

April 13, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

H-8
REVISED

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and consider the third-party appeals of Ann Cantrell and Anna Christensen representing the Sierra Club Los Cerritos Wetlands Task Force; Corliss Lee representing Citizens About Responsible Planning; Juan E. Ovalle representing the Riverpark Coalition; Renee Lawler representing the Historic Equestrian Trail Association of So Cal; and Robert Gill representing the Los Cerritos Neighborhood Association (APL20-004, APL20-005, APL20-006, APL20-007);

Adopt a Resolution certifying Mitigated Negative Declaration (MND 07-20), making certain findings related thereto, and adopting a Mitigation Monitoring and Reporting Program, and approving the Pacific Place Project at 3701 Pacific Place;

Declare an Ordinance approving Zone Change ZCHG20-004 from Light Industrial (IL) to the Commercial Storage (CS) zoning district, on four lots at 3701 Pacific Place (APN 7140-014-019, 7140-014-032, 7140-014-033, 7140-014-025), read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Uphold the Planning Commission's approval of Site Plan Review SPR20-015, Standards Variance SV20-006, Conditional Use Permit CUP20-010, and Lot Merger LMG20-009, for the construction and operation of a three-story, 152,745-square-foot commercial building for self-storage, in conjunction with an accessory recreational vehicle parking lot and patron (private) car wash at 3701 Pacific Place. (District 8)

DISCUSSION

On December 17, 2020, the Planning Commission held a public hearing, adopted and certified a Mitigated Negative Declaration (MND 07-020), and conditionally approved (by a 6-1 vote) a Site Plan Review, Standards Variance, Conditional Use Permit, and Lot Merger request for the construction and operation of a three-story, 152,745-square-foot self-storage facility (also consisting of approximately 6,200 square-feet of office space on the third floor), in conjunction with an accessory recreational vehicle parking lot and 2,153-square-foot patron car wash (Project) (Attachment A - Planning Commission Staff Report and Exhibits). The Planning Commission also recommended that the City Council approve a zone change to rezone four parcels generally located at the northeast intersection of the I-405 Freeway and the Los Angeles River, from Light Industrial (IL) to the Commercial Storage (CS) zoning district (Attachment B - Location Map). The proposed zone change would limit the allowable uses on the subject parcels in comparison to the more intense industrial uses permitted by the current IL zoning district and would facilitate the development of the self-storage facility and recreational vehicle (RV) parking lot on properties that have limited physical access and have significant contamination due to historic uses on the site, which are outlined in more detail below.

History and Background

The subject parcels, which currently comprise a vacant 13.95-acre dirt lot (Attachment C - Photos), are bounded by the Metro A Line (formerly Blue Line) light rail tracks to the north and east, the transition road leading from the I-405 Freeway to the 710 Freeway to the south, and a strip of vacant land and the Los Angeles River to the west (site). Beyond the Metro A Line to the north and east of the site is a predominantly single-family residential neighborhood, an elementary school (Los Cerritos Elementary School), and a public park (Los Cerritos Park). Access onto the site is available from a single-entry point at the southeast portion of the site, via Pacific Place (which is the road that also accesses the I-405 and 710 Freeways).

The majority of the site has been vacant since 2007, when its golf driving range operation ceased (established in 1997). The golf-related retail shop and equipment rental continued to operate after the closure of the driving range until 2015. Prior to the site's operation as a golf driving range, uses at the site included an oil brine water treatment facility for on- and off-site oil production activities and oil well drilling. The oil brine water treatment facility was established in the 1920s and activities included the pumping of oil brine to oil sumps (evaporation and treatment ponds), with the majority of the Project site serving as a treatment sump. As a result of the treatment activities, water seepage into the subsurface below the sumps caused a sludge residue onsite. Operations for the treatment facility were discontinued in the 1950s and fill soil was imported to the site in the 1970s. The site's oil well drilling activities took place between the 1930s and 1980s, with 13 oil wells being drilled (11 of which produced oil). The oil wells were abandoned between 1961 and 2014, in accordance with the California Geologic Energy Management Division (CalGEM) standards.

The site is currently zoned Light Industrial (IL) and has a General Plan Land Use Element (GPLUE) PlaceType designation (as designated by the 2019 GPLUE Update) of Neo-Industrial (NI). The NI PlaceType encourages the location and retention of restricted light industrial activities associated with innovative start-up businesses and creative design offices. The Land Use Element (LUE) also states that this PlaceType promotes low-intensity uses adjacent to low-density residential uses. When new developments are proposed in the NI PlaceType, abutting residential neighbors, office and commercial uses are preferred rather than industrial and manufacturing operations. Based on the Project site's level of contamination due to previous activities, and to comply with the NI PlaceType goal of promoting low-intensity uses next to low-density residential uses, the applicant proposes to establish the self-storage facility with accessory RV parking and patron car wash. The IL zoning district currently prohibits the operation of self-storage facilities and parking lots as a business use; however, the proposed use is permitted with a Conditional Use Permit (CUP) in the proposed CS zoning district.

On December 17, 2020, the Planning Commission held a public hearing, received a staff report, took public testimony, and considered written correspondence that was received (Attachment D - PC Public Comments). The Planning Commission recommended that the City Council approve Zone Change ZCHG20-004 from IL to CS, and approved Site Plan Review SPR20-015, Standards Variance SV20-006, Conditional Use Permit CUP20-010, and Lot Merger LMG20-009 for the construction and operation of the Project at 3701 Pacific Place (Attachment E - Plans), subject to conditions of approval and based on positive findings (Attachment F – Findings and Conditions of Approval).

Zone Change

The current IL zoning district designation is intended mainly for industrial, manufacturing, as well as small-scale office uses with some limited commercial uses. Pursuant to Section 21.33.080 of the Long Beach Municipal Code (LBMC), the IL zoning district prohibits the operation of self-storage facilities and parking lots as a business use. The CS zoning district is the most appropriate zone to support the establishment of the self-storage facility and RV parking lot. The established purpose of the CS zoning district is “to encourage storage uses in areas which are particularly difficult to use due to parcel shape, access, adverse environmental conditions, or in areas where parcels are needed to form a buffer from incompatible uses.” The subject lot meets the aforementioned characteristics as it has limited street frontage and access and has contamination that requires significant environmental remediation. The CS zone requires a CUP for self-storage facilities, car washes, and vehicle parking lots all of which are proposed on this property and will be discussed later.

The Planning Commission recommended approval of the requested zone change (Attachment G – Zone Change Map) as it would represent a less intense zone due to its more restrictive development standards and limited range of allowable uses, as compared to the current IL zoning district, which allows more noxious uses such as automobile repair, and the manufacture of products such as leather, furniture and fixtures, paper and allied products, rubber and plastics, lumber, miscellaneous chemicals, industrial and commercial machinery, asphalt paving, roofing materials, and transportation equipment. The manufacturing, warehousing, and light industrial uses allowed by right within the IL zoning district are prohibited within the CS zoning district. Also, the IL zoning district currently allows a maximum building height of 60’-0” by right, while the CS zoning district only allows a maximum building height of 28’-0”.

Among the required findings for the approval of a zone change is the requirement that the proposed change is consistent with the goals, objectives and provisions of the General Plan. The 2019 GPLUE Update designates the Project site as the Neo-Industrial (NI) PlaceType.

One of the citywide goals identified in the LUE is to accommodate strategic growth and change (Goal No. 3 of the LUE). Under this goal, the City aims to encourage this growth within strategic locations while preserving existing neighborhoods. The LUE identifies the subject site as a target for one of the eight major areas of change that are the focus of the land use concept: “Convert targeted industrial edges and districts to Neo-Industrial uses.” The parcels’ NI PlaceType designation is a reflection of both the historic use (in this case oil well drilling and oil brine water treatment facility) of the subject parcels and other similar properties adjacent to the Los Angeles River for industrial purposes, a condition that is common to many segments of the Los Angeles River within and beyond the Long Beach city limits, and adopted goals to transition targeted industrial areas to clean, job- and tax-generating uses in Long Beach.

The proposed zone change to the CS zoning district and the associated self-storage and RV parking project, are consistent with the intent of the NI PlaceType which is to provide lower-intensity uses adjacent to the low-density single-family neighborhood to the east of the property. The NI PlaceType is generally characterized by innovative start-up businesses or creative design offices. The proposed Project incorporates 6,200 square feet of office space (of which a portion will house the corporate offices for the self-storage facility) within the self-storage facility, which offers an

opportunity for such uses. Furthermore, redevelopment of the subject parcels is somewhat limited due to its environmental constraints (including elevated levels of petroleum hydrocarbon, arsenic, lead, perchloroethylene, trichloroethylene, benzene, methane, commercial pesticide and herbicide found in the soil, and general groundwater degradation).

Strategy No. 7 of the LUE is to “implement the major areas of change identified in this Land Use Plan (Map LU-20).” In particular, LU Policy 7-4 encourages degraded and abandoned buildings and properties to transition to more productive uses through adaptive reuse or new development. The Project site as a whole has been abandoned for more than a decade (since 2007), contributing to the presence of a blighted vacant property that has been used for illegal activity such as the driving of off-road vehicles. As a result of the Project, the blighted site and its surrounding area will undergo several upgrades including landscaping, high-quality architecture, new paving, offsite roadway improvements, and bring a productive use to the site in comparison to the existing, long-standing fallow conditions found on the site currently. A policy change by the City Council that took effect on July 1, 2018, makes it harder to park RVs on Long Beach streets and increases the need and usefulness of the proposed facility. The site is a location where the proposed large-scale, self-storage and RV parking uses can exist and would be anticipated to have the least impact to surrounding uses. Additionally, given the subject parcels’ environmental contamination and isolated location, the proposed large-scale, self-storage and RV parking uses are among the most viable uses for the site.

Summary of Actions Taken by The Planning Commission

Site Plan Review

New commercial buildings exceeding 50,000 square feet require Planning Commission approval. Prior to Planning Commission approval for SPR20-015, the Site Plan Review (SPR) Committee reviewed and recommended that the Project move forward to the Planning Commission for consideration (on June 10, 2020). The Planning Commission’s approval was based on positive SPR findings that the proposed design is considered harmonious and consistent within itself and that it represents the most compatible use for the site, given the previous site contamination activities that took place at the subject location and the isolated location of the parcels.

The proposed Project site is oriented along the northeast intersection of the I-405 and 710 Freeways and directly to the east of the Los Angeles River channel. The site is only accessible from its southeastern most point, via Pacific Place, which dead-ends into the Project site and an adjacent Caltrans maintenance station to the south. Site orientation is designed to provide maximum visibility of the new building from its entrance along Pacific Place, which will be improved in accordance with the requirements of the City’s Public Works Department. The location of the building in the southeast portion of the site will provide a visual buffer between its entrance and the remainder of the property, which will consist largely of a newly paved RV parking lot. Some of the methods used to help mitigate the visual impacts of the substantial parking lot include in-ground landscaping (where feasible, in light of the contaminated site), potted landscaping, a solar carport structural system encompassing the perimeter of the site, masonry walls that incorporate “green-screening”, and the incorporation of a publicly accessible open space easement through the Project site to allow for future connection to the Los Angeles River. While the subject parcels are not directly adjacent to the river, the public easement and open space will ensure future connections to the

river are maintained with the development of the site to an adjacent publicly-owned site that is identified in the Los Angeles River Master Plan (LARMP). The easement and publicly accessible open space as proposed would be located in the southwest corner of the site (Attachment H – Conceptual Drawings for the LARMP Area).

Building architecture effectively minimizes massing and scale with the incorporation of a contemporary design that breaks up large expanses of blank walls. The use of building forms that offset and contrast in color and material helps to enhance the visual quality of the structure. The applicant has incorporated high-quality materials and features that include form liner concrete siding with different patterns and etched imagery, polycarbonate panels, dual-pane glazing with blackened steel storefront system, art walls with murals, and Swiss pearl panels, all meant to offer aesthetically pleasing elements typically not associated with typical self-storage facilities.

Standards Variance

The applicant is proposing a building height of 43'-11" to its highest point, although the majority of the building's parapet line will be at 38'-4" in height. Portions of the building that have heights of 42'-10" and 43'-11" are to accommodate architectural features that will provide an aesthetic change in the roof plane. The property's current IL zoning district allows a maximum height of 60'-0" and the GPLUE allows a maximum height of 40'-0". However, the CS zoning district (predicated upon zone change approval) allows a maximum building height of 28'-0". Standards Variance approval allows the additional building height above the 28'-0" limit of the CS zoning district. As most of the proposed building height is set to 38'-4" (with the exterior polycarbonate panels reaching 42'-10" and 43'-11"), it is consistent with the height allowance set forth in the GPLUE. Approval of a Standards Variance is not expected to cause substantial adverse effects on the community since the site is completely isolated by the various rights-of-way that it is bound by and buffered from the neighboring school, park and residential community. Allowing a building height of 43'-11" on a site surrounded by freeways, a river and light rail tracks would not impact the surrounding character given its isolated location and distance from residential and other uses nor would it impede any significant views or create any issues related to shading and shadows.

Conditional Use Permit

In accordance with the regulations of Section 21.32.130 of the LBMC, CUPs are required for self-storage, car wash and parking lot uses in the CS zoning district. The CUP findings include special conditions to which the proposed use must comply. CUPs can be approved when the proposed use will not be detrimental to the surrounding community. The site's location in terms of access and surrounding land uses (freeways, the river, metro light rail tracks) render it an auto-oriented property that prevents pedestrian compatibility by default. Self-storage facilities, RV parking lots and car washes are all characterized by significant reliance on vehicles for their operations.

Controlled access to the site will be limited to customers of the self-storage facility or RV parking lot. The proposed 2,153-square-foot car wash will be limited only to those patrons who utilize the primary uses. As conditioned, limits will be placed on hours of operation, from 7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. - 5:00 p.m., Saturday, Sunday, and holidays. Conditions of Approval will also be incorporated to reflect specific requirements related to self-storage facilities and parking lots as a business use such as hours of operation, security

requirements, daily walkthroughs and monitoring, tenant communication, access hours, locking systems, collaboration with law enforcement if needed, and eviction protocol. The conditions also require the property owner to provide a publicly accessible open space and easement on the site to grant future access to the Los Angeles River.

Lot Merger

The proposed zone change area consist of four separate parcels, which the property owner proposes to consolidate the parcels into a single property for the purposes of development. The consolidation of the individual parcels will result in a site area of approximately 608,000 square feet, which complies with the 10,000-square-foot minimum lot size requirements of the CS zoning district. Consolidation of the four existing parcels into one property will preclude the sale of individual parcels, an action that could result in zoning compliance issues in the future.

Appeals

Between December 27, 2020 and December 28, 2020, within the 10-day appeal period, applications for appeal were filed by Ann Cantrell and Anna Christensen representing the Sierra Club Los Cerritos Wetlands Task Force; Corliss Lee representing Citizens About Responsible Planning; Juan E. Ovalle representing the Riverpark Coalition; Renee Lawler representing the Historic Equestrian Trail Association of So Cal; and Robert Gill representing the Los Cerritos Neighborhood Association (APL20-004, APL20-005, APL20-006, APL20-007) (Attachment I - Applications for Appeal). The following is a summary of the assertions made in the appeals, and brief responses to those assertions:

- *The Mitigated Negative Declaration for the Project is insufficient and requires a full Environmental Impact Report*

The City, in consultation with the California Department of Toxic Substance Control (DTSC), found the Mitigated Negative Declaration (MND) to be the appropriate level of environmental review under the California Environmental Quality Act (CEQA) Guidelines. The MND is based on detailed technical studies including special status plant studies, geotechnical studies, trip (traffic) generation studies, air quality modeling, biological studies, archeological studies, paleontological studies, energy use analysis, toxic substances analysis, and general CEQA review. In this case, the Project fully mitigates any impacts and greatly improves the environmental performance of the subject parcels compared to the existing condition, which is currently characterized by environmental contamination, physical blight, unimproved streets, and nuisance activities.

- *The Project is inconsistent with the vision of the Los Angeles River Master Plan*

The proposed Project will facilitate access to the Los Angeles River through a publicly owned parcel of land controlled by the Los Angeles County Flood Control District. The Los Angeles River Master Plan (LARMP) shows an option of parks and open space in the general vicinity of the proposed storage facility; however, the Project site is private property and only one of many such opportunity sites identified in the Master Plan. No

recent funds have been received or allocated for the acquisition of the private property for the purposes of developing a park. The Project site has consistently been privately owned and has never been designated by the City as a public park. An early draft version of the 2019 GPLUE Update showed the area as private open space, reflective of the prior golf driving range use. However, based on the private ownership of the property, the limited range of economically viable uses allowable in the Open Space PlaceType, and in recognition of the fact that the former golf driving range was no longer in operation, the later and ultimately the adopted versions of the LUE designated the site with a NI PlaceType consistent with the context and the longer standing, historic use of the parcels. The applicant has agreed to develop and maintain a section of the Native Plant Preserve located within the property boundaries at the northwest corner of the site, as well as an accessway to the larger LARMP site, proposed to be in the southwestern corner of the property.

Existing parks in the vicinity of the Project site include Los Cerritos Park, immediately to the east of the Project site across the Metro railway tracks and Del Mar Avenue, as well as Baker Street Park directly to the south of the Project sites across I-405. Baker Street Park is being considered for expansion as part of a separate and different development proposal to the south. Just to the north of the Project site are the Dominguez Gap Wetlands, which provide river-adjacent nature hiking and enjoyment. Further to the south is the river-adjacent Wrigley Greenbelt.

- *The Standards Variance for a building height of 43'-11" is not compatible with the surrounding neighborhood*

The Project site is currently located within the IL zoning district. The maximum building height allowed within the IL zoning district is 60'-0". Allowing a building that is largely 38'-4" in height and measures 43'-11" in height in limited areas to accommodate small architectural embellishments in a location that currently allows 60'-0" is not anticipated to cause substantial adverse effects on the surrounding neighborhood. Additionally, the adopted GPLUE Height Map permits a height of 40'-0" at the subject location. The Project site is isolated from surrounding land uses due to its limited access along a small road and its location amid the I-405 and 710 Freeways, the Los Angeles River, and the Metro light rail track. The most sensitive uses in the immediate area are located to the east of the Project site and include a public school and single-family residential community. Both land uses are completely buffered and screened from the Project site. The 43'-11" building height will not impact the surrounding character given its isolated location and distance from residential and other uses nor would it impede any significant views or create any issues related to shading and shadows.

- *The proposed zone change is spot zoning;*

In response, the proposed zone change represents rezoning to a less intense zone due to its more restrictive development standards and limited range of allowable uses, as compared to the current IL zoning district, which allows more uses that could result in greater impacts to the surrounding community such as automobile repair, and the manufacture of products such as leather, furniture and fixtures, paper and allied

products, rubber and plastics, lumber, miscellaneous chemicals, industrial and commercial machinery, asphalt paving, roofing materials, and transportation equipment. The proposed zone change would designate the Project site as Commercial Storage (CS). The rezoning would make the property's zoning consistent with that of properties directly to the south of the Project site (and separated by the I-405 Freeway) which are currently zoned for CS.

- *The Planning Commission's decision was made on false information that the Los Cerritos Neighborhood Association (LCNA) was in support of the Project and that there was no consideration for horse trails*

The Planning Commission's decision was not based on the LCNA's position on the Project. It was based on positive findings of facts presented at the December 17, 2020 Planning Commission hearing. The staff report given during this hearing made no mention of LCNA's stance on the Project.

Regarding the consideration for horse trails, no formal horse-riding trails or equestrian uses occur within, or immediately adjacent to, the Project site.

Supplemental response to the appeal applications are attached and demonstrate that the Project would not result in an adverse effect on the environment, and that the Project is consistent with all required findings (Attachment J – Appeal Responses).

An Initial Study/MND (IS/MND) was prepared for this Project in accordance with Section 15070 of the CEQA Guidelines (Attachment K – Mitigated Negative Declaration 07-20). The IS/MND analyzed the proposed Project in accordance with the CEQA Guidelines and determined that the Project will not result in any significant and unavoidable impacts, with mitigation measures included. Additionally, the development is subject to the Mitigation Monitoring and Reporting Program (MMRP), which is designed to ensure compliance with applicable mitigation measures during Project implementation. For each mitigation measure recommended in the IS/MND that applies to the proposed Project, specifications identify the action required, the monitoring that must occur, and the party responsible for verifying compliance. Some of the environmental issues causing the most concern relate to the hazardous materials and contamination of the soil onsite, as well as air quality (in relation to the contaminated soil). Mitigation Measure HAZ-1 requires the applicant to submit a Response Plan to DTSC for approval and certification, prior to the issuance of any building permits. Certification of the Response Plan is contingent on the following requirements:

- Excavation and consolidation of soils with localized risk-based thresholds for lead and arsenic;
- Preparation of a Soil Management Plan (SMP) to provide guidelines for the proper monitoring, handling, segregation, stockpiling, dust control, testing, transport, and disposal of potentially impacted soils;

- Design and construction of an engineered surface cap to prevent exposure to former oily sump materials and other contaminants of potential concern, and to prevent surface water infiltration;
- Design and construction of a gas containment system below the surface cap to capture and treat any volatile contaminants that may accumulate onsite and prevent their offsite migration;
- Vapor intrusion mitigation system below the future building foundations to include a vapor barrier that allows ventilation of soil vapor;
- Recording of a land use covenant that requires any changes in site conditions (new construction) to be communicated to DTSC; and,
- Preparation of an Operations and Maintenance Plan to facilitate inspection and maintenance of the mitigation systems and regular sampling of shallow monitoring soil vapor probes and groundwater monitoring wells.

The Planning Commission was presented with MND public comment letters that were submitted during the 30-day public comment period (Attachment L - MND Comment Letters). Staff responses to all comments were also presented to the Planning Commission for review (Attachment M - Responses to MND Comments and Edits). The Planning Commission analyzed the Project, in accordance with the required findings for each of the entitlements and finds that positive findings can be made for each approval.

Public Hearing notices were distributed on March 29, 2021, in accordance with the requirements of Chapter 21.21 of the LBMC. Several responses in support and opposition of the Project were received as of the date of preparation of this report (Attachment N – Responses of the Project).

This matter was reviewed by Assistant City Attorney Michael J. Mais on March 22, 2021 and by Budget Management Officer Rhutu Amin Gharib on March 15, 2021.

TIMING CONSIDERATIONS

The LBMC requires this item to be transmitted to the City Council within 60 days of receiving an appeal, the first of which was filed on December 27, 2020. However, the Department of Development Services can provide an extension of up to 90 days for the appeal to be adjudicated pursuant to LBMC Section 21.21.504. City Council action is requested on April 13, 2021.

FISCAL IMPACT

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

SUGGESTED ACTION:

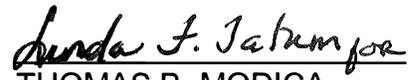
Approve recommendation.

Respectfully submitted,



OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
CITY MANAGER

- ATTACHMENTS:
- RESOLUTION
 - ORDINANCE
 - ATTACHMENT A – PLANNING COMMISSION REPORT (DECEMBER 17, 2020)
 - ATTACHMENT B – LOCATION MAP
 - ATTACHMENT C – PHOTOS
 - ATTACHMENT D – WRITTEN PUBLIC PC COMMENTS
 - ATTACHMENT E – PLANS
 - ATTACHMENT F – FINDINGS AND CONDITIONS OF APPROVAL
 - ATTACHMENT G – ZONE CHANGE MAP
 - ATTACHMENT H – CONCEPTUAL PLANS FOR THE LARMP AREA
 - ATTACHMENT I – APPLICATIONS FOR APPEAL
 - ATTACHMENT J – APPEAL RESPONSES
 - ATTACHMENT K – MITIGATED NEGATIVE DECLARATION 07-20
 - ATTACHMENT L – MND COMMENT LETTERS
 - ATTACHMENT M – RESPONSE TO MND COMMENTS AND EDITS
 - ATTACHMENT N – RESPONSES OF THE PROJECT

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
4 OF LONG BEACH ADOPTING AND CERTIFYING MITIGATED
5 NEGATIVE DECLARATION (MND07-20); ADOPTING A
6 MITIGATION MONITORING AND REPORTING PROGRAM;
7 AND APPROVING THE PACIFIC PLACE PROJECT LOCATED
8 AT 3701 PACIFIC PLACE, LONG BEACH
9

10 WHEREAS, the subject Project is commonly known as the Pacific Place
11 Project;

12 WHEREAS, pursuant to California Public Resources Code Section 21067
13 and the State CEQA Guidelines (Cal. Code Regs., Tit. 14 Sec. 15000 et seq.), Section
14 15051, the City of Long Beach is the lead agency for the proposed Project;

15 WHEREAS, the City prepared a Draft Initial Study/Mitigated Negative
16 Declaration (IS/MND)(MND07-20) which reflects the independent judgment of the City as
17 to the potential environmental impacts of the Pacific Place Project (Project). Said Project
18 is more particularly described in the IS/MND and the City Council Staff Report and
19 supporting documentation accompanying this Resolution, which Project description and
20 supporting documentation, including the IS/MND and Staff Report, are incorporated herein
21 by this reference as though set forth in full, word for word;

22 WHEREAS, the Draft IS/MND was circulated for public review and comment
23 and all actions required to be taken by applicable law related to the preparation,
24 circulation, and review of the Mitigated Negative Declaration have been taken;

25 WHEREAS, the Final IS/MND, that includes the Mitigation Monitoring and
26 Reporting Program (MMRP), was prepared pursuant to CEQA Guidelines and in
27 accordance with the State of California Public Resources Code;

28 WHEREAS, on December 17, 2020, the Planning Commission held a

1 properly noticed public hearing on the Project at which time all interested parties had the
2 opportunity to present evidence and be heard. Thereafter, the Planning Commission
3 adopted, approved and certified the Mitigated Negative Declaration as being compliant
4 with the California Environmental Quality Act (CEQA) and further approved those land use
5 entitlements within the jurisdiction of the Planning Commission including a Site Plan
6 Review, Standards Variance, Conditional Use Permit and Lot Merger. The Planning
7 Commission further recommended that the City Council find that the adopted Mitigated
8 Negative Declaration MND07-20 adequately analyzed the potential environmental
9 impacts of the Project, including the proposed Zone Change from the Light Industrial (IL)
10 Zoning District to the Commercial Storage (CS) Zoning District;

11 WHEREAS, the Project, as conditioned, was approved by the Planning
12 Commission on December 17, 2020, and was subsequently appealed in due course to the
13 City Council by Ann Cantrell and Anna Christensen representing Sierra Club Los Cerritos
14 Wetlands Task Force; Corliss Lee representing Citizens About Responsible Planning;
15 Juan E. Ovalle representing Riverpark Coalition; Renee Lawler representing Historic
16 Equestrian Trail Association of So Cal; and Robert Gill representing Los Cerritos
17 Neighborhood Association;

18 WHEREAS, on April 13, 2021, the City Council held a properly noticed
19 public hearing on the Project and the appeals submitted by Ann Cantrell and Anna
20 Christensen representing Sierra Club Los Cerritos Wetlands Task Force; Corliss Lee
21 representing Citizens About Responsible Planning; Juan E. Ovalle representing Riverpark
22 Coalition; Renee Lawler representing Historic Equestrian Trail Association of So Cal; and
23 Robert Gill representing Los Cerritos Neighborhood Association, at which time all
24 interested parties, including members of the public, had the opportunity to present
25 evidence and be heard;

26 WHEREAS, at said public hearing the City Council, after a staff analysis and
27 public comment related to the Project, independently reviewed and analyzed all relevant
28 staff reports, both written and oral, together with public comment and the Initial

1 Study/Mitigated Negative Declaration and made its decision to adopt the Mitigated
2 Negative Declaration for the Pacific Place Project in light of the record as a whole, as set
3 forth in these findings.

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

6 Section 1. The foregoing recitals are true and correct.

7 Section 2. The City Council has reviewed and considered the Mitigated
8 Negative Declaration for the Project, together with any comments received during the
9 public review process, and the City Council finds that the Mitigated Negative Declaration
10 reflects the independent judgment of the City of Long Beach; and that the Initial Study/
11 Mitigated Negative Declaration has disclosed that all potential environmental effects from
12 the Project will be less than significant with the incorporation of mitigation measures, and
13 that there is no substantial evidence that the Project will have a significant effect on the
14 environment as so mitigated

15 Section 3. The City Council hereby adopts Mitigated Negative Declaration
16 MND07-20, as presented to the City Council at the above described public hearing, having
17 reviewed and considered the information contained in said Mitigated Negative Declaration
18 prior to deciding whether to approve the proposed Pacific Place Project. The Mitigated
19 Negative Declaration has been thoroughly reviewed and analyzed by the City's staff, the
20 Planning Commission, and the City Council. The draft documents circulated for public
21 review reflect the City's own independent judgment, and the Mitigated Negative
22 Declaration as approved and certified by this Resolution also reflects the independent
23 judgment of the City Council.

24 Section 4. The City Council hereby adopts the Mitigation Monitoring and
25 Reporting Program set forth in the Mitigated Negative Declaration, attached hereto as
26 Exhibit "A" and incorporated herein by this reference, as the Mitigation Monitoring and
27 Reporting Program (MMRP) for the Pacific Place Project. The City Council finds that the
28 Mitigation Monitoring and Reporting Program has been prepared in accordance with

1 CEQA and the State CEQA Guidelines, and directs the Director of Development Services
2 to oversee the implementation of the MMRP, and further directs that each Mitigation
3 Measure become a condition of Project approval.

4 Section 5. The City Council hereby directs the Director of Development
5 Services to file a Notice of Determination within five (5) working days after approval of the
6 Project by the City Council.

7 Section 6. The Director of Development Services shall make the project
8 plans and other related materials that constitute the record of the proceedings upon which
9 this decision is based available at Long Beach City Hall, Developmental Services
10 Department, Planning Bureau, Current Planning Division, 411 W. Ocean Boulevard, 3rd
11 Floor, Long Beach, CA 90802.

12 Section 7. Consistent with Public Resources Code Section 21081.6(a)(2),
13 the documents which constitute the record of proceedings for approving this Project are
14 located in the Developmental Services Department, Planning Bureau, Current Planning
15 Division, 411 W. Ocean Blvd., 3rd Floor, Long Beach, CA 90802. The custodian of these
16 records is Alexis Oropeza, Current Planning Officer.

17 Section 8. The City Council hereby further denies the Appeals of Ann
18 Cantrell and Anna Christensen representing Sierra Club Los Cerritos Wetlands Task
19 Force; Corliss Lee representing Citizens About Responsible Planning; Juan E. Ovalle
20 representing Riverpark Coalition; Renee Lawler representing Historic Equestrian Trail
21 Association of So Cal; and Robert Gill representing Los Cerritos Neighborhood
22 Association, as the appeals lack merit because, among other things, the environmental
23 review was appropriate and prepared in accordance with the California Environmental
24 Quality Act (CEQA) and the State CEQA Guidelines. The decision of the Planning
25 Commission is upheld (sustained) and the Pacific Place Project is approved together with
26 all of the various land use entitlements as set forth in the Staff Report submitted to the City
27 Council by its Planning staff in connection with the hearing conducted by the City Council
28 on April 6, 2021, including the Ordinance approving a zone change from Light Industrial

1 (IL) to Commercial Storage (CS) Zoning District.

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

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

7 Ayes: Councilmembers: _____

8 _____

9 _____

10 _____

11 Noes: Councilmembers: _____

12 _____

13 Absent: Councilmembers: _____

14 _____

15 Recusal(s) Councilmembers: _____

16 _____

17 _____

18 _____

19 _____

City Clerk

20

21

22

23

24

25

26

27

28

EXHIBIT "A"

Mitigation Monitoring and Reporting Program

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
AIR QUALITY				
AIR-1	Prior to the issuance of each grading permit	For the Artesia parcels, prior to the issuance of each grading permit, the City or its designee shall provide construction plans and specifications demonstrating that, onsite equipment used for construction of the Project shall be required to meet a minimum of Tier 3 or equivalent off-road engine emissions standards. Tier 4 compliant engines can also be used, which would further reduce emissions, but are not required.	City of Long Beach Planning	
BIOLOGICAL RESOURCES				
BIO-1	Prior to project construction	<p>For the Artesia Parcels, a survey for special status plant species shall be conducted during their peak blooming period and prior to construction activities to determine the extent which southern tarplant occurs in the survey area. If any of this species is observed, the population shall be avoided, if possible. If the population would be impacted, mitigation may be required depending on the number of individuals that would be impacted as compared to the number known in the project region. Mitigation for special status plants could consist of collection of seed or salvage of individuals prior to project construction. For southern tarplant, the Applicant shall ensure that one of the following two mitigation alternatives be implemented to offset potential impacts to the southern tarplant:</p> <ul style="list-style-type: none"> • Provided the following mitigation opportunity exists, Artesia Acquisition Company, LLC, (Developer) will pay a specified in-lieu fee to a conservation agency or other similar entity as part of a mitigation bank program (or equivalent conservation program) for the permanent preservation and conservation of the southern tarplant. The amount of the in-lieu fee will be determined in consultation between the Developer and the applicable conservation agency/entity and will be based on a 1:1 mitigation ratio, or no net loss of southern tarplants. • In the absence of the preceding mitigation alternative, the Developer will preserve in place those southern tarplant individuals not to be impacted by the proposed project and will translocate those southern tarplant individuals to be impacted to a suitable location, which will be determined by the Developer in collaboration with the Project Biologist. This mitigation alternative will require the preparation of a detailed Southern Tarplant Mitigation/Translocation Plan (Plan) by the Project Biologist, who will be a qualified biologist, having demonstrated past project experience with the southern tarplant and preferably translocation of the southern tarplant. At a minimum, the Plan will address the goals/objectives of the mitigation, locations of the translocation “donor” and “receptor” sites, mechanism or instrument for permanent preservation of the translocation receptor site, implementation of the translocation tasks (e.g., topsoil salvage and possibly seed collection), monitoring of the receptor site, maintenance activities (e.g., weed abatement), performance standards, and documentation. The 	City of Long Beach Planning	

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
		Developer and the California Environmental Quality Act (CEQA) Lead Agency (i.e., the City of Long Beach [City]) will review and approve the Plan prior to the start of project construction. This Plan will ensure no net loss of southern tarplant individuals, and topsoil salvage and/or seed collection will occur prior to any ground-disturbance activities.		
BIO-2	Prior to project construction	For the McDonald Trust Parcels, a survey for special status plant species shall be conducted during their peak blooming period and prior to construction activities to determine whether the following species occur in the survey area: southern tarplant, Coulter's saltbush, Parish's brittlescale, lucky morning-glory, decumbent goldenbush, Coulter's goldfields, prostrate vernal pool navarretia, and San Bernardino aster. If any of these species are observed, the population shall be avoided, if possible. If the population would be impacted, mitigation may be required depending on the number of individuals that would be impacted as compared to the number known in the project region. Crotch's bumble bee activity and the presence of ground nests. If a ground nest is observed, it will be protected in place until it is no longer active as determined by a Biologist.	City of Long Beach Planning	
BIO-3	Prior to construction activities	For the McDonald Trust Parcels, a survey for Crotch's bumble bee shall occur prior to construction activities during the Crotch's bumble bee active period (i.e., March to July). The survey will be a visual survey conducted by a qualified Biologist (i.e., one with experience in the identification of bee species). The Biologist will search for Crotch's bumble bee activity and the presence of ground nests. If a ground nest is observed, it will be protected in place until it is no longer active as determined by a Biologist. Unless a determination has been made by CDFW that the Crotch's bumble bee will not be listed as a special status species, the Applicant shall consult with CDFW to obtain a take permit for Crotch's bumble bee.	City of Long Beach Planning	
BIO-4	Prior to vegetation removal or commencement of construction activities or outside the peak nesting season (between September 1 and January 31)	In order to avoid impacts on nesting birds, construction shall be scheduled to begin outside the peak nesting season (i.e., between September 1 and January 31), if feasible. If construction activities must occur during the peak nesting season (i.e., February 1 to August 31), a pre-construction nesting bird survey should be conducted by a qualified Biologist within three days prior to vegetation removal or commencement of construction activities. If the Biologist finds an active nest within or adjacent to the construction area, the Biologist will identify an appropriate protective buffer zone around the nest depending on the sensitivity of the species, the nature of the construction activity, and the amount of existing disturbance in the vicinity.	City of Long Beach Planning	

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
BIO-5	Prior to the removal of trees	<p>A. An acoustic survey and exit counts shall occur prior to removal of trees (at any time of year) to determine if they are being used by bats. These surveys should begin at least 30 minutes prior to sunset and should continue until at least an hour after sunset. If bats are roosting in the trees, avoidance and minimization measures would be recommended to minimize effects on roosting bats. The specific exclusion measures recommended would be based on the results of the acoustic survey.</p> <p>B. To avoid impacts on maternity roosts, tree removal shall occur outside the bat maternity season if feasible and in a manner that does not impede construction activities (i.e., April through August). Trees that are being used by roosting bats and those within 200 feet of an active roost will not be removed during the maternity season in order to avoid impacts on an active maternity roost, which may include juvenile bats that cannot fly, if feasible and in a manner that does not impede construction activities.</p> <p>C. A qualified bat Biologist shall be present during removal of palm trees. During removal of palm trees, dead palm fronds should be removed prior to felling the tree. To the greatest extent possible, the drop distance of palm fronds should be minimized to minimize the potential for injury of bats that may be roosting in the fronds. The Biologist will examine the palm fronds immediately following their removal for torpid (dormant) bats.</p>	City of Long Beach Planning	
CULTURAL RESOURCES				
CULT-1	During excavation activities	In the event that cultural (archaeological) resources are inadvertently unearthed during excavation activities, the contractor shall immediately cease all earth disturbing activities within a 100-foot radius of the area of discovery. The Project Applicant/Developer shall retain a qualified professional archaeologist, subject to approval by the lead agency, to evaluate the significance of the find and determine an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.	City of Long Beach Planning	
GEOLOGY AND SOILS				
GEO-1	Before issuance of a grading permit for proposed development of the McDonald Trust parcels	The owner and project proponent of development of the McDonald Trust parcels shall be solely responsible for implementing this Mitigation Measure. Before issuance of a grading permit for proposed development of the McDonald Trust parcels, the City of Long Beach or the future Project applicant shall have a geotechnical investigation report (Investigation) conducted for the McDonald Trust parcels. The Investigation shall include sampling and testing of subsurface soil samples; a determination of suitability of site soils for supporting the proposed structure and other improvements; recommendations for grading, site preparation, and foundation design based on identified properties of subsurface site soils; a fault investigation including subsurface investigation in conformance with the Alquist-Priolo Earthquake Fault Zoning Act; a liquefaction analysis conforming with the Seismic Hazards Zoning Act; and analyses addressing other geologic hazards per the standard of care for a geotechnical investigation (e.g., expansive soils).	City of Long Beach Planning	

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
		The Investigation report shall be sign-stamped by a California professional geologist or registered geotechnical engineer.		
GEO-2	Before issuance of a grading permit	After grading details are finalized and topographic information is available for the subject low-lying areas abutting the Artesia parcels, and before issuance of a grading permit by the City of Long Beach, the Project geotechnical engineer shall verify the magnitude of lateral displacement that could occur onsite. The geotechnical engineer shall prepare an addendum to the geotechnical investigation report for the Artesia parcels including any recommendations needed to minimize hazards from lateral displacement; and submit the addendum to City of Long Beach Development Services for review.	City of Long Beach Planning	
GEO-3	Prior to the issuance of any grading permit	<p>Prior to the issuance of any grading permit, the Project Applicant/Developer shall provide written evidence to the City of Long Beach that a qualified Paleontologist has been retained to observe grading activities and to salvage and catalog fossils as necessary. The Paleontologist shall be present at the pre-grade conference; shall establish procedures for paleontological resource surveillance; and shall establish, in cooperation with the Project Applicant/Developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the Paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage.</p> <p>Upon completion of grading and excavation activities, the paleontologist shall submit a monitoring report to the City. The report shall include the period of inspection; a catalog and analysis of the fossils found; and the present repository of the fossils.</p> <p>The Project Applicant/Developer shall be responsible for making arrangements for the preparation of excavated material to the point of identification. In addition, the Project Applicant/Developer shall offer excavated finds for curatorial purposes to the City of Long Beach on a first refusal basis. The Project Applicant/Developer shall also be responsible for paying curatorial fees. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the City.</p>	City of Long Beach Planning	

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
HAZARDS AND HAZARDOUS MATERIALS				
HAZ-1	Before issuance of a issuance of a building permit	Before issuance of a issuance of a building permit by the City of Long Beach, the applicant for the Artesia parcels shall have a qualified environmental professional prepare an RP outlining site remediation, engineering controls, future operation and monitoring (O&M) activities, and administrative controls to allow for commercial/industrial development of the site. Engineering controls reduce exposures of hazardous materials to future occupants; examples are vapor barriers and sub-slab venting systems. Administrative controls restrict future land uses and activities onsite to limit exposures to future occupants; for instance, land use covenants prohibiting residential, school, and day care uses.	City of Long Beach Planning	
HAZ-2	Before issuance of a Certificate of Occupancy	Before issuance of a Certificate of Occupancy by the City of Long Beach, the Owner or Developer of the McDonald Trust Parcels shall have a qualified environmental professional conduct a Phase I Environmental Site Assessment of the McDonald Trust parcels in accordance with American Society for Testing and Materials (ASTM) E1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and 40 Code of Federal Regulations (CFR) Part 312 Standards and Practices for All Appropriate Inquiries.	City of Long Beach Planning	
HAZ-3	Before issuance of a Certificate of Occupancy	If the Phase I ESA required under Mitigation Measure HAZ-2 identifies recognized environmental conditions on or affecting the McDonald Trust parcels, then, before issuance of a Certificate of Occupancy by the City of Long Beach, the Owner or Developer of the McDonald Trust Parcels shall have a qualified environmental professional conduct a Phase II Environmental Site Assessment consisting of soil and soil vapor sampling and testing; in addition to groundwater sampling and testing, if recommended by the Phase I ESA; and a human health hazard assessment.	City of Long Beach Planning	
HAZ-4	Before issuance of a Certificate of Occupancy	If the Phase II ESA identifies contaminants in soil and/or soil vapor exceeding environmental screening levels for commercial use, then, before issuance of a Certificate of Occupancy by the City of Long Beach, the Owner or Developer of the McDonald Trust Parcels shall have a qualified environmental professional prepare and implement a RAP, a RAW or an RP specifying site remediation, engineering controls, future operation and monitoring (O&M) activities, and/or administrative controls to allow for commercial/industrial development of the site. For each contaminant the Response Plan shall specify how some combination of hazardous materials remediation, engineering controls, operation and monitoring (O&M) activities, and/or administrative controls would reduce exposures to Project construction workers and Project operational workers to below concentrations specified in regulatory action levels for each respective contaminant.	City of Long Beach Planning	

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
HAZ-5	Before issuance of a Certificate of Occupancy	The City shall not issue a Certificate of Occupancy for development on the McDonald Trust parcels until any regulatory agency involved has issued a document approving that the RAP, the RAW or the RP, as the case may be, has been implemented in conformance with that agency's requirements (for instance, a No Further Action determination by the Department of Toxic Substances Control).	City of Long Beach Planning	
NOISE				
MM NOI-1	Before issuance of grading permits for proposed development of the Artesia parcels and McDonald Trust Parcels	<p>Prior to issuance of grading permits for proposed development of the Artesia parcels and the McDonald Trust parcels, the Project Applicant shall demonstrate that the contracts for the General Contractor and subcontractors, as appropriate, contain the following provisions:</p> <ol style="list-style-type: none"> 1. Noise-generating construction activities shall be limited to the hours specified in the Long Beach Municipal Code, Section 8.80.202. 2. Equipment and material staging areas and vehicle maintenance areas shall be located on the western portion of the site as far as practicable from sensitive receptors. 3. All construction equipment shall be equipped with manufacturer's specified or better mufflers. 4. Stationary construction equipment, such as generators, welders, and compressors, shall be oriented so that the loudest noise is directed away from sensitive receptors. 5. Residents within 300 feet of the Project site and the Los Cerritos School shall be notified of the planned construction and construction schedule at least two weeks prior to the start of construction. The notice shall provide a contact for submitting complaints about excessive construction noise. 	City of Long Beach Planning	
MM NOI-2	Prior to approval of plans through plan check for the Artesia parcels self-storage building	Prior to approval of plans through plan check for the Artesia parcels self-storage building, the Applicant shall provide evidence that the HVAC units noise complies with the requirements of Section 8.80.200 of the Long Beach Municipal Code.	City of Long Beach Planning	
MM NOI-3	Prior to approval of plans through plan check for the Artesia parcels carwash	Prior to approval of plans through plan check for the Artesia parcels carwash, the Applicant shall provide evidence that the carwash and mechanical room complies with the requirements of Section 8.80.160 of the Long Beach Municipal Code.	City of Long Beach Planning	
MM NOI-4	Prior to approval of plans through plan check for the McDonald Trust parcels warehouse	Prior to approval of plans through plan check for the McDonald Trust parcels warehouse, the Applicant shall post signs at the north truck parking area that limits truck idling to one truck at a time and idling time to less than five minutes. The Applicant shall also post signs at the north parking area requiring refrigerated trucks or other trucks with internal combustion auxiliary power systems to park in the truck parking area west of the warehouse. All sign locations shall be clearly shown on project plans.	City of Long Beach Planning	

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
MM NOI-5	Prior to approval of plans through plan check for the McDonald Trust parcels self-storage building	Prior to approval of plans through plan check for the McDonald Trust parcels self-storage building, the Applicant shall provide evidence that the HVAC units noise complies with the requirements of Section 8.80.200 of the Long Beach Municipal Code.	City of Long Beach Planning	
TRIBAL CULTURAL RESOURCES				
TRIB CULT-1	During the construction phases that involve ground disturbing activities	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 onsite 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 onsite 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.	City of Long Beach Planning	
TRIB CULT-2	Upon discovery of any tribal cultural or 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 Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.		

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
TRIB CULT-3	Upon discovery of any tribal cultural or archaeological resources	Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non profit institution with a research interest in the materials, 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.	City of Long Beach Planning	
TRIB CULT-4	Upon discovery of human remains	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.	County Coroner	
TRIB CULT-5	Upon discovery of human remains	<p>Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).</p> <ul style="list-style-type: none"> • If the Gabrieleno Band of Mission Indians—Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. 	County Coroner	

**PACIFIC PLACE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure No.	Timing	Measure	Responsible for Monitoring	Completion
		<ul style="list-style-type: none"> • Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains. <p>Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <ul style="list-style-type: none"> • Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified. 		

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2021, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

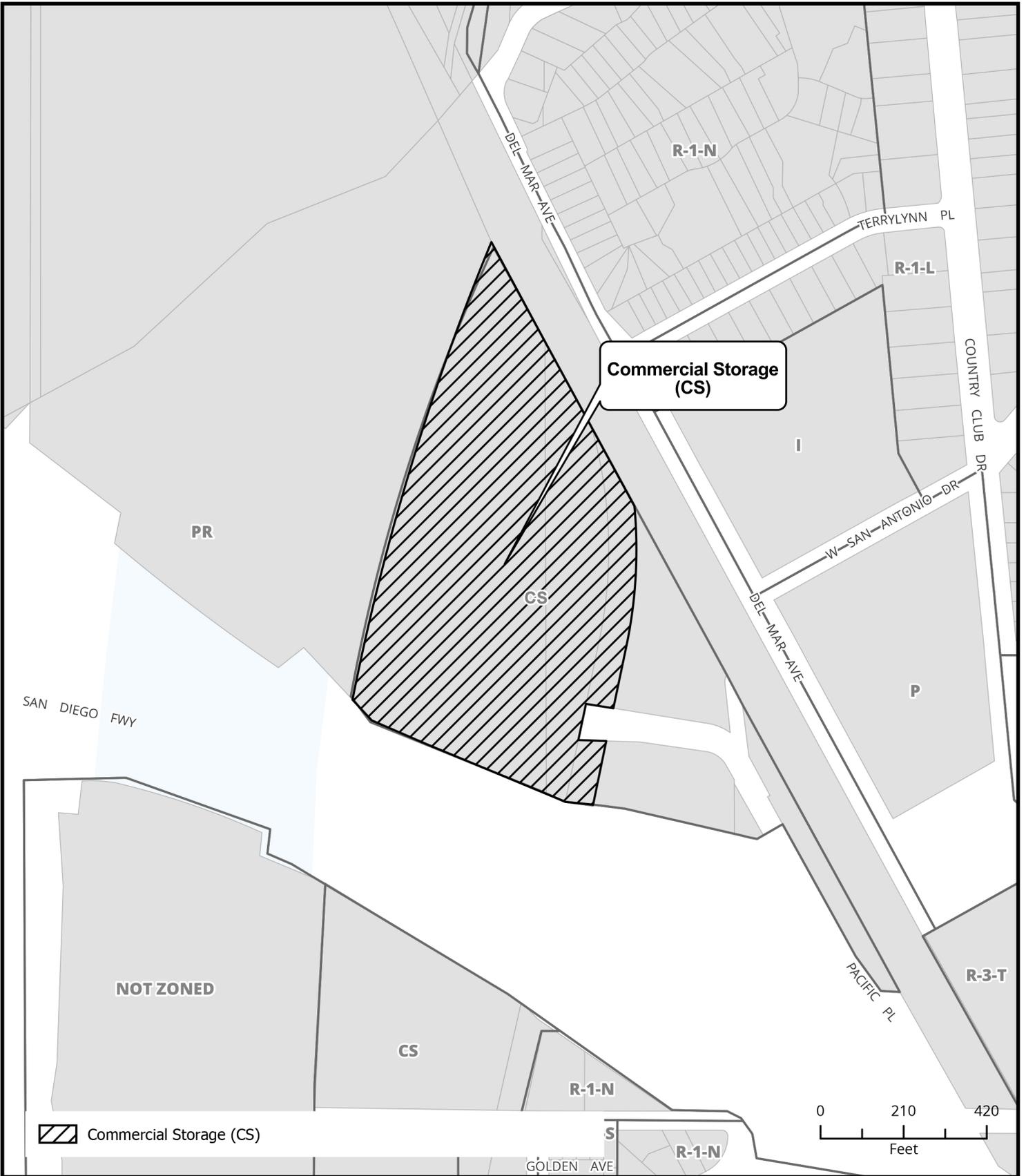
Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____

Mayor



AMENDMENT TO A PORTION OF PARTS
22, AND 15 OF THE ZONING MAP

Rezoning Case
2005-08
(ZCHG20-004)

