RESOLUTION NO. RES-22-0196

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CERTIFYING THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE RIVERPARK RESIDENTIAL DEVELOPMENT PROJECT (STATE CLEARINGHOUSE NO. 2021020492) HAS BEEN COMPLETED IN ACCORDANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL GUIDELINES; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATIVE THERETO

WHEREAS, by and through Peter Vanek for Integral Communities and now The River Park Project Owner, LLC, has proposed the Riverpark Residential Development Project ("Project"), a new residential Planned Unit Development located on an approximately 20.4-acre site in north-central Long Beach just north of Wardlow Road between Golden Avenue and Interstate 710 (Long Beach Freeway). The Project location is further described as 712 Baker Street, Long Beach, Los Angeles County Assessor ID Numbers 7203-002-001, 7203-002-005, 7203-002-007, 7203-002-008, 7203-00-2009, and 7203-002-010. The proposed Project would involve subdividing the 20.4-acre project site and developing it into a residential Planned Unit Development of 226 units consisting of 74 two-story detached single-family homes, 99 two-story row townhouses, and 53 three-story carriage townhouses located on 15.53 acres with a privately-owned and maintained park, which will be open to the public in the same manner as a City park, to be developed on the remaining 4.81 acres of property. The development would also include landscaping, resident amenities including [a recreation center with a pool, spa, and clubhouse, and access to the pedestrian/bicycle path along the Los Angeles River], garage parking spaces

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(a two-car garage for each home), and private on-street guest parking spaces; and

Said Project is more fully described in the Riverpark Residential Development Project Draft Environmental Impact Report (SCH #2021020492) (DEIR), a copy of which DEIR, including the complete proposed Project description, is incorporated herein by this reference as though set forth in full, word for word; and

WHEREAS, Project implementation will require certification of the Final Environmental Impact Report (FEIR) and approval of the requests for a Zone Change, Vesting Tentative Tract Map, Site Plan Review, and Development Agreement; and

WHEREAS, the City began an evaluation of the proposed project by issuing a Notice of Preparation (NOP) that was circulated from February 25, 2021 to March 29, 2021. A Notice of Completion was prepared and filed with the State Office of Planning and Research on January 18, 2022. The DEIR was completed in January 2022, and circulated between January 18, 2022 and March 21, 2022; and

WHEREAS, on September 1, 2022, the Planning Commission conducted a duly noticed public hearing on the DEIR and FEIR and the Project. At said time, the Planning Commission determined that the DEIR and FEIR were fully compliant with CEQA and the CEQA Guidelines and recommended that the City Council certify the DEIR and FEIR as being fully compliant with CEQA and that the City Council approve all applied for project entitlements as previously described in this resolution and in the DEIR; and

WHEREAS, implementation and construction of the Project constitutes a "project" as defined by CEQA, Public Resources Code Sections 21000 et seq., and the City of Long Beach is the Lead Agency for the Project under CEQA; and

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

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

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WHEREAS, the City Council has reviewed and considered the information in, and the comments to, the DEIR and the responses thereto, and the FEIR at a duly noticed City Council meeting held on November 15, 2022, at which time evidence, both written and oral, was presented to and considered by the City Council; and

WHEREAS, the City Council has read and considered all environmental documentation comprising the FEIR, including the DEIR, comments and the responses to comments, and errata (if any) included in the FEIR, and has determined that the FEIR considers all potentially significant environmental impacts of the Project and is complete and adequate and fully complies with all requirements of CEQA; and

WHEREAS, the City Council evaluated and considered all significant impacts, mitigation measures, and project alternatives identified in the FEIR;

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

Section 1. All of the above recitals are true and correct and are incorporated herein as though fully set forth.

Section 2. The City Council finds that the FEIR is adequate and has been completed in compliance with CEQA and the State CEQA Guidelines.

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

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

Section 5. That the FEIR identifies certain significant environmental effects that would result if the Project is approved. All environmental effects can feasibly be avoided or mitigated and will be avoided or mitigated by the imposition of mitigation

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measures included with the FEIR. [Pursuant to Public Resources Code section 21081.6, the City Council has reviewed and hereby adopts the Mitigation Monitoring and Reporting Program (MMRP) as shown on Exhibit "B", which document is incorporated herein by reference as though set forth in full, word for word, together with any adopted corrections or modifications thereto, and further finds that the mitigation measures identified in the FEIR are feasible, and specifically makes each mitigation measure a condition of project approval.]

Section 6. Pursuant to State CEQA Guidelines section 15091(e), the record of proceedings relating to this matter has been made available to the public at, among other places, the Department of Development Services, 411 West Ocean Boulevard, 2nd Floor, Long Beach, California, and is, and has been, available for review during normal business hours.

Section 7. The information provided in the various staff reports submitted in connection with the Project, the corrections and modifications to the DEIR, and FEIR made in response to comments and any errata which were not previously re-circulated, and the evidence presented in written and oral testimony at the public hearing, do not represent significant new information so as to require re-circulation of the DEIR pursuant to the Public Resources Code.

Section 8. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of November 15, 2022, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw, Mungo, Saro, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga.

Recusal(s): Councilmembers: None.

City Clerk

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**Exhibit A**

# CEQA FINDINGS OF FACT
# River Park Residential Project (SCH No.202120492)
# City of Long Beach
# September 2022

**INTRODUCTION**

Section 21081 of the California Public Resources Code and Section 15091 of the California Environmental Quality Act (CEQA) Guidelines require a public agency, prior to approving a project, to identify significant impacts of the project and make findings for each of the significant impacts. The possible findings are:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. (State CEQA Guidelines, § 15091, subd. (a)(1))

- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (State CEQA Guidelines, § 15091, subd. (a)(2))

- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (State CEQA Guidelines, § 15091, subd. (a)(3))

The findings presented herein are based upon the information and evidence set forth in the Initial Study, Draft Environmental Impact Report ("DEIR"), Final Environmental Impact Report ("FEIR") – the DEIR and FEIR are collectively referred to herein as the "EIR", and upon other substantial evidence, both oral and written, which has been prepared for or provided to the environmental record of the RiverPark Residential Project (the Project; SCH No. 2021020492).

**SECTION 1. ENVIRONMENTAL DOCUMENTATION BACKGROUND**

After receiving an application from the Project, the City of Long Beach (the City) caused an Initial Study to be prepared in accordance with Section 15063(a) of the State CEQA Guidelines. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies and to members of the public for a 30-day period ending on April 12, 2021. The purpose of the NOP was to formally inform the public that the City was preparing a Draft Environmental Impact Report (DEIR) for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the DEIR.

The DEIR evaluated in detail the potential effects of the Project. The DEIR was circulated for a public review period from January 18, 2022, through March 21, 2022. Pursuant to Section 15088 of the CEQA Guidelines,

the City reviewed all comments received during the review periods for the DEIR and prepared a Final Environmental Impact Report (FEIR).

The Draft and FEIR together are intended to serve as an informational document for public agency decision makers and the general public regarding objectives, components and effects of the Project. The DEIR, FEIR, staff reports, testimony, technical studies, appendices, plans, specifications, figures, exhibits, and other materials that constitute the Project record are on file and available for public examination at https://www.longbeach.gov/lbds/planning/environmental/reports/ and during normal business hours at the Long Beach City Hall, 411 W. Ocean Boulevard, 2nd Floor, Long Beach, CA 90802.

**SECTION 2. GENERAL FINDINGS**

The City Council hereby finds that:

1. The EIR has been completed in compliance with the California Environmental Quality Act ("CEQA"), Public Resources Code §§21000 et seq. and the State CEQA Guidelines, California Code of Regulations, Title 14, §§15000 et seq. ("CEQA Guidelines")

2. The EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the project and also finds that the DEIR and FEIR reflects the independent judgment of the City. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the DEIR.

3. Any textual refinements and errata that were identified subsequent to the public review of the DEIR do not represent substantial changes or new information that would result in changes in the environmental consequence of the project.

4. No evidence of new significant impacts as defined by the State CEQA Guidelines section 15088.5 have been received by the City Council and no substantial changes to the Project have occurred that would require further recirculation or a supplemental or subsequent EIR.

5. Substantial evidence for each finding made herein is contained in the EIR and the record of proceedings in the matter.

**SECTION 3. ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION**

The EIR concluded, based on substantial evidence in the record, that based on the general location, form and characteristics of the proposed project that the following impacts would not be significant: Aesthetics, Agricultural and Forestry Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

Finding: The City finds that for these topics, changes or alterations to the Project are neither required nor incorporated, pursuant to Public Resources Code Section 21081, subdivision (a)(1), CEQA Guidelines Section 15091, subdivision (a)(1) and CEQA Guidelines Section 15126.4, subdivision (a)(3).

## SECTION 4. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

Consistent with Public Resources Code §21001.2 and CEQA Guidelines §15128, the DEIR focused its analysis on potentially significant impacts. The City has determined or assumed (see explanation below) that there was a potential of "significant" impacts in the following topic areas:

- Air Quality
- Biological Resources
- Geology
- Hazards & Hazardous Materials
- Noise
- Transportation
- Tribal Cultural Resources.

Pursuant to Public Resources Code Section 21081, subdivision (a)(1), changes or alterations have been incorporated into the Project to mitigate these impacts. Mitigation measures have been identified in the FEIR to lessen the effects of each significant impact. In addition, these mitigation measures have been listed in Mitigation Monitoring Program that shall be adopted by the City.

The City finds that, pursuant to CEQA Guidelines section 15091(a)(1), based upon substantial evidence in the record, adoption of the identified mitigation measures would reduce the identified significant impacts to less-than-significant levels.

The potentially significant Project impacts, and the mitigation measures which have been adopted to mitigate the impacts to a less than significant level, are as follows:

### *1. Air Quality*

Potential Significant Impacts.

Emission modeling performed for the DEIR indicated that construction of the Project could result potentially significant short-term air quality impacts in localized construction emissions of particulate matter ($PM_{2.5}$).

In addition, SCAQMD requested that an analysis of the Project's adjacency to the freeway be performed, and this analysis indicated a potential risk to future residents of exposure to diesel particulate from highway traffic.

The City has developed the mitigation measures listed below to be incorporated into the Project that would ensure potential impacts would be reduced to a less than significant level, pursuant to CEQA Guidelines section 15091(a)(1).

Mitigation Measures. The following mitigation measures were identified in the EIR to address the potential for Air Quality impacts:

> **MM AQ-1.** On-site construction equipment fleet must meet EPA Tier 4 Final standards for all off-road diesel-powered construction equipment greater than 50 hp and would require all construction equipment to be outfitted with Best Available Control Technology (BACT) devices certified by CARB.
>
> **MM AQ-2** would incorporate the following design features to reduce potential cancer risk:
>
> - Locate outdoor areas, such as balconies and courtyards, as far from the freeway and roadway segment as possible.
> - Plant vegetation between residential receptors and the freeway.
> - Install, operate, and maintain a heating, ventilation, and air condition (HVAC) system that uses high-efficiency filters of Minimum Efficiency Reporting Value (MERV) 14 or higher for the residential units (suggested use of MERV 16);
> - Locate the air intakes for the uses as far from the freeway as possible; and
> - Provide a disclosure letter to all new residents that discusses the potential risk from living within close proximity of the freeway and roadway segment and points out that opening windows reduces the effectiveness of implemented reduction measures and increases individuals' exposure and hence risk.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation listed above would be specific to the construction process associated with the Project and involve standards for construction equipment used on the Project site. These requirements would not have environmental effects other than the intended mitigation beyond the Project site.

Findings: The City finds that this mitigation measure would reduce the potential effects of the Project to a less than significant level and would not have adverse effects not already considered in the analysis.

*2. Biological Resources*

Potential Significant Impacts.

While not identified during site surveys, the EIR concluded that there exists a potential for bird nests or burrows to be present on the site at the time of construction, and as such included mitigation to reduce those impacts to being less than significant. Furthermore, due to certain comments raised by the public during the public comment period and before the Planning Commission, the City agreed to include additional mitigation measures to further avoid impacts to burrowing owls and bats, in an abundance of caution, as described below. However, in doing so, the City is not altering its determination that there is not a possibility of a potential impact to these species.

Accordingly, the City has developed the mitigation measures listed below to be incorporated into the Project that would ensure any potential impacts would be reduced to a less than significant level, pursuant to CEQA Guidelines section 15091(a)(1).

Mitigation Measures. The following mitigation measures were identified in the EIR to address the potential of impacts on bird nests or burrows, and/or certain bat species:

**MM-BIO-1:** Migratory Birds. To avoid impacts to birds nesting onsite, the following mitigation shall be implemented:

- Proposed ground clearing activities within 300 feet of potential nesting site should take place outside of the breeding bird season which generally runs from February 1– August 31.

- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction

personnel shall be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**MM-BIO-2:** The City shall perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation. Burrowing owl protocol surveys shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends From February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are identified, the applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant shall contact CDFW to develop appropriate mitigation and management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits.

**MM-BIO-3:** If the Project will impact habitat supporting burrowing owls, Project Applicant shall be required to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There should be no net loss of burrowing owl habitat. The Project Applicant should set aside replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.

**MM-BIO-4:** To avoid direct mortality of ground inhabiting species, a qualified biological monitor shall be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grading or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires protected species to be removed, disturbed, or otherwise handled, the applicant shall obtain all required appropriate state and federal permits.

**MM-BIO-5:** The Project applicant shall report any special status species detected by completing and submitting CNDDB Online Field Survey Form to the extent any such species are detected. The data entry should also list pending development as a threat and then update this occurrence after

impacts have occurred. The Project Applicant shall provide CDFW with confirmation of data submittal.

**MM-BIO-6:** Project Applicant shall avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.

**MM-BIO-7** Prior to the issuance of grading permits, the Project Applicant shall provide the City with proof of retention of a qualified biologist to implement this mitigation measure. Pre-construction surveys shall be conducted by a qualified bat biologist no more than 30 days prior to the initiation of vegetation removal and ground disturbing activities if within the maternity season (March 1 to August 31). If no active roosts are present, then trees shall be removed within two weeks following the survey. If active bat roosts are found, then then the following shall be implemented, as appropriate:

a) If active bat roosts are present, a qualified bat biologist shall determine the species of bats present and the type of roost (i.e., day roost, night roost, maternity roost). If the biologist determines that the roosting bats are not a special-status species and the roost is not being used as a maternity roost and direct removal of active roosts is required, then the bats may be evicted from the roost by a qualified bat biologist experienced in developing and implementing bat mitigation and exclusion plans. If special-status bat species or a maternity roost of any bat species is present, but no direct removal of active roosts will occur, a qualified bat biologist shall determine appropriate avoidance measures, which may include implementation of a construction-free buffer around the active roost.

b) If special-status bat species or a maternity roost of any bat species is present and direct removal of habitat (roost location) will occur, then a qualified bat biologist experienced in developing bat mitigation and exclusion plans shall develop a mitigation plan to compensate for the lost roost site. Removal of the roost shall only occur when bats are not present in the roost. The mitigation plan shall detail the methods of excluding bats from the roost and the plans for a replacement roost in the vicinity of the project site. The plan shall include: (1) a description of the species targeted for mitigation; (2) a description of the existing roost or roost sites; (3) methods to be used to exclude the bats if necessary; (4) methods to be used to secure the existing roost site to prevent its reuse prior to removal; (5) the location for a replacement roost structure; (6) design details for the construction of the replacement roost; (7) monitoring protocols for assessing replacement roost use; (8) a schedule for excluding bats, demolishing of the existing roost, and construction of the replacement roost; and (9) contingency measures to be implemented if the replacement roosts do not function as designed.

c) All potential roost trees shall be removed in a manner approved by a qualified bat biologist, which may include presence of a biological monitor.

d) All construction activity in the vicinity of an active maternity roost shall be limited to daylight hours.

e) Results of the survey shall be submitted to the City prior to removal of the trees. If additional measures are required under (a) through (d), the submittal to the City will include those additional measures.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measures identified above would be conducted within the Project site and would not have effects beyond the Project site. As such, the City determines that implementation of these mitigation measures would not result in any potentially significant impact to the surrounding environment, nor any significant secondary effects that were not otherwise addressed in the EIR.

Finding. The City finds that construction of the Project could result in disturbance of bird nests or burrows. Therefore, pursuant to CEQA Guidelines section 15091(a)(1), the City has incorporated the mitigation measures listed above into the Project. Furthermore, while the City has not altered its determination that the Project would not potentially impact bat populations, in an abundance of caution, the City will assume that there could be potential impacts to those species, and as such incorporates the additional mitigation measure listed above.

The City finds that these mitigation measures would reduce any potential effects of the Project to a less than significant level and would not have any additional effects beyond the site nor would have adverse effects not already considered in the analysis.

*3. Geology & Soils*

Potential Significant Impacts.

While not known to be present, the EIR concluded that there exists a potential for the site to contain subsurface paleontological resources. The City has developed the mitigation measures listed below to be incorporated into the Project that would ensure potential impacts would be reduced to a less than significant level, pursuant to CEQA Guidelines section 15091(a)(1).

Mitigation Measures. The following mitigation measures were identified in the EIR to address the potential of impacts on subsurface paleontological resources:

**MM GEO-1: Worker's Environmental Awareness Program (WEAP)**

Prior to the start of the proposed Project activities, all field personnel will receive a worker's environmental awareness training on paleontological resources. The training will provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, outline steps to follow in the event that a fossil discovery is made and provide contact information for the Project Paleontologist. The training will be developed by the Project Paleontologist and can be delivered concurrent with other training including cultural, biological, safety, etc.

**MM GEO-2: Paleontological Mitigation Monitoring**

Prior to the commencement of ground-disturbing activities, a professional paleontologist will be retained to prepare and implement a paleontological resource mitigation and monitoring plan (PRMMP) for the proposed Project. The PRMMP will describe the monitoring required during excavations that extend into older Quaternary (Pleistocene) age sediments, and the location of areas deemed to have a high paleontological resource potential. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend that monitoring be reduced or cease entirely.

In the event that a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:

If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.

The PRMMP will identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens.

During preparation and inventory, the fossils specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the client.

**MM GEO-3: Final Paleontological Mitigation Report: Salvage of Fossils**

Upon completion of ground disturbing activity (and curation of fossils if necessary) the Project Paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measures identified above would be conducted within the Project site and would not have effects beyond the Project site. As such, the City determines that implementation of these mitigation measures would not result in any potentially significant impact to the surrounding environment, nor any significant secondary effects that were not otherwise addressed in the EIR.

Finding. The City finds that construction of the Project could result in disturbance to subsurface paleontological resources. Therefore, pursuant to CEQA Guidelines section 15091(a)(1), the City has incorporated the mitigation measures listed above into the Project. The City finds that these mitigation measures would reduce the potential effects of the Project to a less than significant level and would not have any adverse effects not already considered in the analysis.

*4. Hazardous Materials*

Potential Significant Impacts. Due to former activities within the Project site, the Project includes the remediation of the Project Site to a level that will be safe for the future uses of the Property. As such, certain impacts were recognized in the EIR as being potentially significant due to the exposure of potentially contaminated material from the Project Site.

Mitigation Measures. The following mitigation measures were identified in the EIR to address the potential hazards from the existing site conditions.

**MM HAZ-1:** Prior to earthwork activities, remnants of underground piping still present on the Project site shall be tested by a qualified asbestos consultant, and if asbestos is detected in amounts exceeding regulatory disposal criteria, the pipe will be transported for disposal to a facility licensed to accept asbestos-containing waste.

**MM HAZ-2:** Prior to Project earthwork activities, the RAP shall be approved by LARWQCB. All remedial work described in the RAP shall be implemented under the supervision of a state-licensed geologist or engineer and the LARWQCB or the DTSC if so specified by LARWQCB.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

In regards to MM HAZ-1, this mitigation measure will be conducted in accordance with existing regulations, including any hazardous waste regulations. As such, this measure will not result in any significant effects beyond the Project Site.

In regards to MM HAZ-2, incorporation of the implementation of an approved remedial action plan is an integral part of the Project. Indeed, the impacts of the proposed remediation efforts described in the RAP have already been assessed in other portions of the EIR. As such, there are no potential secondary effects of the implementation of the RAP that have not already been analyzed as part of the EIR.

Finding. The City finds that the Project could result in ground disturbance that could expose subsurface contamination which might pose risks to the public. Therefore, pursuant to CEQA Guidelines section 15091(a)(1), the City has incorporated the mitigation measures listed above into the Project. The City finds that these mitigation measures would reduce the potential effects of the Project to a less than significant level and would not have any additional effects beyond the site nor would have adverse effects not already considered in the analysis.

*5. Noise*

Potential Significant Impacts. The EIR concluded that the close proximity of existing residential uses is such that construction of the Project could generate noise that could expose those uses to excess noise levels.

Mitigation Measures. The following mitigation measure was identified in the EIR to address the potential for excess construction noise.

**MM NOI-1: Construction Noise**

The Applicant must utilize, without limitation, the following construction best management practices (BMPs):

- Shroud or shield all impact tools, and muffle or shield all intake and exhaust port on power equipment to reduce construction noise by 10 dB or more.
- If feasible, schedule grading activities so as to avoid operating numerous pieces of heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, or rollers) simultaneously in close proximity to the boundary of properties of off-site noise

sensitive receptors surrounding the Project Site to reduce construction noise levels by approximately 14 dBA.

- Where feasible, temporary barriers including, without limitation, sound blankets on existing fences and walls, or freestanding portable sound walls, must be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor where modeled levels exceed applicable standards.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measure listed above is associated with construction management and equipment and as such would not have any additional effects beyond managing the noise generated by construction activities.

Finding. Pursuant to CEQA Guidelines section 15091(a)(1), the City finds that the mitigation measure identified in the EIR would reduce the potential effects of the Project to a less than significant level and would not have any adverse effects not already considered in the analysis.

*6. Transportation*

Potential Significant Impacts. The EIR concluded that based on line-of-sight analysis of vehicle movements at the proposed access driveway on Wardlow Road, the proposed vehicle movements in and out of the Project at Wardlow Road could result in potential traffic hazards.

Mitigation Measures. The following mitigation measure was identified in the EIR to address the potential traffic hazard at the access point of the Project on Wardlow Road.

**TRA-1: Traffic Signal**

The Project Applicant shall install traffic signal related equipment to current CA MUTCD and/or City of Long Beach Standards, at the intersection of Wardlow Road and the proposed entry to the project, generally in conformance with the "Conceptual Traffic Signal Design" prepared by Subdivider, dated August 25, 2020. Installation of the traffic signal related equipment may include, but not be limited to the following:

i. Traffic Signal indicators to the most current City standard.
ii. Vehicular detection shall be installed on all approaches to the signalized intersection. This may include presence, mid or advance detection per City direction. Options will include standard Type E loops or video detection.
iii. All pedestrian push buttons and indicators shall be to the most current City Standards.

iv. The Subdivider shall install Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be completed per the most current City Standard.

v. The Subdivider shall install a GPS Module at the traffic signal. The GPS Modules create accurate time-based communications between nearby traffic signals. vi. The Subdivider shall install a new traffic signal controller based on the most current City Standard [McCain 2070 Controllers].

vi. Subdivider shall install 96 count fiber interconnect cable to the satisfaction of the City's Traffic Engineer, but at a minimum from the proposed traffic signal to Magnolia Avenue. viii. Subdivider shall install flashing beacons, on overhead mast arms attached to utility poles, on both approaches to the proposed traffic signal, 450 feet from the stop limit line.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measure listed above would improve traffic safety off site at the access point for the Project. This would improve traffic safety along Wardlow Road, and remove the risk of a potential traffic hazard at the Project's entrance. As such, the City determines that implementation of this mitigation measure would not result in any potentially significant impact to the surrounding environment, nor any significant secondary effects that were not otherwise addressed in the EIR.

Finding. Pursuant to CEQA Guidelines section 15091(a)(1), the City finds that the mitigation measure identified in the EIR would reduce the potential effects of the Project to a less than significant level and would not have any adverse effects not already considered in the analysis.

*7. Tribal Cultural Resources*

Potential Significant Impacts. The EIR concluded that construction of the Project had the potential to unearth previously unknown subsurface Tribal Cultural Resources.

Mitigation Measures. The following mitigation measures were identified in the EIR to address the potential impacts on Tribal Cultural Resources:

**MM TCR-1: Retain a Native American Monitor/Consultant**

The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor

associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project Site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the Site has a low potential for impacting Tribal Cultural Resources (TCRs).

**MM TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources**

Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

**MM TCR-3: PRC Section 21083.2(b)**

Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All TCRs shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

**MM TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects**

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native

American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone, within 24 hours, the NAHC and PRC 5097.98 shall be followed.

Potential Secondary Effects. Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that the potential effects of a mitigation measure be discussed.

The mitigation measures listed above involve monitoring activities on site during Project construction. These activities would be conducted within the Project Site and would not have effects beyond the Project Site, nor any secondary effects to the surrounding environment.

Finding. The City finds that construction of the Project could result in disturbance of subsurface Tribal Cultural Resources. Therefore, pursuant to CEQA Guidelines section 15091(a)(1), the City has incorporated the mitigation measures listed above into the Project. The City finds that these mitigation measures would reduce the potential effects of the Project to a less than significant level and would not have any additional effects beyond the site.

**SECTION 5. SIGNIFICANT IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT:**

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures.

Finding: The City finds that no significant unavoidable impacts have been identified.

**SECTION 6: SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Section 15126.2 (c) of the CEQA Guidelines requires that an EIR include discussion of irreversible environmental change. The Guidelines indicates that "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely" and "irretrievable commitments of resources should be evaluated to assure that such current consumption is justified." Impacts could consist of reduction in availability of resources; commitment of future generations to specific land uses; or accidents that cause irreversible damage.

The Project would involve the commitment of resources necessary for construction. This could include non-renewable resources such as fossil fuels. However, the Project is not expected to significantly increase the amount or rate of consumption of these resources as compared to existing conditions throughout the City and the region. Furthermore, the Project would comply with current applicable codes that would improve the efficient use of natural resources.

Once established, land use patterns can be difficult to change. As such, the Project would likely commit future generations to the form of development envisioned by the Project. This commitment to a pattern

of development is consistent with the vision of the City. As such, the commitment of resources for the Project is justified by the alignment of the Project with community goals.

The nature of the Project does not support any change in activities that could result in accidents that would likely cause irreversible damage.

Finding: The City finds that no significant irreversible environmental damage would result from the Project.

**SECTION 7. CUMULATIVE ENVIRONMENTAL IMPACTS**

Consistent with CEQA's requirements, the EIR includes an analysis of cumulative impacts. CEQA defines "cumulative impacts" as two or more individual events that, when considered together, are considerable or will compound other environmental impacts. (State CEQA Guidelines, § 15355.)

The Project would develop the site with a land use consistent with the City's land use goals and applicable regulatory measures. The Project would support development and growth that is consistent with the growth forecasts of the Southern California Association of Governments (SCAG), which is the basis for the projected cumulative growth used by City's and providers of utility systems.

Finding: The City finds that the Project would not have a considerable contribution to cumulative impacts.

**SECTION 8: GROWTH-INDUCING IMPACTS**

Section 15126.2 (e) of the CEQA Guidelines, as amended, requires that a Draft EIR include discussion of the potential growth-inducing impacts of a project. Growth-inducing impacts are defined as the ways a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Such a discussion should also include projects that would remove obstacles to population growth and the characteristics of a project, which may encourage and/or facilitate other activities that, either individually or cumulatively, could significantly affect the environment. The CEQA Guidelines state that growth in an area should not be considered beneficial, detrimental, or of little significance to the environment.

The Project would develop the site with a land use consistent with the City's land use goals and the growth forecasts of the Southern California Association of Governments (SCAG).

Finding: The City finds that the Project would induce growth according to the goals of the City and in a way that minimizes effects on the environment.

## SECTION 9. ALTERNATIVES

Where significant impacts are identified, Section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions as a way of avoiding the significant impacts. The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Alternatives are intended to be limited to those that would avoid or substantially lessen the significant effects of the Project and of those alternatives, the EIR need examine in detail only those that could feasibly attain most of the basic objectives of the Project.

Summary of Alternatives Considered: The City considered a No Project Alternative, which would continue the exiting condition of the site; a reduced density alternative and an only single-family residential alternative.

Finding: The City finds that no alternative has been identified that would be environmentally preferrable to the Project. These alternatives would create variations in impact levels but would not avoid any of the significant effects of the Project and would not achieve the City's objectives as successfully as the Project. Furthermore, no significant and unavoidable impacts were identified for the proposed Project; all potentially significant impacts could be mitigated to a less than significant level. Therefore, the City Council finds that it has considered and rejected the alternatives identified in the EIR.

## SECTION 10. MITIGATION MONITORING AND REPORTING PROGRAM.

Pursuant to Public Resources Code section 21081.6, the City adopts the Mitigation Monitoring And Reporting Program (MMRP) prepared for the Project. Implementation of the Mitigation Measures contained in the MMRP is hereby made a condition of approval of the Project.

## SECTION 11. CERTIFICATION OF EIR:

Pursuant to CEQA Guidelines Section 15090, the City as lead agency shall make the following certifications prior to approving the Project:

1. The FEIR has been completed in compliance with CEQA;
2. The City Council finds that it has been presented with the FEIR, which it has reviewed and considered; and
3. The FEIR reflects the City's independent judgment and analysis.

In finding the EIR as adequate under CEQA, the City Council hereby adopts these CEQA Findings. In doing so, the City Council certifies the EIR based on the entirety of the record of proceedings and concludes that:

1. All significant environmental impacts from the implementation of the Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance;

2. That a range of reasonable alternatives to the Project that could feasibly achieve most of the Project's basic objectives but would avoid or substantially lessen the Project's significant effects on the environment, have been considered and rejected in favor of the Project; and

3. Environmental, economic, social, and other considerations derived from the Project, as described herein and in the record of proceedings, make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

Exhibit B

# FINAL EIR APPENDIX A

## Mitigation Monitoring and Reporting Program (MMRP)

# Mitigation Monitoring and Reporting Program
# RiverPark Residential Project, 712 Baker Street, Long Beach

Public Resources Code, Section 21081.6(a)(1) requires that the lead agency for the project adopt a reporting or monitoring program for the changes made to the project adopted in order to mitigate or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program (MMRP) describes the procedures necessary to implement the mitigation measures in connection with the Project. Each mitigation measure is listed with accompanying indication of the Monitoring Phase; Monitoring Agency; Enforcement Agency; and Action Indicating Compliance.

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| **MM AQ-1:** On-site construction equipment fleet must meet Environmental Protection Agency (EPA) Tier 4 Final standards for all off-road diesel-powered construction equipment greater than 50 horsepower (hp) and would require all construction equipment to be outfitted with BACT devices certified by the California Air Resources Board (CARB). | Construction | Long Beach Development Services | South Coast Air Quality Management District | Compliance Report to be submitted by Project Contractor |
| **MM AQ-2:** The Project shall incorporate the following design features to reduce potential cancer risk:<br>• Locate outdoor areas, such as balconies and courtyards, as far from the freeway and roadway segment as possible;<br>• Plant vegetation between residential receptors and the freeway;<br>• Install, operate, and maintain a heating, ventilation, and air condition (HVAC) system that uses high-efficiency filters of Minimum Efficiency Reporting Value (MERV) 14 or higher for the residential units (suggested use of MERV 16);<br>• Locate the air intakes for the uses as far from the freeway as possible; and<br>• Provide a disclosure letter to all new residents that discusses the potential risk from living within close proximity of the freeway and roadway segment, and points out that opening windows reduces the effectiveness of implemented reduction measures and increases individuals' exposure and hence risk. | Pre-Operation | Long Beach Development Services | South Coast Air Quality Management District | Review of final building plans |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| **MM-Bio-1:** Migratory Birds. To avoid impacts to birds nesting onsite, the following mitigation shall be implemented:<br>• Proposed ground clearing activities within 300 feet of potential nesting sites should take place outside of the breeding bird season which generally runs from February 1– August 31.<br>• If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described | Construction | Long Beach Development Services | Long Beach Development Services | Approval of construction schedule |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project. | | | | |
| **MM-BIO-2:** The City shall perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation. Burrowing owl protocol surveys shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends From February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are identified, the applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant shall contact CDFW to develop appropriate mitigation and management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits. | Construction | Long Beach Development Services | Long Beach Development Services | Approval of construction permits |
| **MM-BIO-3:** If the Project will impact habitat supporting burrowing owls, Project Applicant shall be required to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There should be no net loss of burrowing owl habitat. The Project Applicant should set aside replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an | Construction | Long Beach Development Services | Long Beach Development Services | Approval of construction permits |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| appropriate endowment to provide for the long-term management of mitigation lands. | | | | |
| **MM-BIO-4:** To avoid direct mortality of ground inhabiting species, a qualified biological monitor shall be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grading or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires protected species to be removed, disturbed, or otherwise handled, the applicant shall obtain all required appropriate state and federal permits. | Construction | Long Beach Development Services | Long Beach Development Services | Approval of construction permits |
| **MM-BIO-5:** The Project applicant shall report any special status species detected by completing and submitting CNDDB Online Field Survey Form to the extent any such species are detected. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant shall provide CDFW with confirmation of data submittal. | Construction | Long Beach Development Services | CDFW | Approval of construction permits |
| **MM-BIO 6:** Project Applicant shall avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities. | Construction | Long Beach Development Services | CDFW | Approval of construction permits |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| **MM GEO-1: Worker's Environmental Awareness Program (WEAP)**<br>Prior to the start of the proposed Project activities, all field personnel will receive a worker's environmental awareness training on paleontological resources. The training will provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, outline steps to follow in the event that a fossil discovery is made, and provide contact information for the Project Paleontologist. The training will be developed by the Project Paleontologist and can be delivered concurrent with other training including cultural, biological, safety, etc. | Construction | Long Beach Development Services | Long Beach Development Services | Verification to City of WEAP |
| **MM GEO-2: Paleontological Mitigation Monitoring**<br>Prior to the commencement of ground-disturbing activities, a professional paleontologist will be retained to prepare and implement a paleontological resource mitigation and monitoring plan (PRMMP) for the proposed Project. The PRMMP will describe the monitoring required during excavations that extend into older Quaternary (Pleistocene) age sediments, and the location of areas deemed to have a high paleontological resource potential. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend that monitoring be reduced or cease entirely.<br>In the event that a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following: | Construction | Long Beach Development Services | Long Beach Development Services | Acceptance by city of paleontological resource mitigation and monitoring plan |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.<br><br>The PRMMP will identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the client. | | | | |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| **MM GEO-3: Final Paleontological Mitigation Report**: **Salvage of Fossils**<br>Upon completion of ground disturbing activity (and curation of fossils if necessary) the Project Paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated. | Construction | Long Beach Development Services | Long Beach Development Services | Acceptance by City of a final mitigation and monitoring report |
| **MM HAZ-1:** Prior to earthwork activities, remnants of underground piping still present on the Project site shall be tested by a qualified asbestos consultant, and if asbestos is detected in amounts exceeding regulatory disposal criteria, the pipe will be transported for disposal to a facility licensed to accept asbestos-containing waste. | Pre-Construction | Long Beach Development Services | Long Beach Development Services | Acceptance by City of report by qualified asbestos consultant |
| **MM HAZ-2:** Prior to Project earthwork activities, the RAP shall be approved by LARWQCB. All remedial work described in the RAP shall be implemented under the supervision of a state-licensed geologist or engineer and the LARWQCB *or the DTSC if so specified by LARWQCB*. | Pre-Construction | Long Beach Development Services | LARWQCB | Approval of RAP by LARWQCB and determination of implementation by and implementation by LARWQCB |
| **MM NOI-1: Construction Noise**<br>The Applicant must utilize, without limitation, the following construction best management practices (BMPs):<br>• Shroud or shield all impact tools, and muffle or shield all intake and exhaust port on power equipment to reduce construction noise by 10 dB or more.<br>• If feasible, schedule grading activities so as to avoid operating numerous pieces of heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, or rollers) simultaneously in close proximity to the boundary of properties of off-site noise sensitive receptors | Pre-Construction & Construction | Long Beach Development Services | Long Beach Development Services | Field Verification |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| surrounding the Project Site to reduce construction noise levels by approximately 14 dBA.<br>• Where feasible, temporary barriers including, without limitation, sound blankets on existing fences and walls, or freestanding portable sound walls, must be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor where modeled levels exceed applicable standards. | | | | |
| **TRA-1: Traffic Signal**<br>The Project Applicant shall install traffic signal related equipment to current CA MUTCD and/or City of Long Beach Standards, at the intersection of Wardlow Road and the proposed entry to the project, generally in conformance with the "Conceptual Traffic Signal Design" prepared by Subdivider, dated August 25, 2020. Installation of the traffic signal related equipment may include, but not be limited to the following:<br>i. Traffic Signal indicators to the most current City standard.<br>ii. Vehicular detection shall be installed on all approaches to the signalized intersection. This may include presence, mid or advance detection per City direction. Options will include standard Type E loops or video detection.<br>**iii.** All pedestrian push buttons and indicators shall be to the most current City Standards.<br>**iv.** The Subdivider shall install Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be completed per the most current City Standard.<br>**v.** The Subdivider shall install a GPS Module at the traffic signal. The GPS Modules create accurate time-based communications between nearby traffic signals. vi. The Subdivider shall install a new traffic signal controller based | Construction | Long Beach City traffic Engineer | Long Beach Development Services | Field Verification |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| on the most current City Standard [McCain 2070 Controllers].<br>**vi.** Subdivider shall install 96 count fiber interconnect cable to the satisfaction of the City's Traffic Engineer, but at a minimum from the proposed traffic signal to Magnolia Avenue. viii. Subdivider shall install flashing beacons, on overhead mast arms attached to utility poles, on both approaches to the proposed traffic signal, 450 feet from the stop limit line. | | | | |
| **MM TCR-1: Retain a Native American Monitor/Consultant**<br>The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials | Construction | Tribal Monitor | Long Beach Development Services | Monitoring Agreement |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| 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 (TCRs). | | | | |
| **MM TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources**<br>Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources. | Construction | Tribal Monitor | Long Beach Development Services | Monitor Reports |
| **MM TCR-3: PRC Section 21083.2(b)**<br>Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All TCRs shall be returned to the | Construction | Tribal Monitor | Long Beach Development Services | Monitor Reports |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
|---|---|---|---|---|
| Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes. | | | | |
| **MM TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects**<br>Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone, within 24 hours, the NAHC and PRC 5097.98 shall be followed. | Construction | Tribal Monitor | Long Beach Development Services | Monitor Reports |
| **MM TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects**<br>Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they | Construction | Tribal Monitor | Long Beach Development Services | Monitor Reports |

| Mitigation Measure | Monitoring Phase | Monitoring Agency | Enforcement Agency | Action Indicating Compliance |
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| are those of a Native American, he or she shall contact, by telephone, within 24 hours, the NAHC and PRC 5097.98 shall be followed. | | | | |