conservative exchange rate to allow for the reallocation of commercial, office, and/or hotel space as residential units such that applicable regulations are satisfied and no additional significant environmental impacts or substantially greater impacts would occur than previously identified in the Certified PEIR. The DPEC is based on Air Quality, Greenhouse Gas, Noise, and Transportation impacts from the Certified PEIR and adjusted, as appropriate, to conform to current regulatory standards.

Impact Analyses used in informing the development of the Downtown Plan Equivalency Calculator

Air Quality

Air pollutant emissions generated by all the land uses developed in the Downtown Plan area must not be exceeded by new projects under consideration for approval under the Downtown Community Plan. Operational air pollutant emissions from land use developments are generated from area sources (landscaping equipment, consumer product use, application of architectural coatings), building energy consumption (natural gas for heating), and mobile sources (resident/worker vehicle trips and vendor trips). However, development of residential, commercial, office, and hotel uses may result in different maximum daily air pollutant emissions depending on the specific size and land use type of the development. In other words, different land use types generate different levels of air pollutant emissions on an equivalent floor area or unit basis. This is primarily due

to different vehicle trip generation rates and different building energy demand for various land use types on an equivalent basis.

For the purposes of this equivalency calculator, ESA determined the equivalent floor area of commercial and office uses and the equivalent number of hotel rooms that would generate the same maximum daily air pollutant emissions as one dwelling unit. The analysis is based on emissions and emission factors provided in the Air Quality Technical Memorandum prepared for the Proposed Locust Avenue Multifamily Residential Building Project (Locust Project)¹ and emission data in the California Emissions Estimator Model (CalEEMod) (Version 2016.3.2).² The emissions from the Locust Project’s mobile emissions were adjusted to remove the internal capture/public transportation accessibility reductions applicable to the Project. This allows for the equivalency rates to be universally applied to projects proposed for the Downtown Plan Area. Calculations for the equivalency rates are provide in Attachment A. Table 3 summarizes the exchange rate of commercial, office uses, or number of hotel rooms that would result in an equivalent level of emissions as one residential unit.

**TABLE 3
AIR QUALITY EQUIVALENCY**

Land Use	Exchange Rate
Commercial	0.060 KSF per DU
Office	0.170 KSF per DU
Hotel	0.311 Rooms per DU
KSF = thousand square feet; DU = dwelling unit Source: ESA 2021	

Greenhouse Gas Emissions

GHG emissions generated by all the land uses developed in the Downtown Plan area must not be exceeded by new projects under consideration for approval under the Downtown Plan. Annual operational GHG emissions from land use developments are generated from area sources (landscaping equipment), energy consumption (natural gas and electricity for heating and cooling), water demand, waste generation, and mobile sources (resident/worker vehicle trips and vendor trips). However, development of residential, commercial, office, and hotel uses may result in different annual GHG emissions depending on the specific size and land use type of the development. In other words, different land use types generate different levels of GHG on an equivalent floor area or unit basis. This is primarily due to different vehicle trip generation rates and building energy demand, water demand, and waste generation for various land use types on an equivalent basis.

¹ LSA 2020. Air Quality Technical Memorandum for the Proposed Locust Avenue Multifamily Residential Building Project, Long Beach, California (LSA Project No. SPT2001).

² CalEEMod is the current version of the emissions model for land use development projects recommended by the South Coast Air Quality Management District (SCAQMD). CalEEMod was developed for the California Air Pollution Control Officers Association (CAPCOA) in collaboration with California Air Districts and is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions from a variety of land use projects

For the purposes of this equivalency calculator, ESA determined the equivalent floor area of commercial and office uses and the equivalent number of hotel rooms that would generate the same annual GHG emissions as one dwelling unit. The equivalency analysis is based on the emissions and emission factors provided in the Greenhouse Gas Technical Memorandum prepared for the proposed Locust Project³ and emission data in CalEEMod (Version 2016.3.2). Calculations for the equivalency rates are provide in Attachment A. Table 4 summarizes the exchange rate of commercial, office uses, or number of hotel rooms that would result in an equivalent level of emissions as one residential unit.

**TABLE 4
GREENHOUSE GAS EQUIVALENCY**

Land Use	Exchange Rate
Commercial	0.022 KSF per DU
Office	0.059 KSF per DU
Hotel	0.078 Rooms per DU
KSF = thousand square feet; DU = dwelling unit	
Source: ESA 2021	

Noise

The equivalency scenario considers community-wide noise generated by all the land uses developed in the Downtown Plan area. Differences in community-wide noise from land use development would result from differences in trip generation and the resultant traffic noise levels from various land use types on an equivalent floor area or unit basis. Thus, reallocation among the residential, commercial, office, and hotel land uses considered in the Certified PEIR can occur without a substantial change to the findings, significance determinations, and mitigation measures in the Certified PEIR based on an analysis of trip generation, which contributes to community-wide traffic noise.

Development of residential, commercial, office, and hotel uses may result in different trip generation rates depending on the specific size and land use type of the development. In other words, different land use types generate different trip volumes on an equivalent floor area or unit basis.

As discussed below in Transportation and Traffic, based on data provided in the Traffic Impact Analysis in the Certified PEIR,⁴ an exchange of 1,000 square feet of office space for every 3.177 dwelling units, 1,000 square feet of commercial space for every 12.32 dwelling units or 1 hotel room for every 1.59 dwelling units of proposed residential would be required. Table 5 summarizes the exchange rate of commercial, office uses, or number of hotel rooms that would result in an equivalent level of emissions as one residential unit.

³ LSA 2020. Greenhouse Gas Technical Memorandum for the Proposed Locust Avenue Multifamily Residential Building Project, Long Beach, California (LSA Project No. SPT2001).

⁴ Long Beach Downtown Community Plan Program EIR Traffic Impact Analysis, 2010.

**TABLE 5
NOISE EQUIVALENCY**

Land Use	Exchange Rate	
Commercial	0.082	KSF per DU
Office	0.315	KSF per DU
Hotel	0.629	Rooms per DU
KSF = thousand square feet; DU = dwelling unit		
Source: ESA 2021		

Transportation and Traffic

The purpose of the transportation/traffic equivalency analysis is to provide a method by which additional residential development can occur within the Downtown Plan area despite the fact that the amount of residential development evaluated in the Certified PEIR has been exceeded.

PM peak hour traffic rates were used since these rates would be the most impactful traffic factor for projects in the Downtown Plan area because background traffic levels are higher in the p.m. peak hour than in the a.m. peak hour and traffic generation is higher in the PM peak hour than in the AM peak hour. Peak hour impacts were used as the basis of identifying project impacts in the traffic study for the Certified PEIR. Trip generation equivalency rates will allow the land uses within the Downtown Plan area to be exchanged for one another such that no additional peak hour traffic generation would result from any exchange. These factors are shown below in Table 6, and are derived from the total PM peak hour trips calculated for the Certified PEIR.

**TABLE 6
PM PEAK HOUR TRIP GENERATION EQUIVALENCY**

Donor Land Use	Recipient Land Use			
	Residential (DU)	Commercial (ksf) ^a	Office (ksf)	Hotel (room)
Generation Rate (trips)	0.371	4.538	1.179	0.590
Residential (DU)		0.082	0.315	0.629
Commercial (ksf)	12.230		3.850	7.691
Office (ksf)	3.177	0.260		1.998
Hotel (room)	1.590	0.130	0.501	

Notes:
 DU = dwelling unit; ksf = 1,000 square feet
^a Includes retail and restaurant uses.

SOURCES: Long Beach Downtown Community Plan Program EIR Traffic Impact Analysis (Table 4 and Table 5), 2010; ESA, 2021.

Equivalency Rates

Air Quality, Greenhouse Gas, Noise, and Traffic provide for different exchange/equivalency rates as detailed in the analysis above. Table 7 provides a comparison of exchange rates by land use category. As shown in Table 7, the square footage replacement for noise/traffic is greater per dwelling use than the exchange rates provided for air quality and GHG. Using the more conservative (Traffic/Noise) exchange rate allows for the reallocation of commercial, office, and/or hotel space as residential units such that applicable regulations are satisfied and no

additional significant environmental impacts or substantially greater impacts would occur than previously identified in the Certified PEIR. Therefore, the calculator uses the Traffic/Noise exchange rates to determine reallocation amounts for new residential development proposed within the Downtown Plan area.

**TABLE 7
EXCHANGE RATE COMPARISON**

Land Use	Exchange Rate per Resource Area			
	Traffic/Noise	Air Quality	GHG	
Commercial	0.082	0.060	0.022	KSF per DU
Office	0.315	0.170	0.059	KSF per DU
Hotel	0.629	0.311	0.078	Rooms per DU
KSF = thousand square feet; DU = dwelling unit				
Source: ESA 2021				

Example Application

To illustrate how to use the factors provided in Table 7, consider the following example. A new residential development with 100 dwelling units is being proposed within the Downtown Plan area. Since the residential allotment for the Downtown Plan area has already been exceeded by the cumulative sum of already approved projects within the Downtown Plan area (see Table 2), an equivalent amount of any of the other Downtown Plan area uses that have not been thus far exceeded would need to be removed from the Downtown Plan area. If office is selected for the equivalency exchange, then you would exchange approximately 0.315 square feet of office for every dwelling unit of proposed residential development. In this example, 100 dwelling units would require the removal of 31,476 square feet of office.

Approved Offsets

The Certified PEIR evaluated impacts from the construction and operation of 5,000 residential units; 480,000 square feet of commercial⁵ space; 1,500,000 square feet of office space; and 800 hotel rooms. To date, approximately 5,252 dwelling units, 203,710 square feet of commercial space and 490,000 square feet of office space, and 223 hotel rooms have been completed, are under construction, or approved. This is 252 units over what was accounted for in the Certified PEIR. In addition, given the market conditions, the City has indicated the need to accommodate the ability to reallocate land uses for projects that are approved through check-lists or addendums are do not go through the full CEQA process. In addition, the City is forecasting the potential need of an additional 3,008 dwelling units within the City. This results in a total of 3,260 units more than was identified in the Certified PEIR. Using the factors provided in Table 7, 3,208 units would reallocate all but 0.24 ksf of office space, but would still require additional reallocation from other areas to meet the total required offsets of 3,260 units. Reallocation of only commercial would result in a decrease in 267 ksf of commercial space leaving 9 ksf of commercial space. 917 homes could be built with the reallocation of the remaining hotel rooms certified under the PEIR. Therefore, in order to provide for future flexibility in development within the City, a partial reallocation of from all of the land use types was used to determine the balance of land uses available. Using the

⁵ For the equivalency calculator commercial spaces is equivalent to retail and restaurant land uses.

rates above, 1,325 units will be reallocated from office square footage; 1,655 units would be reallocated from commercial square footage; and 280 units would be reallocated from hotel rooms.

Downtown Plan Equivalency Calculator

The Downtown Plan Equivalency Calculator has incorporated the application as described above to provide a tool for the City to use to easily reallocate land uses and update the available remaining land uses for the Downtown Plan area. As discussed above, the City has identified the need to increase the development of residential units and reduce the development of other non-residential land use development. The City has identified the need to increase residential dwelling units by a minimum of 3,260 units over what was approved in the Certified PEIR. These approved offsets have been built into the DPEC to provide ease of project tracking. The 3,260 additional residential units would result in a reduction of available non-residential development of 417,060 square feet of office; 135,320 square feet of commercial; and 177 hotel rooms. This leaves a balance of non-residential development of 592,940 square feet of office space; 140,970 square feet of commercial space; and 400 hotel rooms.

The calculator is an excel workbook that has five tabs to inform the reallocation of non-residential land use space to residential land use space. The instructions are provided in detail on the Calculator's *Instructions* tab. The *Approved Offsets* tab identifies provides an easy way to track the approval of the 3,260 additional dwelling units, taking into account the 252 units that are currently approved beyond the 5,000 allocated in the Certified PEIR. *The Project Inputs* tab is where the City/Project Applicant can enter the project specifics which will update the remaining balance for each land use type. The *Calculations* tab calculates the reallocation amounts and determines the updated balance. The amount of reallocation of each land use type required can be found on this tab. The *Background Information* tab provides the initial balance of remaining land uses that is used in the calculations tab. It provides the amount of development assumed in the Certified EIR for the Downtown Plan and subtracts the land uses already built, are under construction or approved as of June 2021.



September 13, 2021

TO: City of Long Beach Planning Commission

RE: Proposed Development at 636 Locust #2004-11 (SPR20-011)

Dear Planning Commissioners,

The North Pine Neighborhood Alliance (NPNA) supports the Starpoint proposed development at 636 Locust but with several neighborhood concerns.

As we have informed you repeatedly, NPNA is very concerned that the vast majority of residential developments you have approved for our NPNA neighborhood do not include affordable housing. We are disappointed that the Starpoint proposal again does not include affordable housing for low income and very low income residents. Our neighborhood has a serious need for such rental housing.

We also urge you to make sure that the retail planned by Starpoint will be affordable to local small business people. COVID has taught us as a neighborhood group that in order to increase the live-ability of our neighborhood, we must not only be advocates for residents but also for our small businesses, many of which are at a breaking point due to the pandemic and rising commercial rents.

NPNA strongly supports the design of the Starpoint proposed development. The connection to the street and sidewalks, scale of 108 residential units of varying sizes, openness to sunlight, the staggered outline of various floors and levels and placement of balconies all make this a mixed-use residential building that will interact with the neighborhood very well.

We are pleased to see all utilities, garbage collection and building parking accessed from the alley which borders the property.

NPNA wishes to recognize the solid, honest and respectful communication the developer Starpoint has maintained with NPNA since the earliest stages of this development. NPNA asks that the Planning Commission take action to make such communication a requirement for successful development applications.

NPNA asks that the Planning Commission work with the developer to ensure that any resources such as Section 8 rental subsidies and assistance to small, local business owners are accessed by this development to address NPNA concerns.

Thank you for consideration of our neighborhood concerns.

Sincerely,

Leanna Noble

NPNA Secretary

115 West 4th Street, Unit 40

Long Beach, CA 90802

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Cc: Councilwoman Zendejas

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September 16, 2021

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Re: Comment on the CEQA Addendum prepared for the Downtown Plan Land Use Equivalency Program and 7th and Locust Project (File Nos. 21-068PL & 21-070PL) PLANNING COMMISSION AGENDA ITEMS 3 and 4 (Sept. 16, 2021)

Dear Planning Commission for the City of Long Beach, Mr. Koontz, and Ms. Diefenderfer :

I am writing on behalf of the Supporters Alliance for Environmental Responsibility (“SAFER”) concerning the Addendum (EIRA 06-20) to the Downtown Plan environmental impact report (“EIR”) prepared for the new Land Use Equivalency Program (“LUEP”) and 7th Avenue and Locust Street Mixed-Use development (“7th & Locust Project”) to be heard as agenda items 3 and 4 at the Planning Commission’s meeting on September 16, 2021 (File Nos. 21-068PL & 21-070PL).

As an initial matter, the Addendum for the LUEP and 7th & Locust Project as well as the voluminous supporting technical documents were not made available to the public until last Friday, September 10. With over 1,600 pages to review, the limited period between release of the Addendum and its consideration by the Planning Commission does not provide SAFER (and the rest of the public) with time to adequately review the Addendum, including review of the Addendum by retained experts. SAFER respectfully requests that the Planning Commission *continue* consideration of the Addendum to a time certain to allow SAFER, its experts, and other members of the public to properly consider the Addendum, LUEP, and 7th & Locust Project.

If the Planning Commission does not choose to continue consideration of this matter, SAFER requests that the Commission not take any action until an EIR is prepared for the LUEP and 7th & Locust Project. As discussed below, the Addendum is not proper under CEQA because the changes proposed by the LUEP are not within the scope of the 2012 Downtown Plan EIR. Where, as here, a later activity (i.e. the LUEP) is not within the scope of a previous program EIR (i.e. the Downtown Plan PEIR), an addendum is not proper and CEQA requires that an EIR or negative declaration.

Project Description

The “project” here consists of two parts: (1) the Land Use Equivalency Program (“LUEP”) and (2) the 7th & Locust Mixed-Use Project.

The LUEP is a response to the current exceedance of allowed residential units within the Downtown Plan area as analyzed in the 2012 PEIR. The 2012 Downtown Plan PEIR evaluated impacts for the development of 5,000 residential units, construction, and operation of 480,000 square feet of retail/commercial space, and 1,500,00 square feet of office space. Currently, the Downtown Plan area has 5,252 residential units. The LUEP relies on something called a Downtown Plan Equivalency Calculator (“DPEC”), which purports to create a mechanism by which the City can re-allocate use designations within the Downtown Plan area from office/commercial/hotel uses to residential uses without exceeding the environmental impacts analyzed in the 2012 Downtown Plan PEIR. Under the proposed LUEP, the City would be able to continue to approve residential development within the Downtown Plan by making corresponding reductions in commercial/office/hotel development. Under the LUEP, an additional 3,260 residential units (for a total of 8,260 units) could be approved by reducing office uses by 417,060 square feet, commercial uses by 135,320 square feet, and hotel uses by 177 rooms.

The proposed 7th & Locust Project is a 7-story high rise building on a 0.52-acre site with 108 residential units, 1,188 sf of retail uses, a 687 sf amenity lounge, a fitness room, on the ground floor level, and a courtyard, pool and pool deck, and community room on the third level. The proposed 7th & Locust would provide 5,650 sf of common open space. The proposed building would be approximately 98 feet tall and would include 172,068 sf of floor area. With an FAR of 3.6:1.

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CEQA requires that a lead agency prepare and certify an EIR analyzing potential environmental impacts for any discretionary project that may have a significant adverse effect on the environment. (PRC §§ 21100, 21002.1(a); 14 Cal. Code Regs [“CCR”] §§ 15064(a)(1), (f)(1).) An EIR is a comprehensive “informational document” whose purpose is to “provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (PRC §

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CEQA and the CEQA Guidelines allow for different types of EIRs that may be developed to meet an agency’s CEQA obligations. (14 CCR §§ 15161, 15165, 15167, 15168.) The most common is the “Project EIR” that focuses on a single, specific project. (14 CCR § 15161.) The lead agency may tier EIRs where multiple individual projects or phased (or “tiered”) projects are to be undertaken, and the individual projects are linked geographically, temporally, or in an otherwise logical manner. (14 CCR §§ 15165, 15168.) When tiering, a “programmatically” EIR (“PEIR”) is “prepared for a policy, plan, program or ordinance followed by narrower or site-specific [EIRs] which incorporate by reference the discussion in any prior [EIR] and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR].” (PRC § 21068.5; see also § 21093.) “Subsequent activities in the program must be examined in light of the PEIR to determine whether an additional environmental document must be prepared.” (14 CCR §15168(c)(1).)

A PEIR may only serve for subsequent actions “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project. . . .” (*Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [citations omitted].) “If a later activity would have effects that were not examined in the project EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.” (14 CCR § 15168(c)(1).) “That later analysis may tier from the program EIR. . . .” (*Id.*; 14 CCR § 15152.)

Where a PEIR addresses anticipated activities within the program, policy or plan, an agency may determine the later project is “within the scope of the project covered by the program EIR.” CEQA Guidelines § 15168(c)(2) provides “[i]f the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.” (14 CCR § 15168(c)(2).) “Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record.” (*Id.*) The examples of factors provided in section 15168(c)(2) emphasize that the terms of the PEIR are largely determinative of whether a subsequent project falls within its scope:

Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR. (14 CCR § 15168(c)(2).)

Where there is no evidence that a later project was contemplated at the time of the PEIR or that any site-specific environmental issues related to the later project were addressed in the PEIR, that later project is not within the scope of the PEIR. (See *NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 284-85; *Ctr. for Sierra Nevada Conservation*, 202 Cal.App.4th at 1171.)

If substantial evidence establishes that a later project is within the scope of a PEIR, the agency may set forth that determination in an addendum. (14 CCR § 15164.) However, an addendum is not authorized and a subsequent or supplemental EIR is still required if there are “substantial changes” to the proposed project or to circumstances which will require “major revisions” in the EIR, or if “[n]ew information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available.” (PRC § 21166; see also 14 CCR §§ 15162; 15168(c)(2).)

Where the lead agency cannot identify substantial evidence that a later project is within the scope of a PEIR, the agency must prepare an initial study and “either an EIR or a negative declaration.” (14 CCR § 15168(c)(1).) “Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects.” (14 CCR § 15152(b).)

In reviewing an agency’s decision whether to prepare a tiered EIR, the court applies the “fair argument test.” (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) Under the fair argument test, a new EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.” (*Id.* at 1316; see *Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Comm. College Dist.* (2016) 1 Cal.5th 937, 960 “[U]nder Public Resources Code section 21094, the agency is required to apply a more exacting standard to determine whether the later project might cause significant environmental effects that were not fully examined in the initial program EIR” [citing with approval *Sierra Club*, 6 Cal.App.4th at 1321; PRC § 21094(c)].) “[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR....” (*Sierra Club*, 6 Cal.App.4th at 1319.) An EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (14 CCR § 15064(f)(1); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 931.) “It is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination.” (*Pocket Protectors*, 124 Cal.App.4th at 928.)

Where experts have presented conflicting evidence on the extent of the environmental effects of a project, the agency must consider the environmental effects to be significant and prepare an EIR. (14 CCR § 15064(f)(5); PRC § 21080(e)(1); *Pocket Protectors*, 124 Cal.App.4th at 935.) “If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record.” (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1379 [quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.] “Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Id.*)

Discussion

I. The Addendum is improper under CEQA and an EIR is required because the LUEP’s proposed increase in residential development is not within the scope of the impacts analyzed in the 2012 Downtown Plan PEIR.

The 2012 Downtown Plan Program EIR analyzed the impacts of 5,000 residential units, construction, and operation of 480,000 square feet of retail/commercial space, and 1,500,00 square feet of office space. The LUEP proposes a mechanism for the City to approve up to an additional 3,260 residential units, despite the fact that the Downtown Plan PEIR never contemplated such an increase in residential development. The CEQA Guidelines expressly lay out the criteria for later activities taken pursuant to an existing program EIR. (14 CCR 15168(c).) Pursuant to the CEQA Guidelines, the Addendum is only proper if the LUEP and 7th & Locust Project are “within the scope” of the Downtown Plan PEIR.

When determining whether the LUEP 7th & Locust Project are “within the scope” of the Downtown Plan EIR,

Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, ***as described in the program EIR.***” (14 CCR 15168(c)(2) [emphasis added].)

Here, the LUEP and 7 & Locust Project are not consistent with the analysis provided in the 2012 PEIR because the PEIR only analyzed up to 5,000 residential units. Any increase beyond those 5,000 units removes a project from the scope of the PEIR and, therefore, eliminates the option of preparing an addendum rather than an EIR or negative declaration. (*Center for Sierra Nevada Conservation*, (2012) 202 Cal.App.4th at 1171 [PEIR may only serve for subsequent actions “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project. . . .”] [citations omitted]; 14 CCR § 15168(c)(1) [“If a later activity would have effects that were not examined in the project EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.”].)

In addition to the fact that the Downtown Plan PEIR analyzed only up to 5,000 residential units, the PEIR also expressly rejected the inclusion of more housing. In its analysis of alternatives, the Downtown Plan PEIR considered an increased residential alternative with up to 9,200 units. Pursuant to the PEIR, “[t]his alternative was rejected *to avoid excessive traffic impacts and associated air quality and noise impacts from the additional residential units and hotel rooms in comparison to the proposed Project*. . . . It is not being carried forward for detailed analysis” (Downtown Plan Draft EIR, p. 6-3 [emphasis added].) In other words, the proposed LUEP and 7th & Locust Project are not only outside the scope of residential units analyzed in the PEIR, but the PEIR also found that an increase in residential units would have *more* impacts than the Downtown Plan as approved. The Downtown Plan and PEIR simply never analyzed or addressed increasing the amount of residential units within the Downtown Plan area beyond 5,000 units.

Importantly, the above does not mean that the City cannot ever adopt the LUEP or approve the 7th & Locust Project. Rather, because these activities are outside the scope of the 2012 Downtown Plan EIR, CEQA requires that an EIR or negative declaration be prepared instead. Here, because the Addendum concedes that the LUEP will have significant and unavoidable impacts, a negative declaration is not appropriate and adoption of the LUEP requires an EIR.

II. An EIR and Statement of Overriding Considerations is required for the LUEP’s significant and unavoidable impacts.

The Addendum concedes that implementation of the LUEP will result in significant and unavoidable impacts to air quality, cultural resources, aesthetics, greenhouse gases “GHGs”, noise, population and housing, public services, and transportation and traffic. Although these impacts were identified as significant and unavoidable in the 2012 Downtown Plan PEIR, CEQA still requires an EIR to evaluate and mitigate these impacts and requires a Statement of Overriding Consideration prior to approval.

In the case of *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 122-25, the court of appeal held that when a “first tier” EIR admits a significant, unavoidable environmental impact, then the agency must prepare second tier EIRs for later projects to ensure that those unmitigated impacts are “mitigated or avoided.” (*Id.* [citing 14 CCR §15152(f.)]) The court reasoned that the unmitigated impacts were not “adequately addressed” in the first tier EIR since it was not “mitigated or avoided.” (*Id.*) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been “adequately addressed,” in a way that ensures the effects will be “mitigated or avoided.” (*Id.*) A second tier EIR is required especially where the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained, “The requirement of a statement of overriding considerations is central to CEQA’s role as a public accountability statute; it requires public officials, in approving environmental detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support.” (*Id.* at 124-25.)

Since the 2012 Downtown Plan EIR and the subsequent Addendum identified multiple significant and unavoidable impacts, a second tier EIR is now required for the LUEP to determine if mitigation measures can now be imposed to reduce or eliminate those impacts. If the impacts still remain significant and unavoidable, a Statement of Overriding Considerations is required in addition to the EIR. “[T]he responsible public officials must still go on the record and explain specifically why they are approving the later project despite *its* significant unavoidable impacts.” (*Communities for a Better Environment*, 103 Cal.App.4th at 124–25.) As such, the Addendum is not proper and an EIR is required for the LUEP’s significant and unavoidable impacts.

CONCLUSION

For the foregoing reasons, the SAFER and its members respectfully request that the Planning Commission not approve items 3 and 4 at this time and refrain from taking any further action on this matter until an EIR has been prepared. Thank you for your attention to these comments.

Sincerely,



Brian B. Flynn
Lozeau Drury LLP



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-6194

PLANNING BUREAU

APPLICATION FOR APPEAL

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

- Site Plan Review Committee
 Zoning Administrator
 Planning Commission
 Cultural Heritage Commission

Which was taken on the 16th day of September, 20 21.

Project Address: 636 Locust Avenue, Long Beach, CA 90802 / PD-30

I/We, your appellant(s), hereby respectfully request that Your Honorable Body **reject** the decision and **Approve** / **Deny** the application or permit in question.

ALL INFORMATION BELOW IS REQUIRED

Reasons for Appeal: For the reasons discussed in the attached comment, the Planning Commission's decisions to adopt and approve the Downtown Plan Program EIR Land Use Equivalency Program and 7th and Locust Development Downtown Plan EIR Addendum (EIRA 06-20), to find the project within the scope of the previously-certified Downtown Program Environmental Impact Report (PEIR) (SCH#2009071006), and to approve Site Plan Review SPR20-011 are in violation of the California Environmental Quality Act (CEQA). SEE ATTACHED.

Appellant Name(s): Supporters Alliance for Environmental Responsibility

Organization (if representing) Lozeau Drury LLP (representing Appellant)

Address: 1939 Harrison St., Ste 150

City Oakland State CA ZIP 94612 Phone (510) 836-4200

Signature(s)  Date 09/27/21

- A separate appeal form is required for each appellant party, except for appellants from the same address, or an appellant representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

BELOW THIS LINE FOR STAFF USE ONLY

Appeal by Applicant **Appeal by Third Party**

Received by: _____ Case No.: _____ Appeal Filing Date: _____

Fee: _____ Fee Paid Project (receipt) No.: _____

Division V. - Appeals

21.21.501 - Authorization and jurisdiction.

- A. Authorization. Any aggrieved person may appeal a decision on any project that required a public hearing.
- B. Jurisdiction. The Planning Commission shall have jurisdiction on appeals of interpretations made pursuant to Section 21.10.045 and decisions issued by the Zoning Administrator and Site Plan Review Committee, and the City Council shall have jurisdiction on appeals from the Planning Commission as indicated in Table 21-1. Decisions lawfully appealable to the California Coastal Commission shall be appealed to that body.

21.21.502 - Time to file appeal. An appeal must be filed within ten (10) days after the decision for which a public hearing was required is made.

21.21.503 - Form of filing. All appeals shall be filed with the Department of Planning and Building on a form provided by that Department.

21.21.504 - Time for conducting hearing of appeals. A public hearing on an appeal shall be held:

- A. In the case of appeals to the City Planning Commission, within sixty (60) days of the date of filing of the appeal with the Department of Planning and Building; or
- B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

21.21.505 - Findings on appeal. All decisions on appeal shall address and be based upon the same conclusionary findings, if any, required to be made in the original decision from which the appeal is taken.

21.21.506 - Finality of appeals.

- A. Decision Rendered. After a decision on an appeal has been made and required findings of fact have been adopted, that decision shall be considered final and no other appeals may be made except:
 - 1. Projects located seaward of the appealable area boundary, as defined in Section 21.25.908 (Coastal Permit—Appealable Area) of this title, may be appealed to the California Coastal Commission; and
 - 2. Local coastal development permits regulated under the city's Oil Code may be appealed to the city council.
- B. No Appeal Filed. After the time for filing an appeal has expired and no appeal has been filed, all decisions shall be considered final, provided that required findings of fact have been adopted.
- C. Local Coastal Development. Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.

ATTACHMENT

**SAFER Comment Letter to Long Beach Planning Commission
September 16, 2021**



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Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR. (14 CCR § 15168(c)(2).)

Where there is no evidence that a later project was contemplated at the time of the PEIR or that any site-specific environmental issues related to the later project were addressed in the PEIR, that later project is not within the scope of the PEIR. (See *NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 284-85; *Ctr. for Sierra Nevada Conservation*, 202 Cal.App.4th at 1171.)

If substantial evidence establishes that a later project is within the scope of a PEIR, the agency may set forth that determination in an addendum. (14 CCR § 15164.) However, an addendum is not authorized and a subsequent or supplemental EIR is still required if there are “substantial changes” to the proposed project or to circumstances which will require “major revisions” in the EIR, or if “[n]ew information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available.” (PRC § 21166; see also 14 CCR §§ 15162; 15168(c)(2).)

Where the lead agency cannot identify substantial evidence that a later project is within the scope of a PEIR, the agency must prepare an initial study and “either an EIR or a negative declaration.” (14 CCR § 15168(c)(1).) “Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects.” (14 CCR § 15152(b).)

In reviewing an agency’s decision whether to prepare a tiered EIR, the court applies the “fair argument test.” (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) Under the fair argument test, a new EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.” (*Id.* at 1316; see *Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Comm. College Dist.* (2016) 1 Cal.5th 937, 960 “[U]nder Public Resources Code section 21094, the agency is required to apply a more exacting standard to determine whether the later project might cause significant environmental effects that were not fully examined in the initial program EIR” [citing with approval *Sierra Club*, 6 Cal.App.4th at 1321; PRC § 21094(c)].) “[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR....” (*Sierra Club*, 6 Cal.App.4th at 1319.) An EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (14 CCR § 15064(f)(1); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 931.) “It is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination.” (*Pocket Protectors*, 124 Cal.App.4th at 928.)

Where experts have presented conflicting evidence on the extent of the environmental effects of a project, the agency must consider the environmental effects to be significant and prepare an EIR. (14 CCR § 15064(f)(5); PRC § 21080(e)(1); *Pocket Protectors*, 124 Cal.App.4th at 935.) “If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record.” (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1379 [quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.] “Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Id.*)

Discussion

I. **The Addendum is improper under CEQA and an EIR is required because the LUEP’s proposed increase in residential development is not within the scope of the impacts analyzed in the 2012 Downtown Plan PEIR.**

The 2012 Downtown Plan Program EIR analyzed the impacts of 5,000 residential units, construction, and operation of 480,000 square feet of retail/commercial space, and 1,500,00 square feet of office space. The LUEP proposes a mechanism for the City to approve up to an additional 3,260 residential units, despite the fact that the Downtown Plan PEIR never contemplated such an increase in residential development. The CEQA Guidelines expressly lay out the criteria for later activities taken pursuant to an existing program EIR. (14 CCR 15168(c).) Pursuant to the CEQA Guidelines, the Addendum is only proper if the LUEP and 7th & Locust Project are “within the scope” of the Downtown Plan PEIR.

When determining whether the LUEP 7th & Locust Project are “within the scope” of the Downtown Plan EIR,

Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, ***as described in the program EIR.***” (14 CCR 15168(c)(2) [emphasis added].)

Here, the LUEP and 7 & Locust Project are not consistent with the analysis provided in the 2012 PEIR because the PEIR only analyzed up to 5,000 residential units. Any increase beyond those 5,000 units removes a project from the scope of the PEIR and, therefore, eliminates the option of preparing an addendum rather than an EIR or negative declaration. (*Center for Sierra Nevada Conservation*, (2012) 202 Cal.App.4th at 1171 [PEIR may only serve for subsequent actions “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project. . . .”] [citations omitted]; 14 CCR § 15168(c)(1) [“If a later activity would have effects that were not examined in the project EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.”].)

In addition to the fact that the Downtown Plan PEIR analyzed only up to 5,000 residential units, the PEIR also expressly rejected the inclusion of more housing. In its analysis of alternatives, the Downtown Plan PEIR considered an increased residential alternative with up to 9,200 units. Pursuant to the PEIR, “[t]his alternative was rejected *to avoid excessive traffic impacts and associated air quality and noise impacts from the additional residential units and hotel rooms in comparison to the proposed Project*. . . . It is not being carried forward for detailed analysis” (Downtown Plan Draft EIR, p. 6-3 [emphasis added].) In other words, the proposed LUEP and 7th & Locust Project are not only outside the scope of residential units analyzed in the PEIR, but the PEIR also found that an increase in residential units would have *more* impacts than the Downtown Plan as approved. The Downtown Plan and PEIR simply never analyzed or addressed increasing the amount of residential units within the Downtown Plan area beyond 5,000 units.

Importantly, the above does not mean that the City cannot ever adopt the LUEP or approve the 7th & Locust Project. Rather, because these activities are outside the scope of the 2012 Downtown Plan EIR, CEQA requires that an EIR or negative declaration be prepared instead. Here, because the Addendum concedes that the LUEP will have significant and unavoidable impacts, a negative declaration is not appropriate and adoption of the LUEP requires an EIR.

II. An EIR and Statement of Overriding Considerations is required for the LUEP’s significant and unavoidable impacts.

The Addendum concedes that implementation of the LUEP will result in significant and unavoidable impacts to air quality, cultural resources, aesthetics, greenhouse gases “GHGs”, noise, population and housing, public services, and transportation and traffic. Although these impacts were identified as significant and unavoidable in the 2012 Downtown Plan PEIR, CEQA still requires an EIR to evaluate and mitigate these impacts and requires a Statement of Overriding Consideration prior to approval.

In the case of *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 122-25, the court of appeal held that when a “first tier” EIR admits a significant, unavoidable environmental impact, then the agency must prepare second tier EIRs for later projects to ensure that those unmitigated impacts are “mitigated or avoided.” (*Id.* [citing 14 CCR §15152(f.)] The court reasoned that the unmitigated impacts were not “adequately addressed” in the first tier EIR since it was not “mitigated or avoided.” (*Id.*) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been “adequately addressed,” in a way that ensures the effects will be “mitigated or avoided.” (*Id.*) A second tier EIR is required especially where the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained, “The requirement of a statement of overriding considerations is central to CEQA’s role as a public accountability statute; it requires public officials, in approving environmental detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support.” (*Id.* at 124-25.)

Since the 2012 Downtown Plan EIR and the subsequent Addendum identified multiple significant and unavoidable impacts, a second tier EIR is now required for the LUEP to determine if mitigation measures can now be imposed to reduce or eliminate those impacts. If the impacts still remain significant and unavoidable, a Statement of Overriding Considerations is required in addition to the EIR. “[T]he responsible public officials must still go on the record and explain specifically why they are approving the later project despite *its* significant unavoidable impacts.” (*Communities for a Better Environment*, 103 Cal.App.4th at 124–25.) As such, the Addendum is not proper and an EIR is required for the LUEP’s significant and unavoidable impacts.

CONCLUSION

For the foregoing reasons, the SAFER and its members respectfully request that the Planning Commission not approve items 3 and 4 at this time and refrain from taking any further action on this matter until an EIR has been prepared. Thank you for your attention to these comments.

Sincerely,



Brian B. Flynn
Lozeau Drury LLP

**Downtown Plan Program EIR Land Use Equivalency Program and
7th and Locust Development - Downtown Plan EIR Addendum
(EIRA06-20)**

Addendum

<https://longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/pending/downtown-plan-program-eir-land-use-equivalency-program-and-7th-and-locust-development---downtown-plan-eir-addendum/downtown-plan-eir-addendum>

Appendix C – Geotechnical Study

<https://longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/pending/downtown-plan-program-eir-land-use-equivalency-program-and-7th-and-locust-development---downtown-plan-eir-addendum/appendix-c---geotechnical-study>

Downtown Plan Program EIR (SCH No. 2009071006)

Final EIR Part 1

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/long-beach-downtown-plan-final-eir-rev2-part1>

Final EIR Part 2

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/long-beach-downtown-plan-final-eir-rev2-part2>

Final EIR Part 3

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/long-beach-downtown-plan-final-eir-rev2-part3>

Final EIR Part 4

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/long-beach-downtown-plan-final-eir-rev2-part4>

Draft EIR

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/downtown-plan-draft-eir-12-2010>

Appendix A

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-a---nop-initial-study-and-public-comments>

Appendix B, Part 1

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-b---downtown-plan-part-1>

Appendix B, Part 2

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-b---downtown-plan-part-2>

Appendix B, Part 3

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-b---downtown-plan-part-3>

Appendix C

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-c---air-quality-tech-report>

Appendix D

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-d---historic-property-survey>

Appendix E

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-e----noise-tech-report>

Appendix F

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-f---traffic-impact-analysis>

Appendix G

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/appendix-g---water-availability-assessment>

Notice of Preparation

<http://www.longbeach.gov/globalassets/lbds/media-library/documents/planning/environmental/environmental-reports/approvedcertified-part-1/final-downtown-plan/downtown-community-plan-nop>

CITY OF LONG BEACH DOWNTOWN PLAN

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires adoption of a monitoring and reporting program for the mitigation measures necessary to mitigate or avoid significant effects on the environment. The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Final Environmental Impact Report (EIR) that applies to the applicant's proposal, specifications are made herein that identify the action required and the monitoring that must occur. In addition, the party for verifying compliance with individual mitigation measures is identified.

[NOTE: This MMRP was included as part of the adopted of the Final EIR; however was only later updated to reflect the changes made in the Errata. The latest update was October 2016.]

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
AESTHETICS							
<p>Mitigation Measure AES-2(a) <u>Lighting Plans and Specifications</u>. Prior to the issuance of building permits for new large development projects, the applicant shall submit lighting plans and specifications for all exterior lighting fixtures and light standards to the Development Services Department for review and approval. The plans shall include a photometric design study demonstrating that all outdoor light fixtures to be installed are designed or located in a manner as to contain the direct rays from the lights onsite and to minimize spillover of light onto surrounding properties or roadways. All parking structure lighting shall be shielded and directed away from residential uses. Rooftop decks and other similar amenities are encouraged in the Plan. Lighting for such features shall be designed so that light is directed so as to provide adequate security and minimal spill-over or nuisance lighting.</p>	<p>Review and approval of final building plans for individual development projects.</p>	<p>Prior to issuance of building permits</p>	<p>Once per individual development project</p>	<p>PWD, LBDS</p>			
<p>Mitigation Measure AES-2(b) <u>Building Material Specifications</u>. Prior to the issuance of any building permits for development projects, applicants shall submit plans and specifications for all building materials to the Development Services Department for review and approval. The Plan provides measures to ensure that the highest quality materials are used for new development projects. This is an important consideration, since high-quality materials last longer. Quality development provides an impression of permanence and can encourage additional private investment in Downtown Long Beach.</p>	<p>Review and approval of final building plans for individual development projects</p>	<p>Prior to issuance of building permits</p>	<p>Once per individual development project</p>	<p>PWD, LBDS</p>			

Key: PWD – City of Long Beach Public Works Department
 LBDS – City of Long Beach Development Services Department
 OCM – Onsite Construction Manager

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>Mitigation Measure AES-2(c) Light Fixture Shielding. Prior to the issuance of building permits for development projects within the Downtown Plan Project area, applicants shall demonstrate to the Development Services Department that all night lighting installed on private property within the project site shall be shielded, directed away from residential and other light-sensitive uses, and confined to the project site. Rooftop lighting, including rooftop decks, security lighting, or aviation warning lights, shall be in accordance with Airport/Federal Aviation Administration (FAA) requirements. Additionally, all lighting shall comply with all applicable Airport Land Use Plan (ALUP) Safety Policies and FAA regulations.</p>	Review and approval of final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	PWD, LBDS			
<p>Mitigation Measure AES-2(d) Window Tinting. Prior to the issuance of any building permits, the applicant shall submit plans and specifications showing that building windows are manufactured or tinted to minimize glare from interior lighting and to minimize heat gain in accordance with energy conservation measures.</p>	Review and approval of final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	PWD, LBDS			
<p>Mitigation Measure AES-3 Shadow Impacts. Prior to the issuance of building permits for any structure exceeding 75 feet in height or any structure that is adjacent to a light sensitive use and exceeds 45 feet in height, the applicant shall submit a shading study that includes calculations of the extent of shadowing arches for winter and equinox conditions. If feasible, projects shall be designed to avoid shading of light sensitive uses in excess of the significance thresholds outlined in this EIR. If avoidance of shadows exceeding significance thresholds is determined to be infeasible, the shadow impact will be disclosed as part of a project environmental impact report (EIR).</p>	Review and approval of shading studies for individual development projects	Prior to issuance of building permits	Once per individual development project	OCM, LBDS			
AIR QUALITY							
<p>Mitigation Measure AQ-1(a) To reduce short-term construction emissions, the City shall require that all construction projects that would require use of heavy-duty (50 horsepower [hp] or more), off-road vehicles to be used during construction shall require their contractors to implement the Enhanced Exhaust Control Practices (listed</p>	Field verification of compliance for individual development projects	During construction	Periodically throughout construction of individual development projects	OCM			

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>below) or whatever mitigation ensures are recommended by SCAQMD at the time individual portions of the site undergo construction, including those specified in the mitigation recommendations in the SCAQMD CEQA Handbook or SCAQMD's Mitigation Measures and Control Efficiencies recommendations located at the following url: http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.</p> <p><u>Enhanced Exhaust Control Practices</u></p> <ul style="list-style-type: none"> The project applicant shall provide a plan for approval by the City, demonstrating that the heavy-duty (50 hp or more) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NO_x reduction, 20 percent VOC reduction, and 45 percent particulate reduction compared to the 2011 ARB fleet average, as contained in the URBEMIS output sheets in Appendix C. Acceptable options for reducing emissions may include use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. SCAQMD, which is the resource agency for air quality in the Project area, can be used in an advisory role to demonstrate fleet-wide reductions. SCAQMD's mitigation measures for off-road engines can be used to identify an equipment fleet that achieves this reduction (SCAQMD 2007b). The project applicant shall submit to the City a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the hp rating, engine production year, and projected hours of use for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an 							

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of heavy-duty off-road equipment, the project representative shall provide the City with the anticipated construction timeline including start date and name and phone number of the project manager and onsite foreman. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed and the dates of each survey. SCAQMD staff and/or other officials may conduct periodic site inspections to determine compliance.</p> <ul style="list-style-type: none"> If, at the time of construction, SCAQMD, CARB, or the EPA has adopted a regulation or new guidance applicable to construction emissions, compliance with the regulation or new guidance may completely or partially replace this mitigation if it is equal to or more effective than the mitigation contained herein, and if the City so permits. Such a determination must be supported by a project-level analysis and be approved by the City. 							
<p>Mitigation Measure AQ-1(b) Prior to construction of each development phase of onsite land uses that are proposed within 1,500 feet of sensitive receptors, each project applicant shall perform a project-level CEQA analysis that includes a detailed LST analysis of construction-generated emissions of NO₂, CO, PM₁₀, and PM_{2.5} to assess the impact at nearby sensitive receptors. The LST analysis shall be performed in accordance with applicable SCAQMD guidance that is in place at the time the analysis is performed. The project-level analysis shall incorporate detailed parameters of the construction equipment and activities, including the year during which construction would be performed, as well as the proximity of potentially affected receptors, including receptors</p>	<p>Review and approval of LST analysis for individual development projects</p>	<p>Prior to issuance of building permits</p>	<p>Once per individual development project</p>	<p>OCM</p>			

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
proposed by the project that exist at the time the construction activity would occur.							
<p>Mitigation AQ-1(c) Prior to issuance of a grading permit, the project plans shall include the following provisions to reduce construction-related air quality impacts:</p> <ul style="list-style-type: none"> • Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow; • Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site; • Reroute construction trucks away from congested streets or sensitive receptor areas; • Appoint a construction relations officer to act as a community liaison concerning onsite construction activity including resolution of issues related to PM10 generation; • Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications; • Use coatings and solvents with a VOC content lower than that required under AQMD Rule 1113; • Construct or build with materials that do not require painting; • Require the use of pre-painted construction materials if available; • Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export); <ul style="list-style-type: none"> ○ During project construction, all internal combustion engines/construction equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following: ○ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with 							

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <ul style="list-style-type: none"> o January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. o Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. <ul style="list-style-type: none"> • A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. • Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides 							

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm "							
<p>Mitigation Measure AQ-2 Mitigation to reduce mobile source emissions due to implementation of the Plan addresses reducing the number of motor vehicle trips and reducing the emissions of individual vehicles under the control of the project applicant(s). The following measures shall be implemented by project applicant(s) unless it can be demonstrated to the City that the measures would not be feasible.</p> <ul style="list-style-type: none"> • The project applicant(s) for all project phases shall require the commercial development operator(s) to operate, maintain, and promote a ride-share program for employees of the various businesses. • The project applicant(s) for all project phases shall include one or more secure bicycle parking areas within the property and encourage bicycle riding for both employees and customers. • The proposed structures shall be designed to meet current Title 24 + 20 percent energy efficiency standards and shall include such measures as photovoltaic cells on the rooftops to achieve an additional 25 percent reduction in electricity use on an average sunny day. • The City shall ensure that all new commercial developments include or have access to convenient shower and locker facilities for employees to encourage bicycle, walking, and jogging as options for commuting. • The project applicant(s) for all project phases shall require that all equipment operated by the businesses within the facility be electric or use non-diesel engines. 	Review and approval of final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	OCM, LBDS			

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<ul style="list-style-type: none"> All truck loading and unloading docks shall be equipped with one 110/208-volt power outlet for every two-dock door. Diesel trucks shall be prohibited from idling more than 5 minutes and must be required to connect to the 110/208-volt power to run any auxiliary equipment. Signs outlining the idling restrictions shall be provided. <p>If, at the time of construction, SCAQMD, CARB, or EPA has adopted a regulation or new guidance applicable to mobile- and area-source emissions, compliance with the regulation or new guidance may completely or partially replace this mitigation if it is equal to or more effective than the mitigation contained herein, and if the City so permits. Such a determination shall be supported by a project-level analysis that is approved by the City.</p>							
<p>Mitigation Measure AQ-4(a) The following measures shall be implemented to reduce exposure of sensitive receptors to operational emissions of TACs:</p> <ul style="list-style-type: none"> Proposed commercial land uses that have the potential to emit TACs or host TAC-generating activity (e.g., loading docks) shall be located away from existing and proposed onsite sensitive receptors such that they do not expose sensitive receptors to TAC emissions that exceed an incremental increase of 10 in 1 million for the cancer risk and/or a noncarcinogenic Hazard Index of 1.0. Where necessary to reduce exposure of sensitive receptors to an incremental increase of 10 in 1 million for the cancer risk and/or a noncarcinogenic Hazard Index of 1.0, proposed commercial and industrial land uses that would host diesel trucks shall incorporate idle-reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off. Signs shall be posted in at all loading docks and truck loading areas to indicate that diesel-powered delivery 	Review and approval of applicant-prepared health risk studies and, as necessary, plans to reduce hazards to below specified risk levels	Prior to issuance of building permits	Once per individual development project involving potential TAC hazards	OCM, LBDS			

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					Initial	Date	Comments
<p>trucks must be shut off when not in use for longer than 5 minutes on the premises. This measure is consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by the California Office of Administrative Law in January 2005.</p> <ul style="list-style-type: none"> Proposed facilities that would require the long-term use of diesel equipment and heavy-duty trucks shall develop a plan to reduce emissions, which may include such measures as scheduling activities when the residential uses are the least occupied, requiring equipment to be shut off when not in use, and prohibiting heavy trucks from idling. When determining the exact type of facility that would occupy the proposed commercial space, the City shall take into consideration its toxic-producing potential. Commercial land uses that accommodate more than 100 trucks per day, or 40 trucks equipped with TRUs, within 1,000 feet of sensitive receptors (e.g., residences or schools) shall perform a site-specific project-level HRA in accordance with SCAQMD guidance for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles (SCAQMD 2003b). If the incremental increase in cancer risk determined by the HRA exceeds the threshold of significance recommended by SCAQMD or ARB at the time (if any), then all feasible mitigation measures shall be employed to minimize the impact. 							
<p>Mitigation Measure AQ-4(b) The City shall verify that the following measures are implemented by new developments to reduce exposure of sensitive receptors to emissions of TACs from POLB and stationary sources in the vicinity of the Downtown Plan Project area:</p> <ul style="list-style-type: none"> All proposed residences in the Downtown Plan Project area shall be equipped with filter systems with high Minimum Efficiency Reporting Value (MERV) for removal of small particles (such as 0.3 micron) at all air intake points to the home. All proposed residences 	<p>Review and approval of applicant-prepared health risk studies and, as necessary, plans to reduce hazards to below specified risk levels</p>	<p>Prior to issuance of building permits</p>	<p>Once per individual development project involving potential health risks</p>	<p>OCM, LBDS</p>			

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<p>shall be constructed with mechanical ventilation systems that would allow occupants to keep windows and doors closed and allow for the introduction of fresh outside air without the requirement of open windows.</p> <ul style="list-style-type: none"> The heating, ventilation, and air conditioning (HVAC) systems shall be used to maintain all residential units under positive pressure at all times. An ongoing education and maintenance plan about the filtration systems associated with HVAC shall be developed and implemented for residences. To the extent feasible, sensitive receptors shall be located as far away from the POLB as possible. 							
<p>Mitigation Measure AQ-5 The following additional guidelines, which are recommended in ARB's <i>Land Use Handbook: A Community Health Perspective</i> (ARB 2005) shall be implemented. The guidelines are considered to be advisory and not regulatory:</p> <p>Sensitive receptors, such as residential units and daycare centers, shall not be located in the same building as dry-cleaning operations that use perchloroethylene. Dry-cleaning operations that use perchloroethylene shall not be located within 300 feet of any sensitive receptor. A setback of 500 feet shall be provided for operations with two or more machines.</p>	Review of individual development projects for consistency with ARB guidelines	Prior to issuance of building permits	Once per individual development project	OCM, LBDS			
<p>Mitigation Measure AQ-6 The following mitigation measures shall be implemented to control exposure of sensitive receptors to operational odorous emissions. The City shall ensure that all project applicant(s) implement the following measures:</p> <ul style="list-style-type: none"> The City shall consider the odor-producing potential of land uses when reviewing future development proposals and when the exact type of facility that would occupy areas zoned for commercial, industrial, or mixed-use land uses is determined. Facilities that have the potential to emit objectionable odors shall be 	Review and approval of final building plans and applicant-proposed odor control methods for individual development projects	Prior to issuance of building permits	Once per individual development project involving potential odor issues	OCM, LBDS			

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<p>located as far away as feasible from existing and proposed sensitive receptors.</p> <ul style="list-style-type: none"> • Before the approval of building permits, odor-control devices shall be identified to mitigate the exposure of receptors to objectionable odors if a potential odor-producing source is to occupy an area zoned for commercial land use. The identified odor-control devices shall be installed before the issuance of certificates of occupancy for the potentially odor-producing use. The odor-producing potential of a source and control devices shall be determined in coordination with SCAQMD and based on the number of complaints associated with existing sources of the same nature. • Truck loading docks and delivery areas shall be located as far away as feasible from existing and proposed sensitive receptors. • Signs shall be posted at all loading docks and truck loading areas to indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises in order to reduce idling emissions. This measure is consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by California's Office of Administrative Law in January 2005. (This measure is also required by Mitigation Measure AQ-4 to limit TAC emissions.) • Proposed commercial and industrial land uses that have the potential to host diesel trucks shall incorporate idle-reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off. (This measure is also required by Mitigation Measure AQ-4 to limit TAC emissions.) 							

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In addition, mitigation measures identified under AQ-4(b) to reduce indoor exposure to TACs would also result in a reduction in the intensity of offensive odors from the surrounding odor sources.							
CULTURAL RESOURCES							
Mitigation Measure CR-1(a) The City shall encourage the designation as local landmarks of 20 properties identified in Table 4.3-3 with the "Desired Outcome" of "Pursue Local Designation." The City will encourage the on-going maintenance and appropriate adaptive reuse of all properties in Table 4.3-2 (existing landmarks), and Table 4.3-3 as historic resources.	Review and approval of final building plans involving potential historic resources	Prior to issuance of demolition permits	Once per individual development project with the potential to adversely affect historic resources	LBDS			
Mitigation Measure CR-1(b) The following procedures shall be followed prior to issuance of a demolition permit or a building permit for alteration of any property listed in the Historic Survey Report (ICF Jones & Stokes 2009) by Status Code 3S, 3CS, 5S1, or 5S3; designated as a Historic Landmark (City of Long Beach 2010a); listed in Tables 4.3-2 and 4.3-3 of this PEIR, or other property 45 years of age or older that was not previously determined by the Historic Survey Report to be ineligible for National Register, California Register, or Local Landmark (Status Code 6L and 6Z): <u>Notification of Historic Preservation Staff</u> Historic Preservation staff in the City Development Services Department shall be notified upon receipt of any demolition permit or building permit for alteration of any property listed in the Historic Survey Report or other property 45 years of age or older that was not previously determined by the Historic Survey Report to be ineligible for National Register, California Register, or Local Landmark (Status Code 6L and 6Z) <u>Determination of Need for Historic Property Survey</u> In consultation with Historic Preservation staff, the City Development Services Department shall determine	Verification that specified procedures have been followed for individual development projects involving historic properties and that appropriate mitigation has been undertaken	Prior to issuance of demolition permits	Once per individual development project with the potential to adversely affect historic resources	PWD, LBDS			

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<p>whether a formal historic property survey is needed and may require that the owner or applicant provide photographs of the property, including each building façade, with details of windows, siding, eaves, and streetscape views, and copies of the County Assessor and City building records, in order to make this determination.</p> <p><u>Determination of Eligibility</u></p> <p>If City Development Services Department staff determines that the property may be eligible for designation, the property shall be referred to the Cultural Heritage Commission, whose determination of eligibility shall be considered as part of the environmental determination for the project in accordance with CEQA.</p> <p><u>Documentation Program</u></p> <p>If the Cultural Heritage Commission determines that the property is eligible for historic listing, the City Development Services Department shall, in lieu of preservation, require that prior to demolition or alteration a Documentation Program be prepared to the satisfaction of the City Development Services Department, which shall include the following:</p> <p>A. Photo Documentation</p> <p>Documentation shall include professional quality photographs of the structure prior to demolition with 35 mm black and white photographs, 4" x 6" standard format, taken of all four elevations and with close-ups of select architectural elements, such as but not limited to, roof/wall junctions, window treatments, decorative hardware, any other elements of the building's exterior or interior, or other property features identified by the City Development Services Department to be documented. Photographs shall be of archival quality and easily reproducible.</p> <p>B. Required Drawings</p> <p>Measured drawings of the building's exterior elevations depicting existing conditions or other relevant features</p>							

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<p>shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings shall be produced in ink on translucent material or archivally stable material (blue-line drawings are acceptable). Standard drawing sizes are 19" x 24" or 24" x 36" and standard scale is 1/4" = 1 foot.</p> <p>C. Archival Storage Xerox copies or CD of the photographs and one set of the measured drawings shall be submitted for archival storage with the City Development Services Department; and one set of original photographs, negatives, and measured drawings shall be submitted for archival storage with such other historical repository identified by the City Development Services Department.</p>							
<p>Mitigation Measure CR-2(a) A qualified project archaeologist or archaeological monitor approved by the City in advance of any ground-disturbing activities shall be present during excavation into native sediments and shall have the authority to halt excavation for inspection and protection of cultural resources. The archaeological monitor shall be empowered to halt or redirect ground-disturbing activities to allow the find to be evaluated. If the archaeological monitor determines the find to be significant, the project applicant and the City shall be notified and an appropriate treatment plan for the resources shall be prepared. The treatment plan shall include notification of a Native American representative and shall consider whether the resource should be preserved in place or removed to an appropriate repository as identified by the City.</p>	<p>Verification that a qualified monitor has been retained for individual development projects involving excavation in native sediments; field verification of monitoring</p>	<p>Verification that a monitor has been retained prior to issuance of demolition permit; field verification during construction</p>	<p>Once for verification that a monitor has been retained; periodically throughout construction for field verification</p>	<p>LBDS, OCM</p>			
<p>Mitigation Measure CR-2(b) The project archaeologist shall prepare a final report of the find for review and approval by the City and shall include a description of the</p>	<p>Review and approval of report (if required)</p>	<p>Prior to re-initiating work (if resources</p>	<p>As needed throughout construction</p>	<p>LBDS, OCM</p>			

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resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register of Historic Resources and the National Register of Historic Places. The report shall be filed with the California Historic Resources Information System South Central Coastal Information Center. If the resources are found to be significant, a separate report including the results of the recovery and evaluation process shall be prepared.		unearthed)					
Mitigation Measure CR-2(c) If human remains are encountered during excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the corner is to notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains. Preservation in place and project design alternatives shall be considered as possible courses of action by the project applicant, the City, and the Most Likely Descendent.	Verification that County Coroner and/or NAHC consultation has occurred (if human remains unearthed)	Prior to re-initiating work (if human remains unearthed)	As needed throughout construction	LBDS, OCM			
Mitigation Measure CR-3(a) A qualified paleontologist approved by the City in advance of any ground-disturbing activities shall be present during excavation into native sediments and shall have the authority to halt excavation for inspection and protection of paleontological resources. Monitoring shall consist of visually inspecting fresh exposures of rock for fossil remains and, where appropriate, collection of sediment samples for further analysis. The frequency of inspections shall be based on the rate of excavation and grading activities, the materials being excavated, the depth of excavation, and, if found, the abundance and type of fossils encountered.	Verification that a qualified paleontologist has been retained for individual development projects involving excavation of native sediments; field verification of monitoring	Verification that a monitor has been retained prior to issuance of demolition permit; field verification during construction	Once for verification that a monitor has been retained; periodically throughout construction for field verification	LBDS, OCM			
Mitigation Measure CR-3(b) If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or	Verification that any paleontological	Prior to re-initiating work (if	As necessary throughout	LBDS, OCM			

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redirect excavation and grading in the area of the exposed fossil to evaluate and, if necessary, salvage the find. All fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County and shall be accompanied by a report on the fossils collected and their significance, and notes, maps, and photographs of the salvage effort.	resources identified during grading and construction of individual development projects have been appropriately salvaged	fossils unearthed)	construction of individual development projects				
GEOLOGY AND SEISMICITY							
Mitigation Measure Geo-1 New construction or structural remodeling of buildings proposed within the Project area shall be engineered to withstand the expected ground acceleration that may occur at the project site. The calculated design base ground motion for each project site shall take into consideration the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available. All onsite structures shall comply with applicable provisions of the most recent UBC adopted by the City of Long Beach.	Review and approval of final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	PWD, OCM			
Mitigation Measure Geo-2 Prior to issuance of a building permit for new structures, the City Department of Development Services shall determine, based on building height, depth, and location, whether a comprehensive geotechnical investigation and geo-engineering study shall be completed to adequately assess the liquefaction potential and compaction design of the soils underlying the proposed bottom grade of the structure. If a geotechnical investigation is required, borings shall be completed to at least 50 feet below the lowest proposed finished grade of the structure or 20 feet below the lowest caisson or footing (whichever is deeper). If these soils are confirmed to be prone to seismically induced liquefaction, appropriate techniques to minimize liquefaction potential shall be prescribed and implemented. All onsite structures shall comply with applicable methods of the UBC and California Building Code. Suitable measures to reduce liquefaction	Review and approval of geotechnical investigations for individual development projects and verification that appropriate standards have been incorporated into final building plans	Geotechnical investigation and final building plan review prior to issuance of building permits	Once per individual development project	PWD, OCM			

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impacts could include specialized design of foundations by a structural engineer, removal or treatment of liquefiable soils to reduce the potential for liquefaction, drainage to lower the groundwater table to below the level of liquefiable soils, in-situ densification of soils, or other alterations to the sub-grade characteristics.							
Mitigation Measure Geo-3 Prior to issuance of a building permit for new structures, the City Department of Development Services shall determine the need for soil samples of final sub-grade areas and excavation sidewalls to be collected and analyzed for their expansion index. For areas where the expansion index is found to be greater than 20, grading and foundation designs shall be engineered to withstand the existing conditions. The expansion testing may be omitted if the grading and foundations are engineered to withstand the presence of highly expansive soils.	Review and approval of final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	LBDS			
GREENHOUSE GAS EMISSIONS							
Mitigation Measure GHG-1(a) <u>Implement Mitigation Measure AQ-1.</u> Implementation of the mitigation measures described in Section 4.2, Air Quality, of this PEIR, which would reduce construction emissions of criteria air pollutants and precursors, would also act to reduce GHG emissions associated with implementation of the Project. The construction mitigation measures for exhaust emissions are relevant to the global climate change impact because both criteria air pollutant and GHG emissions are frequently associated with combustion byproducts.	Review and approval of final building plans to verify compliance with applicable measures	Prior to issuance of building permits	Once per individual development project	LBDS			
Mitigation Measure GHG-1(b) <u>Implement Additional Measures to Control Construction-Generated GHG Emissions.</u> To further reduce construction-generated GHG emissions, the project applicant(s) of all public and private developments shall implement all feasible measures for reducing GHG emissions associated with construction that are recommended by the City and/or SCAQMD at the time individual portions of the site undergo construction, including those specified in the mitigation	Verification that construction specifications include City and SCAQMD recommended measures; field verification of compliance	Construction specification review and approval prior to issuance of grading permits; field verification during construction	Once per individual development project for construction specification review/approval; field verification periodically	LBDS, OCM			

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<p>recommendations in the SCAQMD CEQA Handbook or SCAQMD's Mitigation Measures and Control Efficiencies recommendations located at the following url: http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html. Such measures may reduce GHG exhaust emissions from the use of onsite equipment, worker commute trips, and truck trips carrying materials and equipment to and from the project site, as well as GHG emissions embodied in the materials selected for construction (e.g., concrete). Other measures may pertain to the materials used in construction. Prior to the construction of each development phase, the project applicant(s) shall obtain the most current list of GHG-reduction measures that are recommended by the City and/or SCAQMD and stipulate that these measures be implemented during the appropriate construction phase. The project applicant(s) for any particular development phase may submit to the City a report that substantiates why specific measures are considered infeasible for construction of that particular development phase and/or at that point in time. The report, including the substantiation for not implementing particular GHG-reduction measures, shall be approved by the City.</p> <p>The City's recommended measures for reducing construction-related GHG emissions at the time of writing this PEIR are listed below and the project applicant(s) shall, at a minimum, be required to implement the following:</p> <ul style="list-style-type: none"> • Improve fuel efficiency from construction equipment: <ul style="list-style-type: none"> ○ reduce unnecessary idling (modify work practices, install auxiliary power for driver comfort), ○ perform equipment maintenance (inspections, detect failures early, corrections), ○ train equipment operators in proper use of equipment, 			throughout construction				

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<ul style="list-style-type: none"> ○ use the proper size of equipment for the job, and ○ use equipment with new technologies (repowered engines, electric drive trains). ● Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power. ● Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment (emissions of NO_x from the use of low carbon fuel must be reviewed and increases mitigated). Additional information about low-carbon fuels is available from ARB's Low Carbon Fuel Standard Program (ARB 2010a). ● Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes. ● Reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones. ● Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75 percent by weight). ● Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk, and curb materials). ● Minimize the amount of concrete used for paved surfaces or use a low carbon concrete option. ● Produce concrete onsite if determined to be less emissive than transporting ready mix. ● Use EPA-certified SmartWay trucks for deliveries and equipment transport. Additional information about the SmartWay Transport Partnership Program is available 							

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from ARB's Heavy-Duty Vehicle GHG Measure (ARB 2010b) and EPA (EPA 2010). <ul style="list-style-type: none"> Develop a plan to efficiently use water for adequate dust control. This may consist of the use of non-potable water from a local source. 							
Mitigation Measure GHG-2(a) Implement Mitigation Measure AQ-3. Implementation of the mitigation measures described in Section 4.2, which would reduce operational emissions of criteria air pollutants and precursors, would also act to reduce GHG emissions associated with implementation of the Project. The operational mitigation measures for exhaust emissions are relevant to the global climate change impact because both criteria air pollutant and GHG emissions are frequently associated with combustion byproducts.	Verification that required measures have been incorporated into final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	LBDS			
Mitigation Measure GHG-2(b) Implement Additional Measures to Reduce Operational GHG Emissions. For each increment of new development within the Project area requiring a discretionary approval (e.g., tentative subdivision map, conditional use permit, improvement plan), measures that reduce GHG emissions to the extent feasible and to the extent appropriate with respect to the state's progress at the time toward meeting GHG emissions reductions required by the California Global Warming Solutions Act of 2006 (AB 32) shall be imposed, as follows: <ul style="list-style-type: none"> The project applicant shall incorporate feasible GHG reduction measures that, in combination with existing and future regulatory measures developed under AB 32, will reduce GHG emissions associated with the operation of future project development phases and supporting roadway and infrastructure improvements by an amount sufficient to achieve the goal of 6.6 CO₂e/SP/year, if it is feasible to do so. The feasibility of potential GHG reduction measures shall be evaluated by the City at the time each phase of development is proposed to allow for ongoing innovations in GHG 	Verification that required measures have been incorporated into final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	LBDS			

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<p>reduction technologies and incentives created in the regulatory environment.</p> <ul style="list-style-type: none"> • For each increment of new development, the project applicant shall obtain a list of potentially feasible GHG reduction measures to be considered in the development design from the City. The City's list of potentially feasible GHG reduction measures shall reflect the current state of the regulatory environment, which will continuously evolve under the mandate of AB 32. The project applicant(s) shall then submit to the City a mitigation report that contains an analysis demonstrating which GHG reduction measures are feasible for the associated reduction in GHG emissions, and the resulting CO₂e/SP/year metric. The report shall also demonstrate why measures not selected are considered infeasible. The mitigation report must be reviewed and approved by the City for the project applicant(s) to receive the City's discretionary approval for the applicable increment of development. In determining what measures should appropriately be imposed by a local government under the circumstances, the following factors shall be considered: <ul style="list-style-type: none"> ○ The extent to which rates of GHG emissions generated by motor vehicles traveling to, from, and within the Project site are projected to decrease over time as a result of regulations, policies, and/or plans that have already been adopted or may be adopted in the future by ARB or other public agency pursuant to AB 32, or by EPA; ○ The extent to which mobile-source GHG emissions, which at the time of writing this PEIR comprise a substantial portion of the state's GHG inventory, can also be reduced through design measures that result in trip reductions and reductions in trip length; ○ The extent to which GHG emissions emitted by the mix of power generation operated by SCE, the 							

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<p>electrical utility that will serve the Project site, are projected to decrease pursuant to the Renewables Portfolio Standard required by SB 1078 and SB 107, as well as any future regulations, policies, and/or plans adopted by the federal and state governments that reduce GHG emissions from power generation;</p> <ul style="list-style-type: none"> o The extent to which replacement of CCR Title 24 with the California Green Building Standards Code or other similar requirements will result in new buildings being more energy efficient and consequently more GHG efficient; o The extent to which any stationary sources of GHG emissions that would be operated on a proposed land use (e.g., industrial) are already subject to regulations, policies, and/or plans that reduce GHG emissions, particularly any future regulations that will be developed as part of ARB's implementation of AB 32, or other pertinent regulations on stationary sources that have the indirect effect of reducing GHG emissions; o The extent to which the feasibility of existing GHG reduction technologies may change in the future, and to which innovation in GHG reduction technologies will continue, effecting cost-benefit analyses that determine economic feasibility; and o Whether the total costs of proposed mitigation for GHG emissions, together with other mitigation measures required for the proposed development, are so great that a reasonably prudent property owner would not proceed with the project in the face of such costs. <ul style="list-style-type: none"> • In considering how much, and what kind of, mitigation is necessary in light of these factors, the following list of options shall be considered, though the list is not intended to be exhaustive, as GHG-emission reduction strategies and their respective feasibility are likely to evolve over time. These measures are derived from 							

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<p>multiple sources including the Mitigation Measure Summary in Appendix B of the California Air Pollution Control Officer's Association (CAPCOA) white paper, <i>CEQA & Climate Change</i> (CAPCOA 2008); CAPCOA's <i>Model Policies for Greenhouse Gases in General Plans</i> (CAPCOA 2009); and the California Attorney General's Office publication, <i>The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level</i> (California Attorney General's Office 2010).</p> <p>Energy Efficiency</p> <ul style="list-style-type: none"> o Include clean alternative energy features to promote energy self-sufficiency (e.g., photovoltaic cells, solar thermal electricity systems, small wind turbines). o Design buildings to meet CEC Tier II requirements (e.g., exceeding the requirements of Title 24 [as of 2007] by 20 percent). o Site buildings to take advantage of shade and prevailing winds and design landscaping and sun screens to reduce energy use. o Install efficient lighting in all buildings (including residential). Also install lighting control systems, where practical. Use daylight as an integral part of lighting systems in all buildings. o Install light-colored "cool" pavements, and strategically located shade trees along all bicycle and pedestrian routes. <p>Water Conservation and Efficiency</p> <ul style="list-style-type: none"> o With the exception of ornamental shade trees, use water-efficient landscapes with native, drought-resistant species in all public area and commercial landscaping. Use water-efficient turf in parks and other turf-dependent spaces. o Install the infrastructure to use reclaimed water for landscape irrigation and/or washing cars. 							

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<ul style="list-style-type: none"> o Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. o Design buildings and lots to be water efficient. Only install water-efficient fixtures and appliances. o Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. Prohibit businesses from using pressure washers for cleaning driveways, parking lots, sidewalks, and street surfaces. These restrictions should be included in the Covenants, Conditions, and Restrictions of the community. o Provide education about water conservation and available programs and incentives. o To reduce storm water runoff, which typically bogs down wastewater treatment systems and increases their energy consumption, construct driveways to single-family detached residences and parking lots and driveways of multi-family residential uses, with pervious surfaces. Possible designs include Hollywood drives (two concrete strips with vegetation or aggregate in between) and/or the use of porous concrete, porous asphalt, turf blocks, or pervious pavers. <p>Solid Waste Measures</p> <ul style="list-style-type: none"> o Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). o Provide interior and exterior storage areas for recyclables and green waste at all buildings. o Provide adequate recycling containers in public areas, including parks, school grounds, golf courses, and pedestrian zones in areas of mixed-use development. o Provide education and publicity about reducing waste and available recycling services. 							

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Transportation and Motor Vehicles							
<ul style="list-style-type: none"> o Promote ride-sharing programs and employment centers (e.g., by designating a certain percentage of parking spaces for ride-sharing vehicles, designating adequate passenger loading zones and waiting areas for ride-share vehicles, and providing a website or message board for coordinating ride-sharing). o Provide the necessary facilities and infrastructure in all land use types to encourage the use of low- or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations). o At industrial and commercial land uses, all forklifts, "yard trucks," or vehicles that are predominately used onsite at non-residential land uses shall be electric-powered or powered by biofuels (such as biodiesel [B100]) that are produced from waste products, or shall use other technologies that do not rely on direct fossil fuel consumption. 							
HAZARDS AND HAZARDOUS MATERIALS							
<p>Mitigation Measure Haz-1(a) Prior to issuance of a demolition or renovation permit, a lead-based paint and asbestos survey shall be performed by a licensed sampling company. The lead-based paint survey shall be prepared for any structures pre-dating 1982; an asbestos survey shall be performed for asbestos-containing insulation for any structure pre-dating 1986; and an asbestos survey shall be performed for asbestos-containing drywall for all structures for which drywall is to be removed. All testing procedures shall follow California and federal protocol. The lead-based paint and asbestos survey report shall quantify the areas of lead-based paint and asbestos-containing materials pursuant to California and federal standards.</p>	Review and approval of survey findings for individual development projects involving demolition of a pre-1986 structure; verification that abatement has been conducted	Prior to issuance of demolition permits	Once per individual development project involving demolition of a pre-1986 structure	LBDS			
<p>Mitigation Measure Haz-1(b) Prior to any demolition or renovation, onsite structures that contain asbestos must</p>	Review and approval of survey findings for	Prior to issuance of demolition	Once per individual	LBDS			

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have the asbestos-containing material removed according to proper abatement procedures recommended by the asbestos consultant. All abatement activities shall be in compliance with California and federal OSHA and SCAQMD requirements. Only asbestos trained and certified abatement personnel shall be allowed to perform asbestos abatement. All asbestos-containing material removed from onsite structures shall be hauled to a licensed receiving facility and disposed of under proper manifest by a transportation company certified to handle asbestos. Following completion of the asbestos abatement, the asbestos consultant shall provide a report documenting the abatement procedures used, the volume of asbestos-containing material removed, where the material was moved to, and transportation and disposal manifests or dump tickets. The abatement report shall be prepared for the property owner or other responsible party and a copy shall be submitted to the City of Long Beach prior to issuance of a demolition or construction permit.	individual development projects involving demolition of a pre-1986 structure; verification that abatement has been conducted	permits	development project involving demolition of a pre-1986 structure				
Mitigation Measure Haz-1(c) Prior to the issuance of a permit for the renovation or demolition of any structure, a licensed lead-based paint consultant shall be contracted to evaluate the structure for lead-based paint. If lead-based paint is discovered, it shall be removed according to proper abatement procedures recommended by the consultant. All abatement activities shall be in compliance with California and federal OSHA and SCAQMD requirements. Only lead-based paint trained and certified abatement personnel shall be allowed to perform abatement activities. All lead-based paint removed from these structures shall be hauled and disposed of by a transportation company licensed to transport this type of material. In addition, the material shall be taken to a landfill or receiving facility licensed to accept the waste. Following completion of the lead-based paint abatement, the lead-based paint consultant shall provide a report documenting the abatement procedures used, the volume of lead-based paint removed, where the material was moved to, and transportation and disposal manifests or	Review and approval of survey findings for individual development projects involving demolition of a pre-1982 structure; verification that abatement has been conducted	Prior to issuance of demolition permit	Once per individual development project involving demolition of a pre-1982 structure	LBDS, OCM			

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dump tickets. The abatement report shall be prepared for the property owner or other responsible party, with a copy submitted to the City of Long Beach prior to issuance of a demolition or construction permit.							
Mitigation Measure Haz-3(a) All excavation and demolition projects conducted within the Project area shall be required to prepare a contingency plan to identify appropriate measures to be followed if contaminants are found or suspected or if structural features that could be associated with contaminants or hazardous materials are suspected or discovered. The contingency plan shall identify personnel to be notified, emergency contacts, and a sampling protocol to be implemented. The excavation and demolition contractors shall be made aware of the possibility of encountering unknown hazardous materials and shall be provided with appropriate contact and notification information. The contingency plan shall include a provision stating under what circumstances it would be safe to continue with the excavation or demolition, and shall identify the person authorized to make that determination.	Review and approval of Contingency Plan prior to issuance of grading permits for individual development projects	Prior to issuance of grading permits	Once per individual development project	LBDS, OCM			
Mitigation Measure Haz-3(b) If contaminants are detected, the results of the soil sampling shall be forwarded to the appropriate local regulatory agency (Long Beach/Signal Hill Certified Unified Program Agency [CUPA], LARWQCB, or the state DTSC). Prior to any other ground disturbing activities at the site, the regulatory agency shall have reviewed the data and signed off on the property or such additional investigation or remedial activities that are deemed necessary have been completed and regulatory agency approval has been received. Groundwater is subject to pre-treatment during de-watering activities to meet National Pollutant Discharge Elimination System (NPDES) Construction Dewatering permit limits. The construction activities shall conform to the NPDES requirements. The RWQCB requires the water to be tested for possible pollutants. The developer shall collect	Verification that a RWQCB de-water and discharge permit has been obtained for individual development projects (if necessary)	Prior to issuance of demolition permits	As necessary for individual development projects	LBDS			

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groundwater samples from existing site wells to determine pre-treatment system requirements for extracted groundwater. A water treatment system shall be designed and installed for treatment of extracted groundwater removed during dewatering activities so that such water complies with the applicable RWQCB and NPDES permit standards before disposal.							
Mitigation Measure Haz-3(c) If concentrations of contaminants warrant site remediation, contaminated materials shall be remediated either prior to construction of structures or concurrent with construction. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall also be approved by a regulatory oversight agency (Long Beach/Signal Hill CUPA, LARWQCB, or the state DTSC). All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, the analytical results after completion of the remediation, and all waste disposal or treatment manifests.	Verification that remediation has occurred for individual development projects (if necessary)	Prior to issuance of grading permits	As necessary for individual development projects	LBDS			
Mitigation Measure Haz-3(d) If during the soil sampling, groundwater contamination is suspected or soil contamination is detected at depths at which groundwater could be encountered during demolition or construction, a groundwater sampling assessment shall be performed. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, or if the contaminants exceed health risk standards such as Preliminary Remediation Goals, 1 in 1 million cancer risk, or a health risk index above 1, the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (Long Beach/Signal Hill CUPA, LARWQCB, or the State DTSC). Prior to any other ground-disturbing activities at the site, the regulatory agency shall have reviewed the data and signed off on the property or such	Verification that site closure has been obtained from the applicable regulatory body for individual development projects	Review prior to issuance of demolition permit; field verification during construction	Review; as needed throughout construction for field verification	LBDS			

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additional investigation or remedial activities that are deemed necessary have been completed and regulatory agency approval has been received.							
HYDROLOGY AND WATER QUALITY							
<p>Mitigation Measure Hydro-1 Prior to issuance of a grading permit, the City Department of Development Services shall determine the need for the developer to prepare a SWPPP for the site. If required, the SWPPP shall be submitted for review and approval by the Department of Development Services prior to the issuance of any grading or building permits. The SWPPP shall fully comply with City and LARWQCB requirements and shall contain specific BMPs to be implemented during project construction to reduce erosion and sedimentation to the maximum extent practicable. The following BMPs or equivalent measures to control pollutant runoff shall be included within the project's grading and construction plans, if applicable:</p> <p><u>Pollutant Escape: Deterrence</u></p> <ul style="list-style-type: none"> • Cover all storage areas, including soil piles, fuel and chemical depots. Protect from rain and wind with plastic sheets and temporary roofs. • Implement tracking controls to reduce the tracking of sediment and debris from the construction site. At a minimum, entrances and exits shall be inspected daily and controls implemented as needed. • Implement street sweeping and vacuuming as needed and as required. <p><u>Pollutant Containment Areas</u></p> <ul style="list-style-type: none"> • Locate all construction-related equipment and related processes that contain or generate pollutants (i.e., fuel, lubricants, solvents, cement dust, and slurry) in isolated areas with proper protection from escape. 	Review and approval of final grading and construction plans for individual development projects to verify compliance with applicable SWPPP requirements	Prior to issuance of grading permits	Once per individual development project for which an SWPPP is required	LBDS, OCM			

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<ul style="list-style-type: none"> • Locate construction-related equipment and processes that contain or generate pollutants in secure areas, away from storm drains and gutters. • Place construction-related equipment and processes that contain or generate pollutants in bermed and plastic-lined depressions to contain all materials within that site in the event of accidental release or spill. • Park, fuel, and clean all vehicles and equipment in one designated, contained area. <p><u>Pollutant Detainment Methods</u></p> <ul style="list-style-type: none"> • Protect downstream drainages from escaping pollutants by capturing materials carried in runoff and preventing transport from the site. Examples of detainment methods that retard movement of water and separate sediment and other contaminants are silt fences, hay bales, sand bags, berms, and silt and debris basins. <p><u>Recycling/Disposal</u></p> <ul style="list-style-type: none"> • Develop a protocol for maintaining a clean site. This includes proper recycling of construction-related materials and equipment fluids (i.e., concrete dust, cutting slurry, motor oil, and lubricants). • Provide disposal facilities. Develop a protocol for cleanup and disposal of small construction wastes (i.e., dry concrete). <p><u>Hazardous Materials Identification and Response</u></p> <ul style="list-style-type: none"> • Develop a protocol for identifying risk operations and materials. Include protocol for identifying source and distribution of spilled materials. • Provide a protocol for proper clean-up of equipment and construction materials, and disposal of spilled substances and associated cleanup materials. • Provide an emergency response plan that includes contingencies for assembling response teams and immediately notifying appropriate agencies. 							

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<p>Mitigation Measure Hydro-2 Prior to issuance of a building permit, the Department of Development Services shall determine the need for the developer to prepare a SUSMP for the site. If required, the SUSMP shall be submitted for review and approval by the Department of Development Services prior to the issuance of any building permits. The City's review shall include a determination of whether installation of pollutant removal technology in existing or proposed storm drains adjacent to the project site should be required. The City's review is required to confirm that the SUSMP is consistent with the City's NPDES Permit No. CAS 004003 or a subsequently issued NPDES permit applicable at the time of project construction. A SUSMP consistent with the City's NPDES permit shall be incorporated into the project design plans prior to issuance of any building permits.</p>	<p>Review and approval of SUSMP for individual development projects for which an SUSMP is required</p>	<p>prior to issuance of grading permits</p>	<p>Once per individual development project for which an SUSMP is required</p>	<p>LBDS</p>			
<p>Mitigation Measure Hydro-3 Prior to issuance of a building permit, the City Stormwater Management Division shall determine the need for the developer to conduct an analysis of the existing stormwater drainage system and to identify improvements needed to accommodate any projected increased runoff that would result from the proposed Project. The evaluation conducted by the developer shall include a determination of whether Low Impact Development (LID) practices and strategies should be incorporated into the project to reduce post-development peak stormwater runoff discharge rates to not exceed the estimated pre-development discharge rates.</p>	<p>Verification that required review of storm drain systems has been conducted for individual development projects and that needed improvements have been incorporated</p>	<p>Prior to issuance of building permits</p>	<p>Once per individual development project</p>	<p>LBDS, PWD</p>			
<p>NOISE</p>							
<p>Mitigation Measure Noise-1(a) The following measures shall be applied to proposed construction projects that are determined to have potential noise impacts from removal of existing pavement and structures, site grading and excavation, pile driving, building framing, and concrete pours and paving:</p>	<p>Verification that construction specifications for individual development projects incorporate applicable requirements; field verification of</p>	<p>Construction specification review prior to issuance of demolition permits; field verification during</p>	<p>Once per individual development project for construction specification review; field verification</p>	<p>LBDS, OCM</p>			

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<ul style="list-style-type: none"> • All internal combustion-engine-driven equipment shall be equipped with mufflers that are in good operating condition and appropriate for the equipment. • “Quiet” models of air compressors and other stationary construction equipment shall be employed where such technology exists. • Stationary noise-generating equipment shall be located as far as reasonable from sensitive receptors when sensitive receptors adjoin or are within 150 feet of a construction site. • Unnecessary idling of internal combustion engines (i.e., in excess of 5 minutes) shall be prohibited. • Foundation pile holes shall be predrilled, as feasible based on geologic conditions, to minimize the number of impacts required to seat the pile. • Construction-related traffic shall be routed along major roadways and away from noise-sensitive receptors. • Construction activities, including the loading and unloading of materials and truck movements, shall be limited to the hours specified in the City Noise Ordinance (Section 8.80.202). • Businesses, residences, and noise-sensitive land uses within 150 feet of construction sites shall be notified of the construction. The notification shall describe the activities anticipated, provide dates and hours, and provide contact information with a description of the complaint and response procedure. • Each project implemented as part of the Plan shall designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A telephone number for the liaison shall be conspicuously posted at the construction site. 	compliance	construction	periodically throughout construction of individual development projects				

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<ul style="list-style-type: none"> If two or more noise complaints are registered, the liaison, or project representative, shall retain a City-approved noise consultant to conduct noise measurements at the locations that registered the complaints. The noise measurements shall be conducted for a minimum of 1 hour and shall include 1-minute intervals. The consultant shall prepare a letter report summarizing the measurements and potential measures to reduce noise levels to the maximum extent feasible. The letter report shall include all measurement and calculation data used in determining impacts and resolutions. The letter report shall be provided to code enforcement for determining the adequacy and if the recommendations are adequate. 							
<p>Mitigation Measure Noise-1(b) The City will require the following measures, where applicable based on noise level of source, proximity of receptors, and presence of intervening structures, to be incorporated into contract specifications for construction projects within 300 feet of existing noise sensitive land uses (including, but not limited to residences, schools, hospitals/nursing homes, churches, and parks) implemented under the proposed Plan:</p> <ul style="list-style-type: none"> Temporary noise barriers shall be constructed around construction sites adjacent to, or within 150 feet of, operational business, residences, or other noise-sensitive land uses. Temporary noise barriers shall be constructed of material with a minimum weight of 4 pounds per square foot with no gaps or perforations. Noise barriers may be constructed of, but are not limited to, 5/8-inch plywood, 5/8-inch oriented strand board, or hay bales. <p>If a project-specific noise analysis determines that the barriers described above would not be sufficient to avoid a significant construction noise impact, a temporary sound control blanket barrier, shall be erected along building façades facing construction sites. This mitigation would only be necessary if conflicts occurred that were</p>	<p>Verification that construction specifications for individual development projects within 150 feet of noise sensitive uses incorporate applicable requirements; field verification of compliance</p>	<p>Construction specification review prior to issuance of demolition permits; field verification during construction</p>	<p>Once per individual development project for construction specification review; field verification periodically throughout construction of individual development projects</p>	<p>LBDS, OCM</p>			

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irresolvable by proper scheduling and other means of noise control were unavailable. The sound blankets are required to have a minimum breaking and tear strength of 120 pounds and 30 pounds, respectively. The sound blankets shall have a minimum sound transmission classification of 27 and noise reduction coefficient of 0.70. The sound blankets shall be of sufficient length to extend from the top of the building and drape on the ground or be sealed at the ground. The sound blankets shall have a minimum overlap of 2 inches.							
<p>Mitigation Measure Noise-2(a) The City shall review all construction projects for potential vibration-generating activities from demolition, excavation, pile-driving, and construction within 100 feet of existing structures and shall require site-specific vibration studies to be conducted to determine the area of impact and to identify appropriate mitigation measures. The studies shall, at a minimum, include the following:</p> <ul style="list-style-type: none"> • Identification of the project's vibration compaction activities, pile driving, and other vibration-generating activities that have the potential to generate ground-borne vibration; and the sensitivity of nearby structures to ground-borne vibration. This task should be conducted by a qualified structural engineer. • A vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted; establish a vibration monitoring schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for actions to be taken when vibration levels approached the defined vibration limits. • Maintain a monitoring log of vibrations during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for a more or less intensive measurement schedule. 	Verification that vibration analysis and monitoring/contingency plans have been prepared for individual development projects; verification, including field verification, that post-construction surveys have been conducted and any vibration-related damage has been repaired	Verification that vibration analysis and plan prepared prior to issuance of demolition/grading permits; verification that post-construction survey conducted prior to issuance of occupancy permits	Once per individual development project for vibration analysis/plan; once post-construction survey	LBDS, OCM			

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<ul style="list-style-type: none"> Vibration levels limits for suspension of construction activities and implementation of contingencies to either lower vibration levels or secure the affected structures. Post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. 							
<p>Mitigation Measure Noise-2(b) Any construction activity that generates vibration exceeding the “vibration perception threshold” as specified in Municipal Code Section 8.80.200 at any school shall be scheduled at a time when school is not in session.</p>							
<p>Mitigation Measure Noise-5 In areas where new residential development would be exposed than L_{dn} of greater than 65 dBA, the City will require site-specific noise studies prior to issuance of building permits to determine the area of impact and to present appropriate mitigation measures, which may include, but are not limited to the following:</p> <ul style="list-style-type: none"> Utilize site planning to minimize noise in shared residential outdoor activity areas by locating the areas behind the buildings or in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. Provide mechanical ventilation in all residential units proposed along roadways or in areas where noise levels could exceed 65 dBA L_{dn} so that windows can remain closed at the choice of the occupants to maintain interior noise levels below 45 dBA L_{dn}. <p>Install sound-rated windows and construction methods to provide the requisite noise control for residential units proposed along roadways or in areas where noise levels could exceed 70 dBA L_{dn}.</p>	Review and approval of acoustical analysis for individual residential development projects; verification that final building plans incorporate recommended noise reduction techniques	Prior to issuance of building permits	Once per individual residential development project	LBDS, OCM			
<p>Mitigation Measure Noise-6 In areas where new residential development would be located adjacent to commercial uses, the City will require site-specific noise</p>	Review and approval of acoustical analysis for individual	Prior to issuance of building permits	Once per individual residential	LBDS, OCM			

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<p>studies prior to issuance of building permits to determine the area of impact and to present appropriate mitigation measures, which may include, but are not limited to the following:</p> <ul style="list-style-type: none"> Require the placement of loading and unloading areas so that commercial buildings shield nearby residential land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise sensitive uses. Require the placement of all commercial HVAC machinery to be placed within mechanical equipment rooms wherever possible. <p>Require the provision of localized noise barriers or rooftop parapets around HVAC, cooling towers, and mechanical equipment so that line-of-sight to the noise source from the property line of the noise sensitive receptors is blocked.</p>	<p>residential development projects; verification that final building plans incorporate recommended noise reduction techniques</p>		<p>development project</p>				
Traffic and Circulation							
<p>Mitigation Measure Traf-1(a) As the system's capacity is reached, it will become important to manage the street system in a more efficient and coordinated manner. Improvements to the Project area transportation system are proposed as part of the overall Downtown development, including improvements that have been required of other area projects previously approved by the City. Therefore, the mitigation focuses on improvements that would not require significant additional rights-of-way and are achievable within the life of the Plan. There are five proposed mitigation measures for the Downtown Plan, as follows:</p> <ol style="list-style-type: none"> Implement traffic control system improvements in Downtown on selected arterials. Improve the Alamitos Avenue corridor via removal of selected parking spaces and the implementation of additional travel lanes plus bike lanes in each direction. 	<p>Review of the traffic impacts of individual development projects to determine whether listed improvements are needed at that time; implementation of planned improvements as necessary</p>	<p>Prior to issuance of occupancy permits</p>	<p>Once per individual development project</p>	<p>PWD, LBDS</p>			

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3. Reconfigure the 6th Street and 7th Street intersections with Martin Luther King Avenue and Alamitos Avenue for safety and traffic flow enhancements. 4. Enhance freeway access to I-710 to and from Downtown Long Beach. 5. Implement transit facilities and programs to encourage public transit usage and Transportation Demand Management Policies.							
<p>Mitigation Measure Traf-1(b) A series of traffic signal system improvements are recommended in Downtown to accommodate the anticipated growth in travel. The following traffic signal system improvements are recommended as part of this mitigation measure:</p> <p>1. Implement Adaptive Traffic Signal Control System (ATCS) improvements throughout Downtown consistent with currently planned improvements on Ocean Boulevard and Atlantic Avenue. Streets that are proposed to be included in the ATCS as a mitigation measure for the Downtown Long Beach Strategic Plan include the following:</p> <ul style="list-style-type: none"> • Alamitos Avenue north of Ocean Boulevard • Pine Avenue north of Ocean Boulevard • Pacific Avenue north of Ocean Boulevard • 7th Street from I-710 to Alamitos Avenue • 6th Street from I-710 to Alamitos Avenue • Broadway from I-710 to Alamitos Avenue • Ocean Boulevard from Shoreline to Alamitos Avenue (to join the proposed system starting at Alamitos Avenue) • Others as needed, to be determined by the City Traffic Engineer and Public Works Director <p>2. Implement pan/tilt/zoom Closed Circuit Television Camera (CCTV) surveillance and communications with power and control capability to the Department of</p>	Review of the traffic impacts of individual development projects to determine whether listed improvements are needed at that time; implementation of planned improvements as necessary	Prior to issuance of occupancy permits	Once per individual development project	PWD, LBDS			

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<p>Public Works to monitor real-time traffic operations from rooftops of selected new buildings as needed and to be determined based on the location of appropriate new high-rise structures along the Alamos Avenue, Shoreline Drive, and Ocean Boulevard corridors.</p> <p>3. Implement transit signal priority for Long Beach Boulevard and upgrade traffic signal system equipment and operations along the Blue Line light rail route.</p> <p>4. Upgrade and improve traffic signal equipment throughout Downtown for safety and operational enhancements.</p>							
<p>Mitigation Measure Traf-1(c) As part of this mitigation measure, a number of intersections would receive major or minor signal modifications, depending on their current status. In addition to the enhancements listed, other potential improvements that can be included are:</p> <ul style="list-style-type: none"> • Bicycle improvements (detection, signalization, etc.) • In-pavement LED crosswalk lights • Automatic pedestrian detection (i.e., infrared, microwave, or video detection) • Illuminated push buttons • Countdown pedestrian signals • Adaptive pedestrian clearance (increasing the flashing DON'T WALK time based on location of pedestrians in the crosswalk) • Enhanced signal equipment including mast arms, poles, signal heads, and other necessary enhancements for safety and operations <p>Communications enhancements as needed to tie the system together with the Traffic Control Center in City Hall</p>	<p>Review of the traffic impacts of individual development projects to determine whether listed improvements are needed at that time; implementation of planned improvements as necessary</p>	<p>Prior to issuance of building permits</p>	<p>Once per individual development project</p>	<p>PWD, LBDS</p>			
<p>Mitigation Measure Traf-1(d) <u>Traffic Calming and Pedestrian Amenities</u>. Appropriate traffic calming and pedestrian amenities shall be provided in conjunction with development projects. Potential improvements include corner curb extensions, enhanced paving of crosswalks,</p>	<p>Review and approval of improvement plans for individual development projects to verify compliance</p>	<p>Prior to issuance of building permits</p>	<p>Once per individual development project</p>	<p>PWD</p>			

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					Initial	Date	Comments
and pedestrian-activated signals at mid-block crossings to make it easier for pedestrians to cross the street and to make them more visible to motorists. Other potential improvements include wider sidewalks in locations where the existing sidewalks are less than 10 feet wide, pedestrian-scale street lights, and street furniture (City of Long Beach 2005).	with City requirements						
Traf-1(e) Currently, due to on-street parking, there is only one lane of travel on Alamitos Avenue in the southbound direction between 3rd Street and Broadway. Parking spaces on the west side of Alamitos Avenue will be removed, the street will be restriped and reconstructed, a bike lane will be added in each direction of travel, and the street will provide for two travel lanes in each direction plus exclusive left turn lanes from 7th Street to Ocean Boulevard. Traffic signal enhancements to implement the Alamitos Avenue improvements shall also be implemented as needed.	Review of the traffic impacts of individual development projects to determine whether listed improvements are needed at that time; implementation of planned improvements as necessary	Prior to issuance of building permits	Once per individual development project	PWD, LBDS			
Traf-1(f) Developments in the project area will be required to coordinate with area transit providers to accommodate and encourage transit use by residents and patrons. For non-residential sites, appropriate programs and facilities will be included to encourage car and van pooling, provide information on transportation alternatives, and encourage trip reduction strategies in accordance with the City's TDM policies for non-residential development.	Review and approval of improvement plans for individual development projects to verify compliance with City requirements	Prior to issuance of building permits	Once per individual development project	PWD, LBDS			
UTILITIES/SERVICE SYSTEMS							
Mitigation Measure Utilities-3(a) All construction related to Project implementation shall include verification by the construction contractor that all companies providing waste disposal services recycle all demolition and construction-related wastes. The contract specifying recycled waste service shall be submitted to the City Building Official prior to approval of the certificate of occupancy	Verification that construction specifications for individual development projects include use of a waste disposal company that recycles demolition and construction wastes	Prior to issuance of demolition or building permits	Once per individual development project	LBDS			
Mitigation Measure Utilities-3(b) In order to facilitate onsite separation and recycling of construction related	Review and approval of construction waste	Review and approval of	Once per individual	LBDS, OCM			

Key: PWD – City of Long Beach Public Works Department
 LBDS – City of Long Beach Development Services Department
 OCM – Onsite Construction Manager

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
wastes, all construction contractors shall provide temporary waste separation bins onsite during demolition and construction.	management plan for individual development projects; field verification of compliance	construction waste management plan prior to issuance of demolition permit; field verification during construction	development project for plan review; periodically throughout construction				
Mitigation Measure Utilities-3(c) All future developments in the Project area shall include recycling bins at appropriate locations to promote recycling of paper, metal, glass, and all other recyclable materials. Materials from these bins shall be collected on a regular basis consistent with the City's refuse disposal program.	Review and approval of final building plans for individual development projects; field verification of compliance	Building plan review and approval prior to issuance of building permit; field verification prior to issuance of occupancy permits	Once per individual development project for building plan review and approval; once for field verification	LBDS			
Mitigation Measure Utilities-3(d) All Project area residents and commercial tenants shall be provided with educational materials on the proper management and disposal of household hazardous waste, in accordance with educational materials made available by the Los Angeles County Department of Public Works.	Verification that educational materials are made available to project occupants of individual development projects	Prior to issuance of occupancy permits	Once per individual development project	LBDS			

Key: PWD – City of Long Beach Public Works Department
 LBDS – City of Long Beach Development Services Department
 OCM – Onsite Construction Manager

Attachment L

The response to comments has been prepared by ESA on behalf of the City of Long Beach. The responses are included first and followed by the appellants' letter. Each response is numbered and corresponds to the bracketed letter from the appellant.

Response to Supporters Alliance for Environmental Responsibility (SAFER) – Lozeau Drury, LLP Appeal Letter Dated September 16, 2021

The following responses to comments are keyed to the Lozeau Drury application of appeal and letter attached. Responses were prepared for the City of Long Beach by ESA.

Response to Comment 1

This comment is an introduction to the Supporters Alliance for Environmental Responsibility (SAFER), represented by Lozeau Drury LLP. The comment is noted and will be provided to the decision makers for their review and consideration.

Response to Comment 2

This comment states that the Equivalency Program and the 7th and Locust Project Addendum were not made available to the public until Friday, September 10, 2021, and that adequate time was not allowed for review of a document that is 1,600 pages in length. The commenter requested that the Planning Commission either continue consideration of the Addendum to allow time for the commenter to properly review or take no action until an EIR is prepared for the Equivalency Program and 7th and Locust Development.

In compliance with CEQA Guidelines Section 15164, the City prepared an Addendum to the Downtown Plan Program Environmental Impact Report (PEIR) for the Equivalency Program and the 7th and Locust Development. The Addendum was considered and approved by the Planning Commission on September 16, 2021. The commenter is incorrect that the document is 1,600 pages in length. In fact, the document is 136 pages and supported with technical appendices. As noted under CEQA Guidelines Section 15164(c), CEQA does not require that an addendum be circulated for public review. Nevertheless, the City provided notice of the hearing and provided the Addendum for public review on the City's website. The Addendum was posted on the City of Long Beach's Environmental Reports website at <https://www.longbeach.gov/lbds/planning/environmental/reports/> on September 10, 2021, and that agenda and staff report for the item were posted on September 10, 2021. Furthermore, as explained in the Addendum and consistent with CEQA Guidelines Section 15164(e), the Equivalency Program and 7th and Locust Development would not result in any additional significant impacts, nor would it substantially increase the severity of previously anticipated significant impacts. Rather, all of the impacts associated with the Equivalency Program and the 7th and Locust Development would be within the envelope of impacts addressed in the Certified PEIR and would not constitute a new or substantially increased significant impact. Based on this determination, the Equivalency Program and 7th and Locust Development project does not meet the requirements for preparation of a Subsequent EIR pursuant to CEQA Guidelines Section 15162 and it was determined that an Addendum was the appropriate document. Given this, further documentation, including preparation of an EIR is not warranted.

Response to Comment 3

This comment provides general information summarizing the Equivalency Program and the 7th and Locust Development. The Addendum describes both the Equivalency Program and the 7th and Locust

Development. This comment does not concern any environmental issue or information addressed or contained in the Addendum. Therefore, no further response is warranted. However, this comment is noted and will be presented to the decision makers for their review and consideration.

Response to Comment 4

This comment provides background on CEQA's requirements for the preparation of EIRs and PEIRs, including how CEQA allows for the tiering off of program-level environmental documents. The comment also introduces the fair argument and substantial evidence standards and how CEQA applies them. The comment does not identify a specific environmental issue or information addressed or contained in Addendum. As such, no further response is warranted. However, this comment is noted, and will be presented to the decision makers for their review and consideration.

Response to Comment 5

The comment states that the Equivalency Program and 7th and Locust Development Addendum is improper under CEQA and that an EIR should be prepared because the proposed increase in residential development in the Equivalency Program is not within the scope of the impacts analyzed under the Downtown Plan PEIR. Specifically, the commenter states that the Equivalency Program and 7th and Locust Development are not "within the scope" of the Downtown Plan PEIR because the PEIR only analyzed up to 5,000 residential units and any increase above 5,000 residential units removes a project from the scope of the PEIR and an EIR or negative Declaration should be prepared. However, that is not the case. The Project Description, as outlined in the 2012 Downtown Plan PEIR, page 1-1, states the following:

The Downtown Plan provides development standards and design guidelines for an expected increase in the density and intensity of existing Downtown land uses by allowing up to: (1) approximately 5,000 new residential units; (2) 1.5 million square feet of new office, civic, cultural, and similar uses; (3) 384,000 square feet of new retail; (4) 96,000 square feet of restaurants; and (5) 800 new hotel rooms. The development assumed in the Downtown Plan would occur over a 25-year time period. The City will evaluate, assess, and monitor development in the Downtown Plan area on an on-going basis.

As stated above, the Downtown Plan PEIR discloses a 25-year development time period, which recognizes that the City will evaluate, assess, and monitor development in the Downtown Plan area on an on-going basis. Consistent with the Downtown Plan PEIR, the City has been monitoring and evaluating development in the Downtown Plan area and has determined that additional residential development in the Downtown Plan area is warranted in exchange for fewer office, commercial, and hotel uses as described in the Equivalency Program. The implementation of the Equivalency Program would allow the City to address the need for more residential development and less office, commercial, and hotel development, by reducing the allowable office, commercial, and hotel uses allowed in the Downtown Plan area. The Equivalency Program was designed to ensure that all environmental resource area impacts would be the same or less than those evaluated in the Downtown Plan PEIR.

CEQA Guidelines Section 15164 states that lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Section 15162 states that a subsequent EIR shall be prepared if:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Equivalency Program and 7th and Locust Development Addendum would not result in any of the conditions described above in CEQA Guidelines Section 15162. As documented in the Addendum, the Equivalency Program and 7th and Locust Development would not result in substantial changes that would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Equivalency Program and 7th and Locust Development would not result in substantial changes with respect to the circumstances under which the Project is undertaken which will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project would not result in one or more significant effects not discussed in the previous EIR and would not result in substantially more severe significant effects than shown in the previous EIR. Further, the Equivalency Program and 7th and Locust Development Addendum does not show any of the conditions in 3c) or 3d) above. Thus, the Equivalency Program and 7th and Locust Development Addendum satisfies the conditions for an addendum to a previously certified EIR and a subsequent EIR or additional CEQA documentation is not required.

The commenters statement that the Equivalency Program and 7th and Locust Development Addendum is related to the rejected alternative in the Downtown Plan PEIR is in error. The alternative that was rejected in the Downtown Plan PEIR proposed 9,200 residential units, 3,200 hotel rooms and the same amount of office and commercial square footage as in the project (page 6-3 of the 2012 Downtown Plan PEIR). As stated in the Downtown Plan PEIR, this alternative was rejected to avoid excessive traffic impacts and

associated air quality and noise impacts from the additional residential units and hotel rooms in comparison to the project. This rejected alternative contained 4,200 more residential units and 2,400 more hotel rooms along with the same office and commercial uses, which was much larger than what is being considered under the Equivalency Program; thus, the alternative was rejected.

The Equivalency Program and 7th and Locust Development Addendum would increase new residential units above those identified in the Downtown Plan PEIR. However, unlike the rejected alternative in the Downtown Plan PEIR, to allow for the additional residential units in the Project, the associated Equivalency Program Memorandum, Appendix G, was developed. The Equivalency Program determined a conservative exchange rate to allow for the exchange of commercial, office, and/or hotel uses for residential units, such that no new additional significant environmental impacts or substantially greater impacts would occur than those previously identified in the Downtown Plan PEIR. The conversion rate was determined based on modeling data, in particular for, but not limited to, Air Quality, Greenhouse Gas Emissions, Noise, and Transportation impacts from the Downtown Plan PEIR. Each environmental resource area was analyzed, and an exchange rate was determined for that environmental resource area. The resource area exchange rates were then compared to each other for each land use category. The resource area exchange rate for Traffic and Noise were the highest compared to other environmental resource areas, including Air Quality and Greenhouse Gas Emissions. Thus, the Equivalency Program used the Traffic and Noise exchange rates to determine the amount of new residential development proposed within the Downtown Plan area and the reductions in commercial, office, and/or hotel uses that would ensure that all environmental resource area impacts would be the same or less than those evaluated in the Downtown Plan PEIR.

The Equivalency Program allows the City to balance the need for development within the Downtown Plan area over the 25 year development time period by reducing the amount of land use available for commercial, office space, and/or hotel units in the Downtown Plan PEIR in exchange for an increase in residential units ensuring that environmental impacts do not exceed those identified in the Downtown Plan PEIR. Utilizing the Equivalency Program, the 7th and Locust Development along with all other approved projects in the Downtown Plan area, would increase residential units by 3,260 over those evaluated in the Downtown Plan PEIR but would reduce office space by 417.6 ksf, commercial space by 135.32 ksf, and hotel rooms by 177 over those evaluated in the 2012 Downtown Plan PEIR.

Further, the Equivalency Program is not outside the scope of the Downtown Plan PEIR because, as stated previously, the Project Description in the Downtown Plan PEIR expressly stated that the City would evaluate, assess, and monitor development in the Downtown Plan area on an on-going basis. The Equivalency Program is a tool that allows the City to accomplish the evaluation, assessment, and monitoring. Additionally, the 7th and Locust Development is also not outside the scope of the Downtown Plan PEIR as project impacts would be the same or less than those identified in the Downtown Plan PEIR. Therefore, no new CEQA documentation is required for either the 7th and Locust Development or the Equivalency Program.

Response to Comment 6

The comment states that an EIR and Statement of Overriding Considerations is required for the Equivalency Program's significant and unavoidable impacts because the Addendum concedes that implementation of the Equivalency Program will result in significant and unavoidable impacts to air quality, cultural resources, aesthetics, GHGs, noise, population and housing, public services, and transportation and

traffic requiring preparation of an EIR as it is a tiered document. However, this is not the case. The 7th and Locust Development Addendum states that the Downtown Plan PEIR determined that the Downtown Plan would cause significant and unavoidable impacts to following resource areas: aesthetics (shadow impacts), air quality (construction and operation), cultural resources (historic), greenhouse gases, noise (construction vibration), population and housing, public services, transportation and traffic, and utilities and service systems (solid waste). The 7th and Locust Addendum identifies that all environmental resource areas will have the same or less impacts than identified in the Downtown Plan PEIR. The Equivalency Program, as discussed above in Response to Comment 5, determined a conservative exchange rate to allow for the reallocation of commercial, office, and/or hotel space as residential units. The Equivalency Program does not identify impacts to environmental resource areas and concludes that all impacts would be similar to what was identified for the Downtown Plan PEIR. As discussed previously, the Downtown Plan PEIR expressly stated that the City would evaluate, assess, and monitor development in the Downtown Plan area on an on-going basis. Given that there is a demand for new housing units in the Downtown Plan Area and decreased demand for new commercial, office, and hotel uses, the Equivalency Program was prepared to characterize the extent of additional residential development that could occur within the Downtown Plan Area with the appropriate reductions in commercial, office, and hotel uses such that no new or substantially greater significant environmental impacts would occur beyond those previously identified in the Downtown Plan PEIR.

As analyzed in the Addendum, the Equivalency Program and 7th and Locust Development would not result in any additional significant impacts, nor would it substantially increase the severity of previously anticipated significant impacts. Rather, all the impacts associated with the Equivalency Program and 7th and Locust Development would be within the impacts determined in the Downtown Plan PEIR and would not constitute a new or substantially increased significant impact. Based on this determination, the Equivalency Program and 7th and Locust Development does not meet the requirements for preparation of a Subsequent EIR pursuant to CEQA Guidelines Section 15162.1 Additionally, CEQA establishes the type of environmental documentation required when changes to a project occur after an EIR is certified. Specifically, CEQA Guidelines Section 15164(a) states that:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

In accordance with CEQA Guidelines Section 15164(a), the Equivalency Program and 7th and Locust Development satisfies the conditions for an addendum to a previously certified EIR and a subsequent EIR or additional CEQA documentation is not required.

Response to Comment 7

The letter is concluded by a request that the Planning Commission not approve items 3 and 4 and refrain from taking further action on this project until an EIR is prepared. The comment is noted and will be presented to the decision makers for their review and consideration.

¹ In accordance with *CEQA Guidelines* Section 15164(a), the 7th and Locust Project Addendum tiers off the analysis and conclusions found in the Certified 2012 Downtown Plan PEIR.

ATTACHMENT

**SAFER Comment Letter to Long Beach Planning Commission
September 16, 2021**



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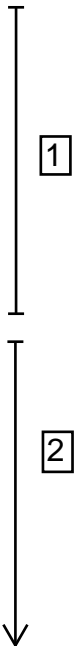
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Re: Comment on the CEQA Addendum prepared for the Downtown Plan Land Use Equivalency Program and 7th and Locust Project (File Nos. 21-068PL & 21-070PL) PLANNING COMMISSION AGENDA ITEMS 3 and 4 (Sept. 16, 2021)

Dear Planning Commission for the City of Long Beach, Mr. Koontz, and Ms. Diefenderfer :

I am writing on behalf of the Supporters Alliance for Environmental Responsibility (“SAFER”) concerning the Addendum (EIRA 06-20) to the Downtown Plan environmental impact report (“EIR”) prepared for the new Land Use Equivalency Program (“LUEP”) and 7th Avenue and Locust Street Mixed-Use development (“7th & Locust Project”) to be heard as agenda items 3 and 4 at the Planning Commission’s meeting on September 16, 2021 (File Nos. 21-068PL & 21-070PL).

As an initial matter, the Addendum for the LUEP and 7th & Locust Project as well as the voluminous supporting technical documents were not made available to the public until last Friday, September 10. With over 1,600 pages to review, the limited period between release of the Addendum and its consideration by the Planning Commission does not provide SAFER (and the rest of the public) with time to adequately review the Addendum, including review of the Addendum by retained experts. SAFER respectfully requests that the Planning Commission *continue* consideration of the Addendum to a time certain to allow SAFER, its experts, and other members of the public to properly consider the Addendum, LUEP, and 7th & Locust Project.



If the Planning Commission does not choose to continue consideration of this matter, SAFER requests that the Commission not take any action until an EIR is prepared for the LUEP and 7th & Locust Project. As discussed below, the Addendum is not proper under CEQA because the changes proposed by the LUEP are not within the scope of the 2012 Downtown Plan EIR. Where, as here, a later activity (i.e. the LUEP) is not within the scope of a previous program EIR (i.e. the Downtown Plan PEIR), an addendum is not proper and CEQA requires that an EIR or negative declaration.

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Project Description

The “project” here consists of two parts: (1) the Land Use Equivalency Program (“LUEP”) and (2) the 7th & Locust Mixed-Use Project.

The LUEP is a response to the current exceedance of allowed residential units within the Downtown Plan area as analyzed in the 2012 PEIR. The 2012 Downtown Plan PEIR evaluated impacts for the development of 5,000 residential units, construction, and operation of 480,000 square feet of retail/commercial space, and 1,500,00 square feet of office space. Currently, the Downtown Plan area has 5,252 residential units. The LUEP relies on something called a Downtown Plan Equivalency Calculator (“DPEC”), which purports to create a mechanism by which the City can re-allocate use designations within the Downtown Plan area from office/commercial/hotel uses to residential uses without exceeding the environmental impacts analyzed in the 2012 Downtown Plan PEIR. Under the proposed LUEP, the City would be able to continue to approve residential development within the Downtown Plan by making corresponding reductions in commercial/office/hotel development. Under the LUEP, an additional 3,260 residential units (for a total of 8,260 units) could be approved by reducing office uses by 417,060 square feet, commercial uses by 135,320 square feet, and hotel uses by 177 rooms.

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The proposed 7th & Locust Project is a 7-story high rise building on a 0.52-acre site with 108 residential units, 1,188 sf of retail uses, a 687 sf amenity lounge, a fitness room, on the ground floor level, and a courtyard, pool and pool deck, and community room on the third level. The proposed 7th & Locust would provide 5,650 sf of common open space. The proposed building would be approximately 98 feet tall and would include 172,068 sf of floor area. With an FAR of 3.6:1.

Legal Standard

CEQA requires that a lead agency prepare and certify an EIR analyzing potential environmental impacts for any discretionary project that may have a significant adverse effect on the environment. (PRC §§ 21100, 21002.1(a); 14 Cal. Code Regs [“CCR”] §§ 15064(a)(1), (f)(1).) An EIR is a comprehensive “informational document” whose purpose is to “provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.” (PRC §

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21061; see PRC § 21002.1(a).) The EIR is “the heart of CEQA” and the “primary means” of ensuring that public agencies “take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.” (*Laurel Heights Improvement Association v. The Regents of the University of California* (1988) 47 Cal.3d 376, 392 (*Laurel Heights I*); 14 CCR § 15003(a), (f).) The EIR is an “environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1220.) The EIR also functions as a “document of accountability,” intended to “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights I*, 47 Cal.3d at 392; 14 CCR § 15003(d)-(e).)

CEQA and the CEQA Guidelines allow for different types of EIRs that may be developed to meet an agency’s CEQA obligations. (14 CCR §§ 15161, 15165, 15167, 15168.) The most common is the “Project EIR” that focuses on a single, specific project. (14 CCR § 15161.) The lead agency may tier EIRs where multiple individual projects or phased (or “tiered”) projects are to be undertaken, and the individual projects are linked geographically, temporally, or in an otherwise logical manner. (14 CCR §§ 15165, 15168.) When tiering, a “programmatically” EIR (“PEIR”) is “prepared for a policy, plan, program or ordinance followed by narrower or site-specific [EIRs] which incorporate by reference the discussion in any prior [EIR] and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior [EIR].” (PRC § 21068.5; see also § 21093.) “Subsequent activities in the program must be examined in light of the PEIR to determine whether an additional environmental document must be prepared.” (14 CCR §15168(c)(1).)

A PEIR may only serve for subsequent actions “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project. . . .” (*Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 [citations omitted].) “If a later activity would have effects that were not examined in the project EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.” (14 CCR § 15168(c)(1).) “That later analysis may tier from the program EIR. . . .” (*Id.*; 14 CCR § 15152.)

Where a PEIR addresses anticipated activities within the program, policy or plan, an agency may determine the later project is “within the scope of the project covered by the program EIR.” CEQA Guidelines § 15168(c)(2) provides “[i]f the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.” (14 CCR § 15168(c)(2).) “Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record.” (*Id.*) The examples of factors provided in section 15168(c)(2) emphasize that the terms of the PEIR are largely determinative of whether a subsequent project falls within its scope:

Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR. (14 CCR § 15168(c)(2).)

Where there is no evidence that a later project was contemplated at the time of the PEIR or that any site-specific environmental issues related to the later project were addressed in the PEIR, that later project is not within the scope of the PEIR. (See *NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 284-85; *Ctr. for Sierra Nevada Conservation*, 202 Cal.App.4th at 1171.)

If substantial evidence establishes that a later project is within the scope of a PEIR, the agency may set forth that determination in an addendum. (14 CCR § 15164.) However, an addendum is not authorized and a subsequent or supplemental EIR is still required if there are “substantial changes” to the proposed project or to circumstances which will require “major revisions” in the EIR, or if “[n]ew information, which was not known and could not have been known at the time the [EIR] was certified as complete, becomes available.” (PRC § 21166; see also 14 CCR §§ 15162; 15168(c)(2).)

Where the lead agency cannot identify substantial evidence that a later project is within the scope of a PEIR, the agency must prepare an initial study and “either an EIR or a negative declaration.” (14 CCR § 15168(c)(1).) “Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects.” (14 CCR § 15152(b).)

In reviewing an agency’s decision whether to prepare a tiered EIR, the court applies the “fair argument test.” (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) Under the fair argument test, a new EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.” (*Id.* at 1316; see *Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Comm. College Dist.* (2016) 1 Cal.5th 937, 960 “[U]nder Public Resources Code section 21094, the agency is required to apply a more exacting standard to determine whether the later project might cause significant environmental effects that were not fully examined in the initial program EIR” [citing with approval *Sierra Club*, 6 Cal.App.4th at 1321; PRC § 21094(c)].) “[I]f there is substantial evidence in the record that the later project may arguably have a significant adverse effect on the environment which was not examined in the prior program EIR, doubts must be resolved in favor of environmental review and the agency must prepare a new tiered EIR....” (*Sierra Club*, 6 Cal.App.4th at 1319.) An EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency’s decision. (14 CCR § 15064(f)(1); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 931.) “It is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination.” (*Pocket Protectors*, 124 Cal.App.4th at 928.)

Where experts have presented conflicting evidence on the extent of the environmental effects of a project, the agency must consider the environmental effects to be significant and prepare an EIR. (14 CCR § 15064(f)(5); PRC § 21080(e)(1); *Pocket Protectors*, 124 Cal.App.4th at 935.) “If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record.” (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1379 [quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.] “Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Id.*)

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cont

Discussion

I. **The Addendum is improper under CEQA and an EIR is required because the LUEP’s proposed increase in residential development is not within the scope of the impacts analyzed in the 2012 Downtown Plan PEIR.**

The 2012 Downtown Plan Program EIR analyzed the impacts of 5,000 residential units, construction, and operation of 480,000 square feet of retail/commercial space, and 1,500,00 square feet of office space. The LUEP proposes a mechanism for the City to approve up to an additional 3,260 residential units, despite the fact that the Downtown Plan PEIR never contemplated such an increase in residential development. The CEQA Guidelines expressly lay out the criteria for later activities taken pursuant to an existing program EIR. (14 CCR 15168(c).) Pursuant to the CEQA Guidelines, the Addendum is only proper if the LUEP and 7th & Locust Project are “within the scope” of the Downtown Plan PEIR.

When determining whether the LUEP 7th & Locust Project are “within the scope” of the Downtown Plan EIR,

Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, ***as described in the program EIR.***” (14 CCR 15168(c)(2) [emphasis added].)

Here, the LUEP and 7 & Locust Project are not consistent with the analysis provided in the 2012 PEIR because the PEIR only analyzed up to 5,000 residential units. Any increase beyond those 5,000 units removes a project from the scope of the PEIR and, therefore, eliminates the option of preparing an addendum rather than an EIR or negative declaration. (*Center for Sierra Nevada Conservation*, (2012) 202 Cal.App.4th at 1171 [PEIR may only serve for subsequent actions “to the extent that it contemplates and adequately analyzes the potential environmental impacts of the project. . . .”] [citations omitted]; 14 CCR § 15168(c)(1) [“If a later activity would have effects that were not examined in the project EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.”].)

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In addition to the fact that the Downtown Plan PEIR analyzed only up to 5,000 residential units, the PEIR also expressly rejected the inclusion of more housing. In its analysis of alternatives, the Downtown Plan PEIR considered an increased residential alternative with up to 9,200 units. Pursuant to the PEIR, “[t]his alternative was rejected *to avoid excessive traffic impacts and associated air quality and noise impacts from the additional residential units and hotel rooms in comparison to the proposed Project.* . . . It is not being carried forward for detailed analysis” (Downtown Plan Draft EIR, p. 6-3 [emphasis added].) In other words, the proposed LUEP and 7th & Locust Project are not only outside the scope of residential units analyzed in the PEIR, but the PEIR also found that an increase in residential units would have *more* impacts than the Downtown Plan as approved. The Downtown Plan and PEIR simply never analyzed or addressed increasing the amount of residential units within the Downtown Plan area beyond 5,000 units.

5 cont

Importantly, the above does not mean that the City cannot ever adopt the LUEP or approve the 7th & Locust Project. Rather, because these activities are outside the scope of the 2012 Downtown Plan EIR, CEQA requires that an EIR or negative declaration be prepared instead. Here, because the Addendum concedes that the LUEP will have significant and unavoidable impacts, a negative declaration is not appropriate and adoption of the LUEP requires an EIR.

II. An EIR and Statement of Overriding Considerations is required for the LUEP’s significant and unavoidable impacts.

The Addendum concedes that implementation of the LUEP will result in significant and unavoidable impacts to air quality, cultural resources, aesthetics, greenhouse gases “GHGs”, noise, population and housing, public services, and transportation and traffic. Although these impacts were identified as significant and unavoidable in the 2012 Downtown Plan PEIR, CEQA still requires an EIR to evaluate and mitigate these impacts and requires a Statement of Overriding Consideration prior to approval.

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In the case of *Communities for a Better Environment v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 122-25, the court of appeal held that when a “first tier” EIR admits a significant, unavoidable environmental impact, then the agency must prepare second tier EIRs for later projects to ensure that those unmitigated impacts are “mitigated or avoided.” (*Id.* [citing 14 CCR §15152(f.)] The court reasoned that the unmitigated impacts were not “adequately addressed” in the first tier EIR since it was not “mitigated or avoided.” (*Id.*) Thus, significant effects disclosed in first tier EIRs will trigger second tier EIRs unless such effects have been “adequately addressed,” in a way that ensures the effects will be “mitigated or avoided.” (*Id.*) A second tier EIR is required especially where the impact still cannot be fully mitigated and a statement of overriding considerations will be required. The court explained, “The requirement of a statement of overriding considerations is central to CEQA’s role as a public accountability statute; it requires public officials, in approving environmental detrimental projects, to justify their decisions based on counterbalancing social, economic or other benefits, and to point to substantial evidence in support.” (*Id.* at 124-25.)

Since the 2012 Downtown Plan EIR and the subsequent Addendum identified multiple significant and unavoidable impacts, a second tier EIR is now required for the LUEP to determine if mitigation measures can now be imposed to reduce or eliminate those impacts. If the impacts still remain significant and unavoidable, a Statement of Overriding Considerations is required in addition to the EIR. “[T]he responsible public officials must still go on the record and explain specifically why they are approving the later project despite *its* significant unavoidable impacts.” (*Communities for a Better Environment*, 103 Cal.App.4th at 124–25.) As such, the Addendum is not proper and an EIR is required for the LUEP’s significant and unavoidable impacts.

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CONCLUSION

For the foregoing reasons, the SAFER and its members respectfully request that the Planning Commission not approve items 3 and 4 at this time and refrain from taking any further action on this matter until an EIR has been prepared. Thank you for your attention to these comments.

7

Sincerely,



Brian B. Flynn
Lozeau Drury LLP



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor Long Beach, CA 90802 (562) 570-6194

PLANNING BUREAU

APPLICATION FOR APPEAL

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

- Site Plan Review Committee
- Zoning Administrator
- Planning Commission
- Cultural Heritage Commission

Which was taken on the 16th day of September, 20 21.

Project Address: 636 Locust Avenue, Long Beach, CA 90802 / PD-30

I/We, your appellant(s), hereby respectfully request that Your Honorable Body **reject** the decision and **Approve** / **Deny** the application or permit in question.

ALL INFORMATION BELOW IS REQUIRED


Reasons for Appeal: For the reasons discussed in the attached comment, the Planning Commission's decisions to adopt and approve the Downtown Plan Program EIR Land Use Equivalency Program and 7th and Locust Development Downtown Plan EIR Addendum (EIRA 06-20), to find the project within the scope of the previously-certified Downtown Program Environmental Impact Report (PEIR) (SCH#2009071006), and to approve Site Plan Review SPR20-011 are in violation of the California Environmental Quality Act (CEQA). SEE ATTACHED.

Appellant Name(s): Supporters Alliance for Environmental Responsibility

Organization (if representing) Lozeau Drury LLP (representing Appellant)

Address: 1939 Harrison St., Ste 150

City Oakland State CA ZIP 94612 Phone (510) 836-4200

Signature(s)  Date 09/27/21

- A separate appeal form is required for each appellant party, except for appellants from the same address, or an appellant representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

BELOW THIS LINE FOR STAFF USE ONLY

Appeal by Applicant **Appeal by Third Party**

Received by: _____ Case No.: _____ Appeal Filing Date: _____

Fee: _____ Fee Paid Project (receipt) No.: _____

Division V. - Appeals

21.21.501 - Authorization and jurisdiction.

- A. Authorization. Any aggrieved person may appeal a decision on any project that required a public hearing.
- B. Jurisdiction. The Planning Commission shall have jurisdiction on appeals of interpretations made pursuant to Section 21.10.045 and decisions issued by the Zoning Administrator and Site Plan Review Committee, and the City Council shall have jurisdiction on appeals from the Planning Commission as indicated in Table 21-1. Decisions lawfully appealable to the California Coastal Commission shall be appealed to that body.

21.21.502 - Time to file appeal. An appeal must be filed within ten (10) days after the decision for which a public hearing was required is made.

21.21.503 - Form of filing. All appeals shall be filed with the Department of Planning and Building on a form provided by that Department.

21.21.504 - Time for conducting hearing of appeals. A public hearing on an appeal shall be held:

- A. In the case of appeals to the City Planning Commission, within sixty (60) days of the date of filing of the appeal with the Department of Planning and Building; or
- B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

21.21.505 - Findings on appeal. All decisions on appeal shall address and be based upon the same conclusionary findings, if any, required to be made in the original decision from which the appeal is taken.

21.21.506 - Finality of appeals.

- A. Decision Rendered. After a decision on an appeal has been made and required findings of fact have been adopted, that decision shall be considered final and no other appeals may be made except:
 - 1. Projects located seaward of the appealable area boundary, as defined in Section 21.25.908 (Coastal Permit—Appealable Area) of this title, may be appealed to the California Coastal Commission; and
 - 2. Local coastal development permits regulated under the city's Oil Code may be appealed to the city council.
- B. No Appeal Filed. After the time for filing an appeal has expired and no appeal has been filed, all decisions shall be considered final, provided that required findings of fact have been adopted.
- C. Local Coastal Development. Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.