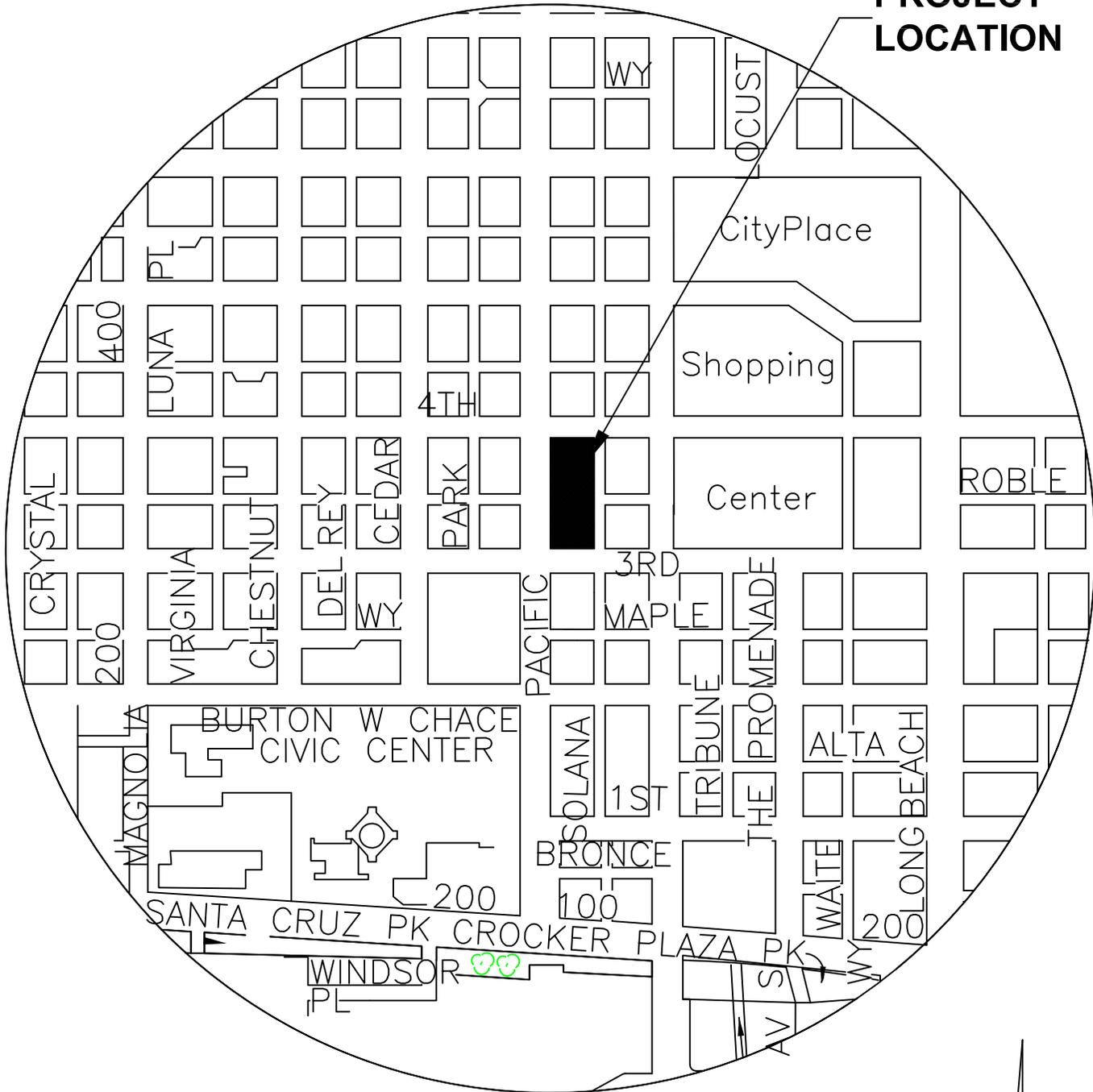


**PROJECT
LOCATION**



VICINITY MAP

NO SCALE

CITY OF LONG BEACH - CALIFORNIA
DEPARTMENT OF PUBLIC WORKS, ENGINEERING BUREAU

**TRACT MAP 82334
131 WEST 3RD STREET
NORTH OF 3RD STREET AND SOUTH OF 4TH STREET**

CONDITIONS OF APPROVAL
Modification to an Approved Permit
131 West 3rd Street
Application No. 2010-32 (MOD20-008)
April 1, 2021

Special Conditions:

1. The following approvals are granted for this project:
 - a. Finding the Revised Project consistent with the previously approved EIR Addendum (EIRA-02-19) to the Downtown Plan Program EIR (SCH # 2009071006).
 - b. Site Plan Review approval for the project as depicted on plans submitted to the Department of Development Services, consisting of:
 - 1) One mid-rise building consisting of 271 residential units (rather than 345 units) in one mixed-use building, 8 stories in height with 2 levels of subterranean parking and 2 levels of at-grade/above grade parking (rather than in 2 buildings: one mixed-use tower [23 stories in height with above grade and subterranean parking] and one mid-rise mixed-use building [8 stories in height with above grade and subterranean parking]). The mixed-use building includes 11,912 square feet of retail space (12,981 square feet including outdoor patio), 352 parking spaces (unique) (395 spaces including tandem), and 59 bicycle parking spaces (rather than 14,481 square feet of retail space, 563 parking spaces, and 128 bicycle parking spaces).
 - 2) A public paseo area at the area of the vacated Roble Way that includes linear concrete pavers, wood bench seating, decorative wood paving (along serpentine bench), raised powder coated aluminum planters, raised wood planters (wood to match architecture), decorative overhead lighting that continues from Pacific Avenue to the improved pedestrian crosswalk at Pine Avenue, artful rope lights as a centerpiece of the Paseo and trash receptacles.
 - 3) 11,912 square feet of retail space (12,981 square feet including outdoor patio) at the ground floor level.
 - c. A revised Vesting Tentative Tract Map to create one master ground lot and six (6) airspace lots.

Plans and Construction

2. The applicant shall provide for “bird-safe” glazing on all buildings as follows:

- a. Fritting, permanent stencils, frosted, nonreflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, or UV patterns visible to birds shall be used to reduce the amount of untreated glass or glazing to less than thirty-five percent (35%) of the building facade.
 - b. Where applicable, vertical elements within the treatment pattern should be at least one-quarter inch (1/4") wide at a maximum spacing of four inches (4") and horizontal elements should be at least one-eighth inch (1/8") wide at a maximum spacing of two inches (2").
 - c. No glazing shall have a "Reflectivity Out" coefficient exceeding thirty percent (30%). That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed thirty percent (30%).
 - d. The building owners and operators shall participate in "Lights Out for Birds" programs or similar initiatives by turning off lighting at night, particularly during bird migration periods.
3. Prior to the issuance of a building permit, the applicant shall notify all adjacent property owners and occupants in writing of when the start of grading/construction is to occur. The letter shall include a name and phone number of a responsible person who has the authority to resolve concerns.
4. Prior to the issuance of building permits, the applicant shall prepare a supplemental traffic and circulation studies to facilitate a discussion of a pedestrian scramble crosswalk at Pacific Avenue and West 4th Street. The study shall include analysis of signal timing and Metro rail transit travel times to determine how the scramble may be incorporated. The applicant shall submit these required studies to the Planning Bureau for review and consideration to the Department of Public Works and Metro staff. If it is determined that the scramble crosswalk is appropriate. The applicant shall either install or pay its fair share of the improvements prior to issuance of a Certificate of Occupancy.
5. The full width of the proposed public pedestrian paseo shall be constructed prior to the issuance of Certificate(s) of Occupancy for the project.
6. All required on-site parking for the project buildings shall be provided and maintained upon issuance of a Certificate of Occupancy for the project building.
7. Pursuant to section 21.45.400 (c), the project shall meet the intent of LEED at the Certified level to the satisfaction of the Director of Development Services. Prior to issuance of any project-related building permits, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration, or provide proof by a third party as meeting the intent of LEED at the level required by Chapter 21.45.400.
8. Pursuant to Section 21.45.400 (i), the applicant shall design and provide for "solar-ready" building rooftops and "solar-ready" infrastructure on flat-roof buildings, for possible future installation of solar panels.

9. Pursuant to section 21.45.400 (i), a designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.
10. Prior to issuance of a Certificate of Occupancy, any unused curb cuts adjacent to the project site shall be closed and reconstructed to full-height curb and gutter under a permit from the Department of Public Works, to the satisfaction of the Director of Development Services.
11. The applicant shall comply with all comments from the Los Angeles County Metropolitan Transportation Authority (Metro) in a letter dated December 4, 2020. These conditions include, but are not limited to the following:
 - a. Construction Safety: The construction and operation of the Project shall not disrupt the operation and maintenance activities of the Metro A Line (Blue) or the structural and systems integrity of Metro's light rail infrastructure. Not later than one month before Project construction, the Applicant shall contact Metro to schedule a pre-construction meeting with all Project construction personnel and Metro Real Estate, Construction Management, and Construction Safety staff. During Project construction, the Applicant shall:
 - 1) Work in close coordination with Metro to ensure that track structural integrity are not compromised by construction activities or permanent build conditions;
 - 2) Construct a protection barrier to prevent objects, material, or debris from falling onto the ROW;
 - 3) Notify Metro of any changes to demolition and construction activities that may impact the use of the ROW;
 - 4) Permit Metro staff to monitor demolition and/or construction activities to ascertain any impact to the A Line (Blue) ROW.
 - b. OCS Protection: The Applicant shall take all necessary measures to protect the OCS from damage due to Project activities during and after construction, pursuant to applicable California Department of Industrial Relations regulations (Cal. Code of Regulations, Title 8). The Applicant shall post proper signage for equipment working around the OCS wires.
 - c. Setback: Any building protrusions facing the ROW (e.g. balconies, awnings and other appurtenances), as well as landscaping shall be set back at least ten (10) feet from the OCS wires and support structures in compliance with Metro requirements.
 - d. Sidewalk OCS Support: During Project construction, the Applicant shall take precautions to protect in place all poles and underground

infrastructure, and maintain access for Metro personnel to service them at all times.

- e. The applicant shall concurrently submit grading, shoring, and construction plans with engineering calculations, including any crane placement and radius, to the City of Long Beach Department of Development Services and to the Los Angeles County Metropolitan Transportation Authority (Metro) to evaluate potential impacts to the Metro Blue Line infrastructure in relationship to the Project. The Applicant shall demonstrate Metro's approval on the final set of plans and calculations prior to City of Long Beach building permit issuance.
 - f. The Developer's site plan proposes that the City vacate a 9-foot wide portion of public right-of-way previously dedicated for street widening purposes along Pacific Avenue. If the Developer intends to pursue a vacation, the Developer is responsible for providing a design which complies with all Long Beach Transit, Los Angeles County Metropolitan Transportation Authority (Metro), and City standards. At a minimum, the Developer shall provide two 12-foot wide northbound travel lanes, a bus stop location with ADA compliant sidewalk clearance, and a 5-foot wide buffer zone abutting the existing Metro Blue Line. Street improvements shall be made per plans reviewed and approved to the satisfaction of the Director of Public Works. In addition, the Developer shall process a vacation of right-of-way sufficient to provide these minimum design requirements along Pacific Avenue. The extent of the vacation is subject to review and approval of the interested agency, City Department and the Director of Public Works. The Developer shall submit a complete application to the City's Public Works Department prior to issuance of a building permit.
 - g. The project is located in the vicinity of existing facilities within the jurisdiction of, and therefore under the purview of, Long Beach Transit and Metro. The Developer is responsible for coordination with the applicable entity(s) and approvals from such. Note: The Developer shall coordinate with the applicable entity(s) for review and approval of the proposed modifications to Pacific Avenue.
12. The applicant shall concurrently submit grading, shoring, and construction plans with engineering calculations, including any crane placement and radius, to the City of Long Beach Department of Development Services and to the Los Angeles County Metropolitan Transportation Authority (Metro) to evaluate potential impacts to the Metro Blue Line infrastructure in relationship to the Project. The Applicant shall demonstrate Metro's approval on the final set of plans and calculations prior to City of Long Beach building permit issuance.

13. Prior to the issuance of a certificate of occupancy for any building on the project site, the developer shall record a public access surface easement for a two-foot (2') width of the north-south named alley (Solana Court), to the satisfaction of the Director of Development Services. This easement shall be required to be publicly accessible 24 hours a day, 7 days a week.
14. The Final Map shall be recorded with the County of Los Angeles prior to the issuance of a building permit for the project (excluding demolition and grading permits). The Final Map shall note all details to the satisfaction of the Department of Development Services and the Department of Public Works, including, but not limited to:
 - a. All dimensions of ground and airspace lots.
 - b. Vertical guidelines to show alignment between the different airspace levels.
 - c. Dedication, easement, and vacation areas on the 3D airspace view.
15. Prior to the issuance of a certificate of occupancy for the proposed building on the project site, the developer shall record a public access surface easement for the vacated named alley (Roble Way) at the full width of the proposed pedestrian paseo, to the satisfaction of the Director of Development Services. This easement shall be required to be publicly accessible 24 hours a day, 7 days a week. The amenity is required to be maintained open and available for public access in accordance with PD-30 development standards for paseos.
16. The public paseo shall be developed in substantial conformance with the plans presented to the Planning Commission on April 1, 2021. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design, including, but not limited to, the following items:
 - a. Linear concrete pavers onsite and offsite that continue to Pine Avenue
 - b. Wood bench seating
 - c. Decorative wood paving (along serpentine bench)
 - d. Raised powder coated aluminum planters
 - e. Raised wood planters (wood to match architecture)
 - f. Decorative overhead lighting that continues from Pacific Avenue to the improved pedestrian crosswalk at Pine Avenue
 - g. Artful rope lights as a centerpiece of the Paseo
 - h. Reflective metal panels on the “connector” building element that spans the paseo to reflect the lighting and serve as a “beacon” to invite passerby to explore the space.
 - i. Trash receptacles

17. Prior to issuance of a grading or demolition permit (whichever occurs first), the developer shall submit a proposed haul route/trucking route for all construction truck trips for review by the Director of Development Services and the City Engineer. The Director of Development Services and/or City Engineer may modify this proposed haul route/trucking route prior to its approval, as they deem necessary to protect the public safety and welfare, and to prevent negative impacts upon neighboring uses. Said modifications (if any) and approval shall be binding upon all hauling activities and construction truck trips by the developer.
18. The developer shall abide by the haul route/trucking route approved by the Director of Development Services and City Engineer. Failure to do so shall cause the City to issue a stop work order and withhold issuance of further construction permits, inspections, or certificates of occupancy, until such time as the Director of Development Services and City Engineer determine the developer's hauling practices to be remedied.
19. Prior to the issuance of grading and building permits, the applicant shall submit a pedestrian access and protection plan to the Department of Development Services and the Department of Public Works for review and approval. The plan shall detail all pedestrian access closures and detail detours for safe navigation around the project site during construction. The approved pedestrian access and protection plan shall be maintained on-site at all times during project construction activities.
20. The project shall be developed in substantial conformance with the plans presented to the Planning Commission on April 1, 2021. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design, including, but not limited to, the following items:
 - a. Glazing selections and quality,
 - b. Architectural design and features,
 - c. Ground-floor storefront window systems, and
 - d. All materials and finish selections specifically identified on plans, or amended herein, and the virtual materials sample board provided with the project file application, or equal or better to the satisfaction of the Director of Development Services.
21. The proposed ground floor elevations shall not include cement plaster. Acceptable materials include architectural concrete or precast concrete panels, stone, curtain wall and heavy gage metal panel, and brick. All ground floor areas shall include either architectural concrete, painted concrete, or high-quality materials in compliance with the PD-30 design standards.
 - a. Prior to the issuance of building permits, the Applicant shall provide a sample of all materials and finish selections specifically identified on plans, or amended herein, and the virtual materials sample board provided with

the project file application, or equal or better to the satisfaction of the Director of Development Services.

22. All proposed greenscreens depicted on plans shall be maintained in a live, healthy, and attractive condition. These areas shall not be replaced with artificial planting wall.
23. The proposed dog amenity areas at the interior of the site shall be maintained in a neat and orderly condition.
 - a. The property management office or representative shall inspect and clean all outdoor dog amenity areas daily and properly dispose of associated dog waste on a daily basis. Areas shall be washed with an odor neutralizing wash.
 - b. A sign shall be installed at the turf area that requires dog owners to pick up after their pet. The sign plan shall be submitted to the Planning Bureau prior to the issuance of a Certificate of Occupancy.
 - c. A sign shall be installed at the dog amenity area that requires each dog to be under the control of an adult person responsible for the dog. The sign plan shall be submitted to the Planning Bureau prior to the issuance of a Certificate of Occupancy.
 - d. The turf area and pavement shall be improved with materials substantially impervious to moisture and able to be easily cleaned and sanitized. All proposed flooring shall be properly sealed. Floor drains shall be installed throughout the dog amenity area to ensure that the space can easily be sprayed down.
 - e. A water spigot/hose shall be installed in the dog amenity area to ensure proper sanitation methods can be adhered to.
 - f. Noise levels emanating from the dog amenity areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.
 - 1) In the event that substantiated complaints of noise in excess of the Noise Ordinance, the applicant would be required to work with the City to implement and document measures to monitor noise levels at adjacent residential uses, including but not limited to an annual noise monitoring study, amending operating hours, repositioning/redirecting speakers, noise baffling construction methods, or implementing new technology to attenuate noise.
24. If the dog amenity area is not constructed, this area shall remain an open-air amenity area for the proposed development, subject to review and approval by the Director of Development Services.
25. No signage is approved as part of this application. The proposed vertical address on the proposed north elevation shall be removed and replaced with cement board as an integrated accent material to the overall design.

26. The applicant shall submit an application for a Sign Program for all project site building. No permanent on-site signs requiring a sign permit shall be installed prior to approval of a Sign Program. The Sign Program shall include signage for all vehicular access and loading areas.
27. The Sign Program for the site shall include wayfinding signage consistent with City design standards for public space. This wayfinding signage shall clearly indicate that Roble Way is public amenity area.
28. Minor changes to these approved plans, in keeping with the intent and spirit of the project approvals, may be approved at the discretion of the Director of Development Services. For any major changes, including changes to building/architectural materials, on-site improvements, site plan or layout, landscaping, or other significant items (including deviations from any of these conditions of approval), the developer shall be required to submit an application for a Modification of Approved Permit (Planning Commission approval).
29. The applicant shall provide a copy of the Covenants, Conditions, and Restrictions (CCRs) to the Department of Development Services for review and approval prior to recordation of the Final Tract Map with the County of Los Angeles Clerk Recorder.
30. The CCRs shall include a stipulation that the bike kitchen at the ground floor of the north mid-rise building shall be maintained in perpetuity for the residential uses onsite. The CCRs shall note that the location of the bike kitchen in Airspace Lot 1 shall not constitute this area as for retail use.
31. The CCRs shall include a stipulation and floor plans noting the separation of parking areas for residential, guest, and retail uses.
32. All thirty-four (34) units under the size of 600 square feet shall have the following amenities subject to review and approval by the Director of Development Services or designee:
 - a. Open floor plans to enhance daylight, views, and livability;
 - b. Private washer and dryer, and
 - c. Outdoor deck
 - d. Closet organizers (installed and maintained in each of the units under 600 square feet in size)
33. The developer shall provide a sample of all final exterior finish and architectural materials and colors selected for construction for review by the Director of Development Services, prior to issuance of a building permit for new construction. If these materials are found to be below the standards approved in concept, the developer shall remedy the deficiency by revising plans to include exterior finish and architectural materials and colors to the satisfaction of the Director of Development Services.

34. The architectural design of all buildings shall be harmonious and complementary, and in conformance with the design requirements and guidelines of the PD-30 Ordinance. The architectural style and materials shall not be changed; except as provided by these conditions of approval.
35. The developer shall install decorative pavers, subject to review and approval by the Department of Public Works, in the full width of the alley paseo (Roble Way), as shown on plans submitted to the Planning Commission.
36. All groundcover and shrubs shall be drought-tolerant and low-water requirement species. The project landscaping shall comply with the Water Efficient Landscaping standards of Chapter 21.42 of the Zoning Regulations.
37. Landscape plans shall be submitted as a separate, but concurrent plan check.
38. Pursuant to Section 21.42.050 of the City Municipal Code, one (1) large canopy street tree, of not less than twenty-four inch (24") box size, shall be provided for each twenty-five feet (25') of property line length. Street trees shall be consistent with the street tree standards and designated species outlined in the Downtown Plan (PD-30). Enhanced landscaped parkway areas should extend beyond the tree wells as shown on conceptual landscape plans. The landscaped parkway shall be located in coordination with the location of on-street parking.
 - a. Street trees shall be spaced from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway as provided in Chapter 14.28 of the Municipal Code.
39. All forms of barbed wire and razor wire shall be prohibited on the site.
40. Any street lights, pedestrian lights, parking lot lights, and other exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of Development Services prior to issuance of building and electrical permits. All lights shall be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure, in compliance with the appropriate backlight/uplight/glare (BUG) rating requirements of the Illuminating Engineering Society of North America (IESNA) equivalent to the previous standard for certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.
41. The developer shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations and the applicable standards of the PD-30 ordinance. The trash receptacles shall be constructed in conjunction with each applicable phase of the project.

42. Prior to the issuance of building permits and commencement of construction activities, the applicant or construction contractor shall notify adjacent and adjoining property owners/occupants of the initiation of construction activities. The notification shall include the days and hours of construction and contact information for potential complaints.
43. During construction, in order to avoid archaeological resources, human remains, and paleontological resources plans containing specific details and logistics for carrying out the Program EIR mitigation measures will be prepared. The plans shall cover archaeological resources/human remains and paleontological resources, and would include: the professional qualification standards for archaeological and paleontological staff (following the Secretary of the Interior and Society for Vertebrate Paleontology, as applicable); communication protocols; a description and maps noting the locations/depths of where monitoring is required based on sensitivity and construction plans; training for construction personnel; the process for modifying monitoring frequency (reducing or discontinuing); protocols to follow in the event of a discovery, including work stoppage and notification procedures; an outline for significance evaluations of discovered resources; protocols for sampling, recovery, treatment, and analysis of resources; and reporting and curation requirements.
44. Cultural tribal monitoring with the local culturally affiliated tribe will still be required during construction. The project applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the culturally affiliated tribe and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.
45. Pile-driving as a means of construction is explicitly prohibited during all phases of construction.

Use and Operation

46. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.

47. Each individual residential dwelling unit shall be assigned at least one permanent parking stall. Priority shall be given to two- and three-bedroom units for assignment of additional parking stalls.
48. Each pair of residential tandem parking spaces shall be assigned to one dwelling unit only. Use of tandem parking spaces for non-residential or guest parking shall be prohibited, except for valet parking operations.
49. The developer shall obtain approvals from the Department of Public Works to install white-painted curb (passenger loading zone) and yellow-painted curb (loading zone) adjacent to the project site on West 4th Street in the lengths necessary to accommodate the reasonably-anticipated passenger loading and loading demands of the project.
50. All refuse collection shall take place at the alley (Solana Court), with all trash receptacles being moved internally within the project site to the alley for collection. Refuse collection and the movement of trash receptacles on West 3rd Street, Pacific Avenue, and West 4th Street shall be prohibited. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.
51. The applicant shall inform all tenants of restrictions regarding loading activities by means of incorporating said language into leasing agreements.
52. All exterior on-site newsstands and racks (including free publications, classifieds, etc.), vending machines, donation bins, and publicly-accessible telephones shall be prohibited, and any existing ones shall be removed.
53. One or several central satellite television/data receiver dish(es) shall be located on the roof of the building or in another utility area so that a separate satellite receiver dish is not needed for each residential and commercial unit.

Building and Safety Conditions

54. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated on December 22, 2020.

Fire Department Conditions

55. The applicant shall provide for all CPTED (crime prevention through environmental design) recommendations issued for the project by the Long Beach Police Department, in the memo dated December 7, 2020.

Water Department Conditions

56. The applicant shall comply with all comments from the Long Beach Water Department dated on December 4, 2020.

Energy Resources Department Conditions

57. The applicant shall comply with all comments from the Long Beach Energy Resources Department issued for the previous application (App. No. 1807-11) or revised as applicable.

Public Works Conditions

58. The applicant shall comply with all comments from the Long Beach Department of Public Works dated on March 16, 2021. The developer shall provide for the following to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

- a. The final map shall be based upon criteria established by the California Subdivision Map Act and/or Title 20 of the Long Beach Municipal Code.
- b. Prior to final map approval, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.
- c. All off-site and/ or public improvements and facilities required by the Department of Public Works not in place and accepted prior to final map approval, must be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. Prior to final map approval, the Subdivider shall submit its on-site parking management plan and project Conditions, Covenants and Restrictions (CC&R's) for review and approval of the Director of Public Works.
- e. The Subdivider and successors shall be responsible for the maintenance of the site drainage system, and for the operation and maintenance of any private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project CC&R's, and a recorded copy of said document shall be provided to the Director of Public Works.
- f. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected prior to approval of the final map, or a private drainage easement recorded on the map, to the satisfaction of the Director of Public Works.

- g. Subdivider proposes subterranean and architectural projection encroachments into the public right-of-way that include underground parking garages, architectural features, balconies, and awnings. Construction plans shall be submitted to the Department of Public Works for all projections beneath/over the public right-of-way, to be reviewed for approval as to compliance with Long Beach Municipal Code, Title 14, Chapter 14.48, to the satisfaction of the Director of Public Works. All encroachments shall comply with the applicable code(s) or be eliminated.

Note: The Subdivider's site plan shows various projection encroachments into the public rights-of-way adjacent to the project site, both aerial and subterranean. Once dedicated to the City of Long Beach, a dedication line becomes the new property line. The encroachment of balconies and architectural features 8 feet or more above the established grade of the public right-of-way shall be a 1-inch projection for every 1-inch vertical rise, to a maximum of 4-foot projection at a 12-foot height.

- h. Doors and/or gates shall not swing or project into the public right-of-way. All door openings swinging into public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- i. The Subdivider proposes new refuse and recycling receptacle locations adjacent to the improved Solana Court alley. All refuse and recycling receptacles shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 8.60, including receptacle specifications and collection services. The Subdivider and/or successors shall ensure that all receptacles are placed for collection on-site, outside of the improved alley right-of-way, and be responsible for the cleanliness of the paved alley adjacent to the project site.
- j. The Subdivider proposes to improve portions of public right-of-way with decorative pavers to which an Installation and Maintenance Agreement is required. The Subdivider shall apply for an Installation and Maintenance Agreement from the City's Public Works Department for the maintenance of the pavers within the public right-of-way, prior to issuance of a building permit. All street improvements shall be constructed per Public Works Standards, per plans reviewed and approved by Public Works, and to the satisfaction of the Director of Public Works.
- k. Prior to the start of ANY demolition, excavation, or construction, the Subdivider shall,
 - i. Submit a construction plan for pedestrian protection, construction staging, scaffolding and excavations, and
 - ii. Submit a traffic control plan with street lane closures and routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.) prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, and
 - iii. Submit a plan for construction area and/or site perimeter fencing with custom printed screen(s),

- iv. All for review and approval by the Department of Public Works and installed in accordance with the latest version of the Public Works Development Guideline.

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

- l. The Subdivider shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, as determined during the plan check process, the right-of-way dedication way shall be provided.
- m. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and **submitted to the Public Works counter at the Permit Center on the 2nd Floor of City Hall (411 W. Ocean Blvd., Long Beach, CA 90802)**, for review and approval. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. **This is in addition to, and separate from, any plan check required by the Department of Development Services, Building & Safety Bureau.**
- n. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review to the Department of Public Works.

PUBLIC RIGHT-OF-WAY

- o. The Subdivider shall dedicate corner cut-offs and reconstruct the sidewalk/curb ramps as needed to provide minimum ADA clearance at the corners of Pacific Avenue, at West 3rd Street and West 4th Street, adjacent to the project site. A complete application along with all required items shall be submitted for review and processing or they can be processed on the Final Map
- p. The Subdivider shall be responsible for the relocation and/or undergrounding of utility lines, right-of-way dedications, quitclaim of easements, and/or new utility easements required in connection with this development; as structures cannot be built within an easement or dedicated area. Approved plans for relocation/undergrounding shall be submitted to Public Works along with the on-site grading plans.
- q. All outdoor dining areas within the public right-of-way shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 14.14 and

parklet standards. Separate approval is required prior to private use of the public right-of-way. The Subdivider shall contact the Department of Public Works, at (562) 570-6996, to request a Public Walkways Occupancy Permit application and initiate review.

- r. Subdivider shall be responsible for resolving all matters of easement(s) and/ or utilities encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.
- s. Subdivider shall provide easements to the City of Long Beach for any City required facilities including traffic signal controls, signage, required slopes, bus stops, refuse collection access, and any other public utilities and/ or necessities, to the satisfaction of the public agency or City Department with interest. All easements shall show on the final map.
- t. Unless approved by the Director of Public Works, easements shall not be granted to third parties within areas proposed to be granted, dedicated, or offered for dedication to the City of Long Beach for public streets, alleys, utility or other public purposes until the final map filing with the County Recorder. If easements are granted after the date of tentative map approval and prior to final map recordation, a notice of subordination must be executed by the third-party easement holder prior to the filing of the final map.

OFF-SITE IMPROVEMENTS

- u. The Subdivider proposes improvements that may impact existing underground/ above ground utilities adjacent to the project site. The Subdivider is responsible for all design, applicable utility approval, permitting, relocation work, and commissioning as required by the interested agency and shall work with each utility directly.
- v. Along Pacific Avenue adjacent to the project site, the Subdivider shall be responsible for modifying the roadway section to the satisfaction of the Director of Public Works. Modifications shall apply to, but may not be limited to, the following: sidewalk pavement, curb, curb gutter, landscaping, curb ramps, existing public facilities, roadway pavement, traffic signal equipment, traffic striping and signage.
- w. The Subdivider shall widen Solana Court 4 feet west of centerline with additional Portland cement concrete. The Subdivider shall reconstruct the full width of Solana Court adjacent to the development site, undergrounding and/or relocating existing utility poles to accommodate the alley widening. All obstructions within the proposed alley widening shall be relocated by the Subdivider at project expense, and to the satisfaction of the Director of Public Works.
- x. The Subdivider shall reconstruct the Solana Court alley intersections and curb returns, at West 3rd Street and West 4th Street, to align with the proposed alley

widening. Alley improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.

- y. The Subdivider shall provide for public street lamps or install on-site alley lighting to the improved alley adjacent to the project site, to the satisfaction of the Director of Public Works.
- z. The Subdivider shall check with the Long Beach Water Department, at (562) 570-2300, and the Energy Resources Department, at (562) 570-2000, for scheduled main replacement work prior to submitting alley improvement plans to the Department of Public Works.
- aa. Subdivider shall demolish and replace the alley intersection at Pacific Avenue and Roble Way with full-height curb, curb gutter and sidewalk pavement. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- bb. The Subdivider shall remove unused driveways and curb cuts, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- cc. The Subdivider shall demolish the existing sidewalk pavement and curb ramps located on the corners of Pacific Avenue, at West 3rd Street and West 4th Street, adjacent to the project site, and construct new ADA compliant sidewalk pavement and curb ramps to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- dd. The Subdivider shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the development site, to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- ee. The Subdivider shall provide for new tree wells and street trees with root barriers adjacent to the project site, per Section 21.42.050 of the Long Beach Municipal Code. Street trees requiring removal shall be relocated or replaced to the satisfaction of the Director of Public Works. The Subdivider and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. At a minimum, parkway trees shall provide shade coverage, after five years of growth, of 50% of the total area dedicated for public right of way.

- ff. Prior to ANY demolition, excavation, or construction the Subdivider shall install Custom Printed Flex Mesh screen(s) along the perimeter of the development site, such as FenceScreen.com Series 311, or equivalent, fence screening, and provide for the printed graphic to the satisfaction of the Director of Public Works. The graphics shall depict positive images of the City or other artistic concepts. Prior to submitting the graphic design for printing, the Subdivider shall consult with the Department of Public Works to review and approve.
- gg. The Subdivider shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements, adjacent to the development site and/or along the truck delivery route, found damaged as a result of construction activities shall be reconstructed or replaced by the Subdivider to the satisfaction of the Director of Public Works.
- hh. The Subdivider shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- ii. The Subdivider shall provide for the relocation of the street light conduit, beneath the southwest corner of the project site, to be outside of the proposed building footprint. The Subdivider shall contact City Light and Power to schedule the relocation work prior to submitting on-site grading plans, to the satisfaction of the Director of Public Works. Approved plans for relocation shall be submitted to Public Works along with the on-site grading plans.
- jj. To the satisfaction of the Director of Public Works, the Subdivider shall submit for approval a shoring plan, for any temporary or permanent tiebacks/soil nails that are required to extend beneath the public rights-of-way adjacent to the project site. Tiebacks/soil nails shall be installed, maintained and removed per the standards and requirement of Long Beach Municipal Code Chapter 14.08.
- kk. The Subdivider shall submit a grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to issuance of a building permit.
- ll. The project is located in the vicinity of existing facilities within the jurisdiction of, and therefore under the purview of, Long Beach Transit and Metro. The Subdivider is responsible for coordination with the applicable entity(s) and approvals from such.

Note: The Subdivider shall coordinate with the applicable entity(s) for review and approval of the proposed modifications to Pacific Avenue.

- mm. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI), and a certification from the Subdivider or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office, at (213) 576-6600, or visit their website for complete instructions at www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml. Left-click on the Construction General Permit Order 2009-0009-DWQ link.

TRAFFIC AND TRANSPORTATION

- nn. A traffic impact analysis must be prepared for this project, under the supervision and approval of a registered Traffic Engineer in the State of California (Engineer's stamp required), and submitted for review to the City Traffic Engineer prior to issuance of a building permit. The Subdivider shall submit a scoping letter to the City prior to proceeding with the traffic impact analysis. In addition, any physical street improvements must include a scaled drawing stamped by a registered Civil Engineer in the State of California. Any conditions generated by the analysis shall be made a part of these conditions.

Note: The Subdivider shall submit a detailed drawing (including a cross-section and applicable dimensions) and preliminary striping plan for Public Works review and approval of the proposed modifications to Pacific Avenue.

- oo. The Subdivider shall be responsible to improve certain traffic signal related equipment to current California Manual on Uniform Traffic Control Devices (CA MUTCD) and/or City of Long Beach Standards, at the intersections of Pacific Avenue/West 4th Street and Pacific Avenue/West 3rd Street directly impacted by the development. The traffic signal related equipment requiring improvement shall also be within the signalized intersection(s) deemed to be significantly impacted by the Subdivider's project, based on the results of the traffic impact analysis. If not existing, the Traffic Signal related equipment shall include, but may not be limited to the following:
- v. All Traffic Signal indications shall be updated to 12-inch Light-Emitting Diode (LED) units.
 - vi. 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.
 - vii. All pedestrian indications shall be upgraded to LED Countdown Modules within all pedestrian crossings.
 - viii. All pedestrian push buttons shall be upgraded to the most current City Standard.

- ix. All signalized intersections will require the installation of Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be completed per the most current City Standard.
 - x. Because of the fact that so many City of Long Beach traffic signals operate and share coordinated signal timing plans, the Subdivider shall install a GPS Module at all traffic signals that are directly impacted by their project. The GPS Modules create accurate time-based communications between nearby traffic signals.
 - xi. The Subdivider may be asked to update the traffic signal controller located in the traffic signal cabinet. The existing traffic signal controller may not have the capability to handle the complexities of new traffic patterns that are directly related to the Subdivider's project. In such cases, the Subdivider will be asked to install a new traffic signal controller based on the most current City Standard, McCain 2070 Controllers.
- pp. New crosswalks in the vicinity of the project shall be added by the Subdivider at the intersections of Pacific Avenue/West 4th Street and Pacific Avenue/West 3rd Street, to the satisfaction of the City Traffic Engineer. The Subdivider shall be responsible to upgrade all existing crosswalks, and install all new thermoplastic continental crosswalks, to the newest City standards.
- qq. The Subdivider's proposed site plan shows two locations identified as 'LOADING'; one at each building, both along Solana Court near the intersection with Roble Way. These areas are limited to use by vehicles no larger than a "Van" and shall only be accessed by reversing into them. The Subdivider agrees to install signs indicating these limited uses and maneuvers. The Subdivider agrees to install convex mirrors attached to the building or other non-public property, to assist and increase the driver's visibility of Roble Way, when exiting these areas.
- rr. The Subdivider shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks, along with protection, removal and/or replacement of existing bicycle racks/ installation of new bicycle racks, or contribute a fair share fee to the City for future implementation to the satisfaction of the City Traffic Engineer.
- Note: The locations of the proposed bicycle racks along Pacific Avenue shall not be in conflict with the nearby bus stop loading zone or restrict ADA pedestrian access to the bus stop.
- ss. The Subdivider shall be responsible for the installation of a Bike Share Station adjacent to the project site, to the satisfaction of the City Traffic Engineer. The Subdivider shall contact the Transportation Mobility Bureau, at (562) 570-6384, to request additional information regarding Bike Share requirements.
- tt. There is a high volume Long Beach Transit bus stop on Pacific Avenue adjacent to the development site. The Subdivider shall incorporate enhancements to

improve the bus stop into this project. The Subdivider shall collaborate with Long Beach Transit and the City's Public Works Department to take advantage of this opportunity.

Note: The Subdivider's site plan shows the relocation of the bus stop approximately 9 feet west of its current location per the approved vacation of right-of-way. The relocation of the bus stop on Pacific Avenue shall be reviewed and approved by Long Beach Transit and the Department of Public Works. Subject to approval, the Subdivider shall be responsible for providing all necessary improvements for the relocation of the bus stop.

- uu. The Subdivider shall contact Long Beach Transit prior to the commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations at the existing bus stop on Pacific Avenue. Contact the Manager of Service Development Planning, Shirley Hsiao, at (562) 591-8753.
- vv. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet in width require a variance; contact the Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.
- ww. The Subdivider shall be responsible for providing new metered parking facilities, curb marking and striping adjacent to the full-height sidewalk, curb and curb gutter along West 3rd Street. All traffic improvements shall be installed to the satisfaction of the City Traffic Engineer.
- xx. The Subdivider's site plan shows a proposed rideshare loading zone along West 4th Street near the northwest corner of the project site. This loading zone is not acceptable at this location. Public Works recommends that the loading zone be located further east along West 4th Street, adjacent to the Solana Court alley intersection. Parking tees shall be modified to accommodate and enlarge the proposed loading zone so that it is equal to two parking spaces in size and shall serve as both a Commercial Loading and Unloading Zone and rideshare loading zone. The curb shall be painted yellow at this location and the Subdivider shall install signage noting this area as a **LOADING and UNLOADING ZONE ONLY FROM 7 AM TO 6 PM, except SUNDAYS AND HOLIDAYS, PER THE LONG BEACH MUNICIPAL CODE.**
- yy. The Subdivider shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.

- zz. The Subdivider shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- aaa. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- bbb. The Subdivider shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify any existing curb marking zones and/or install new colored curb adjacent to the project site.
- ccc. All traffic control device installations, including pavement markings within the private parking garages and along the proposed speed table, shall be installed in accordance with the provisions of the current edition of the CA MUTCD (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

Downtown Plan PEIR and EIR Addendum Mitigation Measures

- 59. The developer shall provide for compliance all mitigation measures of the Downtown Plan Program EIR (PEIR) that apply to this project. These mitigation measures are attached to these conditions of approval and by this reference made a part hereof.

Standard Conditions – Plans, Permits, and Construction:

- 60. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
- 61. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions shall be printed on the site plan or a subsequent reference page.
- 62. The plans submitted for plan review shall explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.

63. Prior to the issuance of a building permit, the applicant shall depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
64. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
65. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan shall be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
66. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
67. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
68. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
69. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
70. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
71. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
72. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau shall be secured.

73. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
74. For projects consisting of new buildings, parking lots, or landscaped area, the applicant shall submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to the issuance of a building permit. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. Turf shall be limited to less than 50 percent of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50 percent or more of the planted area (as measured in square feet of landscape) shall be comprised of drought-tolerant plants, to the satisfaction of the Director of Development Services.
75. For new construction, all landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
76. All landscaping irrigation systems shall use high efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.
77. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Development Services. Public right-of-way improvements shall be exempt from this requirement. If the feasibility of using permeable pavement is uncertain, it shall be the developer's responsibility to demonstrate that a given application of permeable pavement is not feasible, to the satisfaction of the Director of Development Services.
78. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
79. Energy conserving equipment, lighting, and construction features shall be utilized in this project.

80. Low-flow fixtures shall be used for all lavatory faucets, kitchen faucets, showerheads, toilets, and urinals. Toilets may be either low-flow or dual flush. Maximum flow rates for each fixture type shall be as follows: lavatory faucet – 2.75 GPM, kitchen faucet – 2.20 GPM, showerhead – 2.00 GPM, toilet – 1.3 GPF, dual flush toilet – 0.8/1.6 GPF, urinal – 1.0 GPF. Plans submitted for review shall specifically identify such fixtures and flow rates.
81. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed

Standard Conditions – General:

82. This permit and all development rights hereunder shall terminate three years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the three-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
83. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment shall be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
84. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
85. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
86. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements shall be recorded with all title conveyance documents at time of closing escrow.

87. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
88. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
89. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
90. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator shall clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
91. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
92. Any graffiti found on site shall be removed within 24 hours of its appearance.
93. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
94. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
95. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.

Attachment C

**CITY OF LONG BEACH
PLANNING COMMISSION
MINUTES**

**THURSDAY, APRIL 15, 2021
HELD VIA TELECONFERENCE, 5:00 PM**

Mark Christoffels, Chair
Joni Ricks-Oddie, Vice Chair
Erick Verduzco-Vega, Commissioner



Ron Cruz, Commissioner
Josh LaFarga, Commissioner
Jane Templin, Commissioner
Richard Lewis, Commissioner

FINISHED AGENDA AND DRAFT MINUTES

CALL TO ORDER

Chair Christoffels called the meeting to order at 5:03 p.m.

ROLL CALL

Also present: Oscar Orci, Director of Development Services; Christopher Koontz, Deputy Director of Development Services; Michael Mais, Assistant City Attorney; Patricia Diefenderfer, Planning Bureau Manager; Alexis Oropeza, Current Planning Officer; Maryanne Cronin, Project Planner; Marcos Lopez, Jr., Project Planner; Cuentin Jackson, Project Planner; Jonathan Iniesta, Planner; Dionne M. Bearden, Bureau Secretary.

Commissioners Ron Cruz, Josh LaFarga, Jane Templin, Erick Verduzco-Vega,
Present: Richard Lewis and Mark Christoffels

Commissioners Joni Ricks-Oddie
Absent:

FLAG SALUTE

Commissioner Lewis lead the flag salute.

MINUTES

[21-026PL](#)

Recommendation to receive and file the Planning Commission meeting minutes of April 1, 2021.

A motion was made by Commissioner Templin, seconded by Commissioner Cruz, to approve recommendation. The motion carried by the following vote:

Yes: 5 - Ron Cruz, Josh LaFarga, Jane Templin, Richard Lewis and Mark Christoffels

Absent: 2 - Erick Verduzco-Vega and Joni Ricks-Oddie

DIRECTOR'S REPORT

Patricia Diefenderfer, Planning Bureau Manager, provided the Director's Report.

SWEARING OF WITNESSES

REGULAR AGENDA

1. [21-024PL](#) Recommendation to determine that the project is within the scope of Environmental Impact Report Addendum EIRA-02-19 to the Downtown Plan Program Environmental Impact Report (SCH No. 2009071006) that was prepared for the previously approved project and warrants no further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines 15162; Approve Modification MOD20-008 to a previously approved project (App No. 1807-11) consisting of 271 residential units (rather than 345 units) in a single mixed-use building, eight-stories in height with and 11,912 square feet of ground floor commercial space on a 1.22-acre site located at 131 West 3rd Street in the Downtown Plan (PD-30) District. The previously approved Vesting Tentative Tract Map would be modified to reflect the revised project. (District 1)

Alexis Oropeza, Current Planning Officer, introduced Maryanne Cronin, Project Planner, who presented the staff report.

Chair Christoffels spoke.

Commissioner Templin spoke.

Maryanne Cronin, Project Planner, spoke.

Attachment C

CITY OF LONG BEACH
PLANNING COMMISSION
MINUTES

THURSDAY, APRIL 15, 2021
HELD VIA TELECONFERENCE, 5:00 PM

Commissioner Lewis spoke.

Maryanne Cronin, Project Planner, spoke.

Chair Christoffels spoke.

Tyson Sayles, applicant, spoke.

Chair Christoffels spoke.

Jonathan Iniesta, Planner, spoke.

Austin Metoyer provided public comment.

Dale Goldsmith, Land Use Counsel, spoke.

Jennifer provided public comment

Leanna Noble provided public comment.

Richard Solares, Architect, spoke.

Chair Christoffels spoke.

Patricia Diefenderfer, Planning Bureau Manager, spoke.

Tyson Sayles, applicant, spoke.

A motion was made by Commissioner Lewis, seconded by Commissioner Cruz, to approve recommendation. The motion carried by the following vote:

Yes: 6 - Ron Cruz, Josh LaFarga, Jane Templin, Erick Verduzco-Vega, Richard Lewis and Mark Christoffels

Absent: 1 - Joni Ricks-Oddie

2. [21-027PL](#)

Recommendation to adopt Addendum NDA 01-21 to the Long Beach Municipal Urban Stormwater Treatment (LB-MUST) Project Initial Study/Mitigated Negative Declaration (IS/MND) (ND 03-17) (State Clearinghouse No. 2017071068); Approve modification MOD21-003 to the previously approved LB-MUST Project (App No. 1807-12) to relocate the proposed wetlands to a 1.23-acre site across the street from the LB-MUST Treatment Facility at 901 De Forest Avenue in the

Attachment C

Light Industrial (IL) Zoning District. (District 1)

Alexis Oropeza, Current Planning Officer, introduced Maryanne Cronin, Project Planner, who presented the staff report.

Commissioner Templin spoke.

Patricia Diefenderfer, Planning Bureau Manager, spoke.

Colin Averill, Project Manager, spoke.

A dialogue ensued between Commissioner Templin and Colin Averill, Project Manager.

Chair Christoffels spoke.

A motion was made by Commissioner Templin, seconded by Commissioner LaFarga, to approve recommendation. The motion carried by the following vote:

Yes: 6 - Ron Cruz, Josh LaFarga, Jane Templin, Erick Verduzco-Vega, Richard Lewis and Mark Christoffels

Absent: 1 - Joni Ricks-Oddie

3. [21-028PL](#)

Recommendation to accept Categorical Exemption CE20-118 and approve a Tentative Tract Map TTM20-009 to permit a subdivision creating five (5) condominium units within two (2) previously approved buildings on a single, 7,500-square-foot, lot located at 1028 East 10th Street, Downtown Plan (PD-30) Planned Development Zoning District. (District 1)

Alexis Oropeza, Current Planning Officer, introduced Marcos Lopez, Jr., Project Planner, who presented the staff report.

Commissioner Templin spoke.

Alexis Oropeza, Current Planning Officer, spoke.

Jeffery Bradley provided public comment.

Chair Christoffels spoke.

Alexis Oropeza, Current Planning Officer, spoke.

Attachment C

A dialogue ensued between Chair Christoffels and Alexis Oropeza, Current Planning Officer.

A motion was made by Commissioner Cruz to approve recommendation, Seconded by Commissioner Templin. The motion carried by the following vote:

Yes: 6 - Ron Cruz, Josh LaFarga, Jane Templin, Erick Verduzco-Vega, Richard Lewis and Mark Christoffels

Absent: 1 - Joni Ricks-Oddie

4. [21-029PL](#)

Recommendation to recommend that the City Council find the proposed Zoning Code Amendment exempt from the California Environmental Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15061(b)(3) (Common Sense Exemption), as it will not result directly or indirectly in significant environmental impacts; Recommend that City Council approve a Zoning Code Amendment (ZCA20-015) to amend language within Title 5 of the Long Beach Municipal Code and within the Downtown Planned Development District (PD-30) to allow the operation of adult-use cannabis dispensaries within mixed-Use buildings in Downtown by way of Conditional Use Permit approval (Districts 1 and 2); and, Accept Categorical Exemption 20-147 and approve a Conditional Use Permit (CUP20-016) to allow the establishment and operation of an adult-use cannabis dispensary located at 433 Pine Avenue in the Downtown Planned Development District (PD-30). (District 1)

Alexis Oropeza, Current Planning Officer, introduced Cuentin Jackson, Project Planner, who presented the staff report.

Chair Christoffels spoke.

Commissioner Templin spoke.

Alexis Oropeza, Current Planning Officer, spoke.

A dialogue ensued between Commissioner Templin and Alexis Oropeza, Current Planning Officer.

Christopher Koontz, Deputy Director of Development Services, spoke.

Commissioner Lewis spoke.

Attachment C

Alexis Oropeza, Current Planning Officer, spoke.

A dialogue ensued between Commissioner Lewis and Alexis Oropeza, Current Planning Officer.

Patricia Diefenderfer, Planning Bureau Manager, spoke.

Commissioner Lewis spoke.

Commissioner Verduzco-Vega spoke.

Alexis Oropeza, Current Planning Officer, spoke.

Elliot Lewis, applicant, spoke.

Austin Metoyer provided public comment.

Leanna Noble provided public comment.

Chair Christoffels spoke.

Violeta Aguillar provided public comment.

Commissioner Lewis spoke.

Alexis Oropeza, Current Planning Officer, spoke.

Christopher Koontz, Deputy Director of Development Services, spoke.

Commissioner Lewis spoke.

Chair Christoffels spoke.

Patricia Diefenderfer, Planning Bureau Manager, spoke.

Mike Mais, Assistant City Attorney, spoke.

Chair Christoffels spoke.

Mike Mais, Assistant City Attorney, spoke.

A motion was made by Chair Christoffels, seconded by Commissioner Templin, to recommend that the City Council find the proposed Zoning Code Amendment exempt from the California Environmental Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15061(b)(3) (Common Sense Exemption), as it will not result directly or indirectly in significant environmental impacts; and Recommend that City Council approve a Zoning Code Amendment (ZCA20-015) to amend language within Title 5 of the Long Beach Municipal Code and within the Downtown Planned Development District (PD-30) to allow the operation of adult-use cannabis dispensaries within mixed-Use buildings in Downtown by way of Conditional Use Permit approval (Districts 1 and 2). The motion carried by the following vote:

Yes: 6 - Ron Cruz, Josh LaFarga, Jane Templin, Erick Verduzco-Vega, Richard Lewis and Mark Christoffels

Absent: 1 - Joni Ricks-Oddie

A motion was made by Chair Christoffels, seconded by Commissioner Templin, to accept Categorical Exemption 20-147 and approve a Conditional Use Permit (CUP20-016) to allow the establishment and operation of an adult-use cannabis dispensary located at 433 Pine Avenue in the Downtown Planned Development District (PD-30) (District 1). The motion carried by the following vote:

Yes: 6 - Ron Cruz, Josh LaFarga, Jane Templin, Erick Verduzco-Vega, Richard Lewis and Mark Christoffels

Absent: 1 - Joni Ricks-Oddie

5. [21-030PL](#) Recommendation to accept Categorical Exemption CE21-026 and approve a Tentative Parcel Map TPM20-001 to subdivide an existing 32,864-square-foot parcel into two separate lots; consisting of one 21,127-square-foot lot and one 11,737-square-foot lot located at 5453 E. Stearns St., in the Community Automobile-Oriented (CCA) Zoning District. (District 4)

Attachment C

CITY OF LONG BEACH
PLANNING COMMISSION
MINUTES

THURSDAY, APRIL 15, 2021
HELD VIA TELECONFERENCE, 5:00 PM

Alexis Oropeza, Current Planning Officer, introduced Marcos Lopez, Jr., Project Planner, who presented the staff report.

Commissioner Templin spoke.

Alexis Oropeza, Current Planning Officer, spoke.

Pat Budronis, applicant, spoke.

Chair Christoffels spoke.

Pat Budronis, applicant, spoke.

Commissioner Cruz spoke.

Patricia Diefenderfer, Planning Bureau Manager, spoke.

A motion was made by Commissioner Cruz, seconded by Commissioner Templin, to approve recommendation, as amended, with staff modifications. The motion carried by the following vote:

Yes: 6 - Ron Cruz, Josh LaFarga, Jane Templin, Erick Verduzco-Vega, Richard Lewis and Mark Christoffels

Absent: 1 - Joni Ricks-Oddie

PUBLIC PARTICIPATION: Members of the public are invited to address the Planning Commission on items of interest to the public within the Commission's jurisdiction. Each speaker will be limited to three minutes unless that time is extended by the Chair.

Chair Christoffels spoke.

COMMENTS FROM THE PLANNING COMMISSION

Chair Christoffels spoke.

Commissioner Lewis spoke.

Christopher Koontz, Deputy Director of Development Services, spoke.

Commissioner Lewis spoke.

Attachment C

**CITY OF LONG BEACH
PLANNING COMMISSION
MINUTES**

**THURSDAY, APRIL 15, 2021
HELD VIA TELECONFERENCE, 5:00 PM**

Christopher Koontz, Deputy Director of Development Services, spoke.

Oscar Orci, Director of Development Services, spoke.

Chair Christoffels spoke.

Christopher Koontz, Deputy Director of Development Services, spoke.

Patricia Diefenderfer, Planning Bureau Manager, spoke.

Commissioner Lewis spoke.

Commissioner Templin spoke.

Commissioner Lewis spoke.

ADJOURNMENT

At 6:49 p.m., Chair Christoffels adjourned the meeting.

Attachment C

CITY OF LONG BEACH
PLANNING COMMISSION
MINUTES

THURSDAY, APRIL 15, 2021
HELD VIA TELECONFERENCE, 5:00 PM

NOTE:

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

Kung nais ang pagsasalin ng nakasulat na wika ng agenda ng Komisyon at ang minutes para sa mga taong hindi nagsasalita ng Ingles, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Commission.

Si desea obtener la traducción escrita en otro idioma de la agenda y actas de la comisión para personas que no hablan inglés, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la comisión.

បើមានការចង់បានឲ្យមានការបកប្រែឯកសារស្តីពីរបៀបរាវ: និងកំណត់ហេតុឲ្យ
អ្នកដែលមិនចេះនិយាយអង់គ្លេស សូមមេត្តាធ្វើសំណើអ្នកតាមទូរស័ព្ទដោយហៅ
ការិយាល័យស្មៀនក្រុងតាមរយៈលេខ (562) 570-6101 (72 ម៉ោងធ្វើការមុននឹង
ចាប់ផ្តើមបើកកិច្ចប្រជុំគណកម្មការធម្មនុញ្ញ)។

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
STATEMENT OF SUPPORT
ENVIRONMENTAL COMPLIANCE DETERMINATION**

**131 West 3rd Street
Application No. 2010-32 (MOD20-008)
April 1, 2021**

Section 15162 of the California Environmental Quality Act (CEQA) establishes when subsequent Environmental Impact Reports (EIRs) or negative declarations shall be prepared. The Proposed Project (Modified Project) proposes to construct an eight-story mixed-use building consisting of 271 residential units and 11,912 square feet of retail space at a 1.22-acre site located at 131 West 3rd Street in the Downtown Plan (PD-30) District. The proposed structure includes subterranean, at-grade, and above grade parking. The previously approved Vesting Tentative Tract Map would be revised to reflect the modified project.

The Previously Approved Project (Site Plan Review, Vesting Tentative Tract Map, and General Plan Consistency Finding) was for the construction of 345 residential units in one 23 story mixed-use tower, and one 8 story mixed-use building, 14,481 square feet of retail space, 563 parking spaces, and 128 bicycle parking spaces (Previously Approved Project). The Previously Approved Project was approved by the Planning Commission on September 19, 2019. An appeal of the Planning Commission's approval of the Project was filed, and on November 12, 2019, the City Council received the supporting documentation into the record, concluded the public hearing, and upheld the Planning Commission's approval of the project.

A Modified Project was filed in November 2020 and represents the consolidation of the previous proposal into a single eight-story building with 74 less residential units, less retail space (reduction of 2,569 square feet), and less vehicular parking areas (reduction of 211 parking spaces). The modified project represents a reduction in height and floor area ratio that within the permitted development standards for the Downtown Plan, and no development incentives would be required.

The Previously Approved Project was analyzed as part of the previously certified Downtown Plan Program Environmental Impact Report (PEIR). An EIR Addendum (EIRA-02-19) was also previously prepared for this project. The EIR Addendum analyzed the proposed project in accordance with the Downtown Plan PEIR (SCH No. 2009071006) and determined that the project will not result in any new significant impacts that exceed those analyzed in the Downtown Plan PEIR, with mitigation measures included. Additionally, the development is subject to the Downtown Plan PEIR Mitigation Monitoring and Reporting Program (MMRP).

Pursuant to CEQA Section 15162, when a EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the

Attachment C

whole record that additional analysis is required. As stated in the following analysis and Appendix A, Revised Project Proposal for the 3rd and Pacific Mixed-Use Project Memorandum (EcoTierra Consulting, February 4, 2021), the proposed project would be consistent with the certified PEIR and no new impacts would occur. Therefore, no subsequent environmental analysis is warranted under CEQA.

CEQA Section 15162:

(a) WHEN AN EIR HAS BEEN CERTIFIED OR A NEGATIVE DECLARATION ADOPTED FOR A PROJECT, NO SUBSEQUENT EIR SHALL BE PREPARED FOR THAT PROJECT UNLESS THE LEAD AGENCY DETERMINES, ON THE BASIS OF SUBSTANTIAL EVIDENCE IN THE LIGHT OF THE WHOLE RECORD, ONE OR MORE OF THE FOLLOWING:

(1) SUBSTANTIAL CHANGES ARE PROPOSED IN THE PROJECT WHICH WILL REQUIRE MAJOR REVISIONS OF THE PREVIOUS EIR OR NEGATIVE DECLARATION DUE TO THE INVOLVEMENT OF NEW SIGNIFICANT ENVIRONMENTAL EFFECTS OR A SUBSTANTIAL INCREASE IN THE SEVERITY OF PREVIOUSLY IDENTIFIED SIGNIFICANT EFFECTS;

The PEIR analyzed the buildout of the Downtown Plan area. The Modified Project represents a reduced project from that previously analyzed in the 2019 EIR Addendum. The Modified Project would comply with all development standards and be located in the same geographic location as the assumptions analyzed in the PEIR. Therefore, the project would be consistent with the size, height, location, use, and materials analyzed in the PEIR for the development of the Downtown Plan area.

The EIR Addendum analyzed the previously approved project in accordance with the Downtown Plan PEIR (SCH No. 2009071006) and determined that the previously approved project will not result in any new significant impacts that exceed those analyzed in the Downtown Plan PEIR, with mitigation measures included. The Modified Project represents a reduced project, and it has been determined that no new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(2) SUBSTANTIAL CHANGES OCCUR WITH RESPECT TO THE CIRCUMSTANCES UNDER WHICH THE PROJECT IS UNDERTAKEN WHICH WILL REQUIRE MAJOR REVISIONS OF THE PREVIOUS EIR OR NEGATIVE DECLARATION DUE TO THE INVOLVEMENT OF NEW SIGNIFICANT ENVIRONMENTAL EFFECTS OR A SUBSTANTIAL INCREASE IN THE SEVERITY OF PREVIOUSLY IDENTIFIED SIGNIFICANT EFFECTS; OR

The Downtown Plan PEIR was prepared in 2010, circulated in 2011, and adopted in 2012. An EIR Addendum (EIRA-02-19) was prepared for the previous project

Attachment C

and approved by City Council in 2019. As documented in EIRA-02-19 and in Appendix A, no changes have occurred related to site or project circumstances that would result in additional environmental impacts. The Modified Project represents a reduced project from the previous approval. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(3) NEW INFORMATION OF SUBSTANTIAL IMPORTANCE, WHICH WAS NOT KNOWN AND COULD NOT HAVE BEEN KNOWN WITH THE EXERCISE OF REASONABLE DILIGENCE AT THE TIME THE PREVIOUS EIR WAS CERTIFIED AS COMPLETE OR THE NEGATIVE DECLARATION WAS ADOPTED, SHOWS ANY OF THE FOLLOWING:

(A) THE PROJECT WILL HAVE ONE OR MORE SIGNIFICANT EFFECTS NOT DISCUSSED IN THE PREVIOUS EIR OR NEGATIVE DECLARATION;

The Downtown Plan PEIR was prepared in 2010, circulated in 2011, and adopted in 2012, and no information indicates that new significant impacts would occur that were not previously analyzed. As documented in EIRA-02-19 and in Appendix A, the PEIR Mitigation measures would remain in effect for the Modified Project. EIRA-02-19 determined that all potential impacts of the Previously Approved Project were determined to be within the assumptions and impacts analyzed in the PEIR. The Modified Project represents a reduced project from the previous approval. The mitigation measures will remain in effect for the Modified Project. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(B) SIGNIFICANT EFFECTS PREVIOUSLY EXAMINED WILL BE SUBSTANTIALLY MORE SEVERE THAN SHOWN IN THE PREVIOUS EIR;

The Downtown Plan PEIR was prepared in 2010, circulated in 2011, and adopted in 2012, and no information indicates that previously examined impacts would become more severe with implementation of the project. As documented in EIRA-02-19 and in Appendix A, the PEIR Mitigation measures would remain in effect for the Modified Project. EIRA-02-19 determined that all potential impacts of the Previously Approved Project were determined to be within the assumptions and impacts analyzed in the PEIR. The Modified Project represents a reduced project from the previous approval. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(C) MITIGATION MEASURES OR ALTERNATIVES PREVIOUSLY FOUND NOT TO BE FEASIBLE WOULD IN FACT BE FEASIBLE, AND WOULD SUBSTANTIALLY REDUCE ONE OR MORE SIGNIFICANT EFFECTS OF

Attachment C

THE PROJECT, BUT THE PROJECT PROPONENTS DECLINE TO ADOPT THE MITIGATION MEASURE OR ALTERNATIVE; OR

The PEIR envisioned alternative build out scenarios. The analysis included in EIRA-02-19 and Appendix A are at the project level and would not prove an alternative or additional mitigation measure feasible. The Modified Project represents a reduced project from the previous approval. The mitigation measures will remain feasible and in effect for the project. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

(D) MITIGATION MEASURES OR ALTERNATIVES WHICH ARE CONSIDERABLY DIFFERENT FROM THOSE ANALYZED IN THE PREVIOUS EIR WOULD SUBSTANTIALLY REDUCE ONE OR MORE SIGNIFICANT EFFECTS ON THE ENVIRONMENT, BUT THE PROJECT PROPONENTS DECLINE TO ADOPT THE MITIGATION MEASURE OR ALTERNATIVE.

The PEIR envisioned alternative build out scenarios for the plan area. The analysis included in EIRA-02-19 and Appendix A are at the project level and would not prove an alternative or additional mitigation measure feasible. The Modified Project represents a reduced project from the previous approval. No new mitigation is required to reduce potential impacts further than previously analyzed. The mitigation measures will remain feasible and in effect for the project. No new significant environmental effects or a substantial increase in the severity of previously identified environmental effects would occur.

Appendix:

Appendix A - Revised Project Proposal for the 3rd and Pacific Mixed-Use Project
Memorandum (EcoTierra Consulting, February 4, 2021)



Memorandum

To: Tyson Sayles, Principal - Residential & Mixed Use Properties
Jewelle Kennedy, Project Manager
3rd and Pacific Holdco, LLC

From: Lainie Herrera, Senior Project Manager
EcoTierra Consulting

Date: February 4, 2021

Re: Revised Project proposal for the 3rd and Pacific Mixed-Use Project

The City Council of the City of Long Beach (“City”) approved Application No. 1807-11 for the 3rd and Pacific Mixed-Use Project (the “Original Project”) on November 12, 2019. The Original Project was approved with Site Plan Review approval, a height incentive, a vesting tentative tract map, and a general plan conformity finding to allow demolition of the existing surface parking lots to facilitate the construction of the two-building mixed-use project that included a total of 345 residential units, 14,481 square feet (sf) of retail commercial space, 563 vehicle parking spaces, and 128 bicycle parking spaces. In addition, the City Council adopted a resolution for the Original Project certifying the 3rd and Pacific Project Downtown Environmental Impact Report Addendum (EIRA-02-19) (“EIRA”) and adopting corresponding EIR Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

Subsequent to Project approval and EIR certification, the Project Applicant has proposed certain changes to the Original Project as described below (the “Revised Project”). The Project Applicant submitted an application with the City for the Revised Project on November 4, 2020. This Memorandum has been prepared to demonstrate that the Revised Project does not have any potential environmental effects that have not been previously evaluated or disclosed. The Project Applicant is 3rd and Pacific Holdco, LLC. The City of Long Beach is the lead agency for the EIRA.

I. PROJECT DESCRIPTION

1. ORIGINAL PROJECT

The Project Site is located at 131 West 3rd Street in the City of Long Beach, east of Pacific Avenue, south of West 4th Street, west of North Solano Court (existing alley), and north of West 3rd Street. The Project Site consists of six parcels (APNs: 7280-016-900, -901, -902, -903, -904 and -905), with a total site size of 1.2 acres. Regional access to the Project Site is provided by Interstate 710 (I-710), which travels north-

Attachment C

south, approximately 0.75 mile to the west and Pacific Coast Highway [State Route (SR) 1], which travels east-west, approximately 1.25 miles north of the Project Site. Additional regional access is provided by the Metro Blue Line, which travels to and from downtown Los Angeles, with the Pacific Avenue Station on Pacific Avenue, between 4th and 5th Street, approximately 0.4 miles northwest of the Project Site.

Surrounding uses to the north include residential apartment buildings, mixed-uses, with ground floor retail and residential units above, and commercial uses, including a fast-food restaurant, cleaners, and transportation uses, including the Los Angeles County Metropolitan Transportation Authority (Metro) Blue Line Pacific Avenue Station. Land uses to the west, across Pacific Avenue, include residential apartment buildings and commercial uses, such as a bakery and a hotel. Land uses to the south, across West 3rd Street, consist of apartment buildings and commercial uses, such as a restaurant, a bank, and retail stores. Immediately east of the Project Site, across North Solano Court (existing alley), is a gym and retail stores, as well as more multi-family residential uses.

The Project Site is within the Long Beach Downtown Plan; the Project Site is designated LUD No. 7 Mixed Use District by the General Plan and is zoned Downtown Plan Planned Development District PD-30, which allows for a mix of commercial and high density residential uses. The Project Site is also located in a Transit Priority Area as defined by Public Resources Code Sections 21099 and 21064.3. The Project Site is currently developed with two surface parking lots.

The Original Project approved in November 2019 consists of demolition of the existing surface parking lots to develop two buildings, including an 8-story building at the north end of the property (North Building) and a 23-story high rise building at the south portion of the site (South Building). The two-building mixed-use project includes a total of 345 residential units and 14,481 square feet (sf) of retail commercial space, 563 vehicle parking spaces, and 128 bicycle parking spaces (the "Original Project"). The Original Project also includes 13,944 sf of residential common outdoor open space, 11,688 sf of residential indoor common open space, 11,340 sf of residential private open space, and 5,335 sf of public open space. Parking for the Original Project is provided in two levels of subterranean parking below each building. The North Building would also provide ground-level parking and parking on level 2 and the South Building would also provide four levels of parking on levels 2 through 5.

Under the Original Project, the North Building includes two levels of subterranean parking. The ground floor includes the lobby, retail space, and parking. Level 2 consists of parking and levels 3 through 8 includes studios, one-, two, and three-bedroom units, and residential amenities, such as a pool deck and barbecue area on level 3, and a rooftop deck. In total, the North Building would develop 142 units and would be 8 stories or approximately 85 feet in height.

Under the Original Project, the South Building includes two levels of subterranean parking. The ground floor includes the lobby and retail space. Levels 2 through 5 consists of parking. Levels 6 through 23 includes studios, one-, two, and three-bedroom units, with residential amenities, such as a podium deck,

Attachment C

pool and spa, game room and gym on level 6 and a rooftop deck with amenity rooms and two terraces. In total, the South Building would develop 203 units and would be 23 stories or 269 feet in height, including the rooftop deck.

The buildings would be developed in two phases, with the North Building constructed as part of Phase I and the South Building as part of Phase II. During Phase I, a pedestrian-focused paseo would be constructed at the location of the existing alley (Roble Way) between the two buildings. The Original Project's residential component consists of 429,456 sf of residential uses, including amenities, 14,337 sf of commercial retail uses, 217,493 sf of parking, and 42,307 sf of open space. The Original Project's gross building area would be approximately 661,430 sf, including all below-grade levels, and would have a total FAR of 9.48:1. The Original Project includes solar panels that would generate renewable energy, located on the roofs of both buildings.

The Original Project would increase the Solana Court alley right-of-way with a 2-foot dedication along its western border abutting the Project Site and would add a 5-foot setback for the ground floor of both buildings between their parking garage entries and curb cuts to Solana Court at West 3rd Street and West 4th Street. An existing 14-inch water main along Roble Way would be relocated or demolished as part of the Original Project. New water laterals to serve the Original Project would be installed to connect to the public main. Construction of the new water laterals serving the Project Site would be limited to minor off-site work associated with connections to the public main. A trench would be constructed for the removal or demolition of the existing 14-inch water main and for installation of the new water laterals. No pile driving is required as part of project construction.

The City Council approved Application No. 1807-11 for the Original Project as described above on November 12, 2019.

2. REVISED PROJECT

After the City approved the Original Project, the Project Applicant revised the plans and filed an application for a modified project for the Project Site.

The Revised Project would include demolition of the existing surface parking lots and development of one building: an 8-story mixed-use building consisting of 271 residential units and 12,981 sf of retail commercial space, 395 vehicle parking spaces, and 59 bicycle parking spaces (the "Revised Project"). The Revised Project would include 29,711 sf of open space, including 23,591 sf of common open space and 6,120 sf of residential private open space.

Vehicular parking would be provided primarily in two levels of subterranean parking. The ground floor of the Revised Project would include vehicular parking, two residential lobbies, leasing office space, retail space including an outdoor patio area, residential conference and coworking space, a bicycle kitchen, and a dog park. Level 2 would consist of vehicular parking and residential storage space; levels 3 through 8

Attachment C

would include 271 residential units in a mix of studio, one-, two, and three-bedroom units, and residential amenities, such as a pool deck and barbecue area, fitness center, and courtyard on level 3, and a rooftop deck. The building would be 8 stories and approximately 96 feet 5 inches in height.

The Revised Project includes a pedestrian-focused paseo at the location of the existing alley (Roble Way) between Pacific Avenue and Solana Court, with a raised pedestrian crossing across Solana Court and would a connection to Pine Avenue. Approximately half of the paseo would be open to the sky (the western half) and half would be clear to the equivalent of 3 stories of the Revised Project’s building, with the 4th story of the building above. The Revised Project would include a total of approximately 284,373 square feet of floor area and would have a total FAR of 5.33:1. The Revised Project includes solar panels that would generate renewable energy, located on the roof.

The Revised Project would increase the Solana Court alley right-of-way with a 2-foot dedication and 2-foot easement along its western border abutting the Project Site (2 feet above 17 feet from grade) and would add a 5-foot setback for the ground floor of the buildings between the parking entries and curb cuts to Solana Court at West 3rd Street and West 4th Street. An existing 14-inch water main along Roble Way would be relocated or demolished as part of the Revised Project. New water laterals to serve the Revised Project would be installed to connect to the public main. Construction of the new water laterals serving the Project Site would be limited to minor off-site work associated with connections to the public main. A trench would be constructed for the removal or demolition of the existing 14-inch water main and for installation of the new water laterals. No pile driving is required as part of project construction.

A comparison of the Original Project and the Revised Project is provided below in Table 1.

**Table 1
Original Project and Revised Project Comparison**

	Original Project	Revised Project
Lot Area	53,373 sf	
Floor Area	505,536 sf	284,373 sf
Floor Area Ratio (FAR)	9.48:1	5.33:1
Residential Units	345 du	271 du
Retail	14,337 sf	12,981 sf
Height	8 stories in 85 feet 23 stories in 269 feet	8 stories in 96 feet 5 inches
Vehicular Parking	432 required 562 provided	352 required 395 provided (including tandem)
Bicycle Parking	78 required 128 provided	57 required 59 provided
Open Space	10,667 sf required 5,334 sf public required 30,619 sf provided	10,675 sf required 5,337 sf public required 29,711 sf provided

II. ENVIRONMENTAL ANALYSIS

A Draft Program Environmental Impact Report (PEIRSCH#2009071006) (“PEIR”) for the Long Beach Downtown Plan was completed on December 7, 2010, and was circulated for public review and comment between December 10, 2010 and April 4, 2011, certified by the Planning Commission of the City of Long Beach in November, 2011, and thereafter re-certified by the City Council of the City of Long Beach (on appeal) in January 2012, at which time the City Council also adopted and approved the Long Beach Downtown Plan.

The Certified PEIR determined the Downtown Plan would cause significant and unavoidable impacts to the following resource areas: aesthetics (shadow impacts), air quality (construction and operation), cultural resources (historic), greenhouse gases, noise (construction vibration), population and housing, public services, transportation and traffic, and utilities and service systems (solid waste). All other resources areas were determined to have impacts that were either less than significant or less than significant with mitigation.

At the time the City Council approved and adopted the Long Beach Downtown Plan in January 2012, the City Council made certain Findings and determinations in accordance with the provisions of the California Environmental Quality Act (CEQA), adopted a Statement of Overriding Considerations for each environmental impact identified in the PEIR as “significant and unavoidable,” and adopted a Mitigation Monitoring and Reporting Program (“MMRP”).

The Addendum (EIRA) prepared in connection with the Original Project was considered an addition to the previous Program-level environmental review documentation for the Downtown Plan. Addendum EIRA-02-19 was adopted by the City Council on November 12, 2019. The EIRA determined that the Original Project would not result in any additional significant impacts, nor would it substantially increase the severity of previously anticipated significant impacts. Rather, all of the impacts associated with the Original Project would be within the envelope of impacts addressed in the Certified PEIR and would not constitute a new or substantially increased significant impact.

The PEIR and EIRA are incorporated by reference when topics from these documents are discussed below. For each issue, the analysis summarizes the conclusions of the Certified EIRA with respect to the impacts of the Original Project. The impacts of the Original Project provide the point of comparison with the impacts of the Revised Project. The analysis then compares the level of impacts of the Revised Project to the impacts of the Original Project as evaluated in the Certified EIRA. The analysis then concludes whether the impacts of the Revised Project are the same, higher, or lower than the Original Project. From this conclusion, the analysis determines whether the Revised Project would result in any effects that would meet the criteria set forth in CEQA Guidelines § 15162 requiring preparation of a supplemental or subsequent EIR, State CEQA Guideline Section 15162 states that no subsequent or supplemental

Attachment C

environmental impact report shall be required by the lead agency or by any responsible agency, unless a further discretionary approval on the project is required, and one of the following events occur:

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

The analysis presented in the following sections demonstrates that the Revised Project would not result in new significant impacts or substantial increase in the severity of previously identified impacts or other require preparation of a supplemental or subsequent EIR under CEQA Guidelines § 15162. Specifically, this analysis has determined that there are no new significant environmental effects and no substantial increase in the severity of previously identified significant effects associated with the Revised Project. Furthermore, there are no known mitigation measures or alternatives that were previously considered infeasible but are now considered feasible that would substantially reduce one or more significant effects on the environment previously identified in the Certified PEIR. Similarly, there are no known mitigation measures or alternatives that are considerably different than those required by the Certified PEIR that would substantially reduce one or more significant effects on the environment identified in the Certified PEIR.

Attachment C

1. AESTHETICS

The Project Site also located in a Transit Priority Area as defined by Public Resources Code Sections 21099 and 21064.3. Senate Bill (SB) 743 [Public Resources Code (PRC) Section 21099(d)] sets forth guidelines for evaluating a project's aesthetic and parking impacts under CEQA, as follows: "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area (TPA) shall not be considered significant impacts on the environment."

The Project Site is located in a Transit Priority Area as defined by Public Resources Code Sections 21099 and 21064.3. The Project Site is extensively served by transit, including the Los Angeles County Metropolitan Transportation Authority (Metro) Blue Line, which travels to and from downtown Los Angeles, with the Pacific Avenue Station on Pacific Avenue, between 4th and 5th Street, approximately 0.4 miles northwest of the Project Site. Additionally, Torrance Transit, Long Beach Transit (LBT), and the Los Angeles Department of Transportation (LADOT) provide public transit services in the vicinity of the Project Site. Therefore, the Original Project's and the Revised Project's aesthetic impacts are deemed to be less than significant. The analysis in this Memorandum is for informational purposes only and not for determining whether the Project will result in significant impacts to the environment.

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would result in less than significant impacts related to aesthetics after implementation of PEIR Mitigation Measures AES-2(a) through AES-3.

The Certified EIRA found that the Original Project would not result in any potentially significant impacts not identified in the PEIR related to aesthetics. The Certified EIRA found that the Original Project would be required to implement Mitigation Measures AES-2(a) through AES-2(d) from the Certified PEIR, which require the implementation of various design specifications to mitigate impacts related to lighting and glare. The Certified EIRA found that the Original Project would not exceed the significance thresholds related to shadows; however, because Mitigation Measure AES-3 is required by the PEIR, the Original Project was subject to the mitigation.

B. Revised Project

The Revised Project proposes the same land use (mixed-use residential) as the Original Project; however, the Revised Project would be a maximum of 97 feet in 8 stories without the 23-story high-rise building which was part of the Original Project. Thus, similar to the Original Project, redevelopment of the site with the Revised Project is expected to improve its visual quality and benefit the aesthetic character of the surrounding area and would not substantially degrade the existing visual character or quality of the site and its surroundings. The Revised Project building would not block views of scenic resources, as no

Attachment C

such resources exist on or in the vicinity of the Project Site, same as the Original Project. The Revised Project would include the same nighttime lighting sources as the Original Project and would be subject to mitigation measures AES-2(a) through AES-2(d), same as the Original Project. Impacts of the Revised Project with respect to aesthetics, views, and light and glare would be the similar to the Original Project. The Revised Project would have a reduced height compared to the maximum height of the Original Project and consequently would cast shorter shadows, as demonstrated by the shade study included in the entitlement plan set submittal. The Revised Project would not exceed the thresholds for shadow impacts on shadow-sensitive uses, and impacts would be reduced as compared to the Original Project.

Therefore, the Revised Project would not cause a new significant impact or substantial increase in the severity of previously identified impacts with respect to aesthetics.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures AES-2(a), AES-2(b), AES-2(c), AES-2(d), and AES-3. These mitigation measures would be applied, as required, to the Revised Project.

2. AGRICULTURE AND FORESTRY RESOURCES

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would result in no impacts related to agricultural resources.

The Certified EIRA found that the Original Project would be consistent with the analysis and conclusions of the PEIR and not result in any potentially significant impacts related to agricultural resources.

B. Revised Project

The Revised Project would be developed on the same Project Site as evaluated in the Certified EIRA. Accordingly, the Revised Project's impacts with respect to agricultural resources would be the same as the Original Project and also less than significant. Consequently, the Revised Project would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to agricultural resources.

C. Mitigation Measures

No mitigation measures were required for agriculture and forestry resources in the Certified EIRA; no mitigation measures are required for the Revised Project.

3. AIR QUALITY

A. Original Project

The Certified PEIR determined that buildout of the Downtown Plan would result in significant and unavoidable impacts with regard to construction and operational air quality emissions even with compliance with applicable SCAQMD rules and Certified PEIR Mitigation Measures AQ-1(a), AQ-1(b), AQ-2, AQ-3, AQ-4(a), AQ-4(b), AQ-5, and AQ-6. Therefore, the Certified PEIR found impacts from construction pursuant to the Downtown Plan would be significant and unavoidable. The Certified PEIR found that implementation of the Downtown Plan would result in significant and unavoidable long-term operational impacts from operational emissions due to increased vehicle trips and associated emissions.

The Certified PEIR determined that buildout of the Downtown Plan would result in significant and unavoidable impacts with regard to toxic air contaminants (TACs) due to exposure of sensitive receptors to dry cleaning operations using perchloroethylene, TACs from the Port of Long Beach (POLB) and stationary sources in the vicinity of the Downtown Plan area, and proposed commercial land uses that have the potential to emit TACs or host TAC-generating activity (e.g., loading docks). Mitigation measures would reduce concentrations of TAC that sensitive receptors would be exposed to for time spent indoors and would disclose to those considering residing in the Downtown Plan area the potential risks involved. However, the mitigation would not reduce exposure of sensitive receptors to substantial pollutant concentrations for time spent outdoors, and the impact was considered significant and unavoidable.

The Certified PEIR found that odors from construction pursuant to the Downtown Plan were less than significant.

The Certified EIRA found that the Original Project would be required to implement Mitigation Measures AQ-1 through AQ-6. Mitigation Measures AQ-1(a) and AQ-1(b) require implementation of the City's Enhanced Exhaust Control Practices as well as a project-level CEQA analysis; Mitigation Measures AQ-4(a) and AQ-4(b) require the preparation of plans and notification procedures in-relation to TAC emissions, to ensure minimal impacts during project development and operation; Mitigation Measure AQ-5 requires adequate distance be provided between sensitive receptors and any use of perchloroethylene; and Mitigation Measure AQ-6 lists certain procedures and requirements to reduce any impacts related to odors from project construction or operation.

However, Mitigation Measure AQ-2 was revised in the Certified EIRA for the Original Project as follows:

AQ-2: Mitigation to reduce mobile source emissions due to implementation of the Plan addresses reducing the number of motor vehicle trips and reducing the emissions of individual vehicles under the control of the project applicant(s). The following measures shall be implemented by project applicant(s) unless it can be demonstrated to the City that the measures would not be feasible.

Attachment C

- a) The project applicant(s) for all project phases shall require the commercial development operator(s) to operate, maintain, and promote a ride-share program for employees of the various businesses.
- b) The project applicant(s) for all project phases shall include one or more secure bicycle parking areas within the property and encourage bicycle riding for both employees and customers.
- c) The proposed structures shall be designed to meet current Title 24 + 20 percent energy efficiency standards and shall include photovoltaic cells on the rooftops to achieve an additional 25 percent reduction in electricity use on an average sunny day.
- d) The City shall ensure that all commercial developments include shower and locker facilities for employees to encourage bicycle, walking, and jogging as options for commuting.
- e) The project applicant(s) for all project phases shall require that all equipment operated by the businesses within the facility be electric or use non-diesel engines.
- f) All truck loading and unloading docks shall be equipped with one 110/208-volt power outlet for every two-dock door. Diesel trucks shall be prohibited from idling more than 5 minutes and must be required to connect to the 110/208-volt power to run any auxiliary equipment. Signs outlining the idling restrictions shall be provided.
- g) If, at the time of construction, SCAQMD, CARB, or EPA has adopted a regulation or new guidance applicable to mobile- and area-source emissions, compliance with the regulation or new guidance may completely or partially replace this mitigation if it is equal to or more effective than the mitigation contained herein, and if the City so permits. Such a determination shall be supported by a project-level analysis that is approved by the City.

The Certified EIRA provided the following clarification for the Original Project:

This mitigation measure is intended to reduce energy use. The project would be required to meet the Title 24 energy efficiency standards in effect at the time of building permit issuance, which may be more stringent than the current standards. The Title 24 energy efficiency standards are updated approximately every three years. The 2019 Title 24 energy efficiency standards has been adopted in 2019 and will become effective in 2020 (CEC 2019a). These standards will improve upon the current standards for residential and nonresidential buildings and may result in an equal or more effective reduction in energy and completely or partially replace the mitigation measure. The project shall comply with the energy reduction requirements of this mitigation measure or provide evidence to the satisfaction of the City that the Title 24 energy efficiency standards in effect at the time of building permit issuance result in an equal or more effective reduction in energy.

The Certified EIRA found that the Original Project is not expected to expose sensitive receptors to TAC emissions that exceed an incremental increase of 10 in 1 million for the cancer risk and/or a noncarcinogenic Hazard Index of 1.0 and therefore, a site-specific project-level HRA, as described in Mitigation Measure AQ-4(a) of the Certified PEIR, is not required. The Certified EIRA found that the Original Project would result in less than significant impacts related to air quality standards, cumulative

Attachment C

impacts, and odors, and would have less than significant impacts related to sensitive receptors with implementation of Certified PEIR Mitigation Measure AQ-1(a).

The Certified EIRA found that the Original Project would not result in new or substantially increase significant impacts related to air quality.

B. Revised Project

The air quality impacts of the Revised Project would be reduced compared to the Original Project. The Revised Project has a reduced size, which could result in less intensive construction activities. The Reduced Project would also result in fewer vehicle traffic trips associated with the Project Site because of the reduced number of residential units and commercial sf as compared to the Original Project. Therefore, the Revised Project's operational emissions would be less than the Original Project's. Thus, the Revised Project would not result in a new significant impact or a substantial increase in the severity of previously identified impacts with respect to air quality.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures AQ-1(a), AQ-1(b), AQ-2, AQ-3, AQ-4(a), AQ-4(b), AQ-5, and AQ-6. These mitigation measures would be applied to the Revised Project.

4. BIOLOGICAL RESOURCES

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would result in no impacts related to biological resources.

The Certified EIRA found that the Original Project would be consistent with the analysis and conclusions of the PEIR and would not result in any potentially significant impacts related to biological resources.

B. Revised Project

The Revised Project would be developed on the same Project Site as evaluated in the Certified EIRA. The Project Site remains as a paved parking lot in a fully urbanized area that is devoid of native vegetation and suitable habitat. Accordingly, the Revised Project would have biological resource impacts similar to the Original Project. Consequently, it would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to biological resources.

C. Mitigation Measures

Attachment C

No mitigation measures were required for biological resources in the Certified EIRA; no mitigation measures are required for the Revised Project.

5. CULTURAL RESOURCES

A. Original Project

i) Historical Resources

The Certified PEIR found that development associated with the Downtown Plan would result in significant and unavoidable impacts related to historic resources even after implementation of Mitigation Measures CR-1(a) and CR-1(b).

The Certified EIRA found that the Original Project would not have a significant effect on any historic resources, and therefore would result in reduced project-level impacts compared to the Certified PEIR's significant and unavoidable impact; thus, impacts associated with the Original Project would be less than significant with implementation of Certified PEIR Mitigation Measures CR-1(a) and CR-1(b).

i) Archaeological and Paleontological Resources, Human Remains

The Certified PEIR found that development associated with the Downtown Plan would result in less than significant impacts related to archaeological or paleontological resources, or human remains with implementation of Mitigation Measures CR-2(a) through CR-2(c), CR-3(a), and CR-3(b).

The Certified EIRA found that although the Project Site has been previously disturbed through grading and previous development, there is potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature due to the Original Project's proposed excavation. The Certified EIRA found that the Original Project would be consistent with the analysis and conclusions presented in the Certified PEIR; thus, impacts would be less than significant with implementation of PEIR Mitigation Measures CR-2(a) through CR-2(c), CR-3(a), and CR-3(b).

B. Revised Project

i) Historical Resources

The Revised Project would be developed on the same Project Site as evaluated in the Certified PEIR and EIRA. The Revised Project would be required to implement Certified PEIR Mitigation Measures CR-1(a) and CR-1(b). Impact would be similar to the Original Project. Therefore, the Revised Project would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to historical resources.

Attachment C

ii) Archaeological and Paleontological Resources

The Revised Project would be developed on the same Project Site as evaluated in the Certified PEIR and EIRA, and is anticipated to require the same amount of excavation. In addition, the same mitigation measures that would be applicable to the Original Project would continue to be applicable to the Revised Project. The Revised Project would, consequently, would have reduced potential for encountering archaeological and paleontological resources as compare to the Original Project. Therefore, it would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to cultural resources.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures CR-1(a), CR-1(b), CR-2(a) through CR-2(c), CR-3(a), and CR-3(b). These mitigation measures would be applied to the Revised Project.

6. ENERGY

The Certified EIRA includes an analysis of potential impacts related to energy as part of Greenhouse Gas Emissions and Utilities. Since certification of the EIRA, CEQA Guidelines Appendix G was revised to include energy as a stand-alone impact issue area, separate from GHG and Utilities.

A. Original Project

The Certified EIRA found that the Original Project would be consistent with the analysis and conclusions presented in the Certified PEIR regarding energy. The Utility Infrastructure Technical Report: Water, Wastewater, and Energy, prepared by KPFF Consulting Engineers January 11, 2019 (Appendix J to the Certified EIRA) determined that impacts related to energy consumption as a result of the Original Project would be less than significant.

Furthermore, the Certified EIRA found that the Original Project is subject to PEIR Mitigation Measure AQ-2, which is intended to reduce energy use by exceeding the requirements of Title 24.

B. Revised Project

As with the Original Project, the Revised Project would also be subject to state and federal regulations that reduce the inefficient, wasteful, and unnecessary consumption of energy. The Revised Project would also be rooftop solar-ready. Furthermore, due to the reduction in size of the Revised Project and number of residential units, the construction period length and overall intensity of activities would be reduced compared to the Original Project. With its reduced size and fewer units, the Revised Project would require less energy during operation than the Original Project, and would result in reduced consumption of petroleum-based fuels, as compared to the Original Project, by generating fewer daily trips. Therefore,

Attachment C

the amount of electricity, natural gas, and petroleum-based fuel required for construction and operation of the Revised Project would be correspondingly reduced compared to the Original Project. The Revised Project would, consequently, not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to energy.

C. Mitigation Measures

The Certified EIRA found that the Original Project is subject to PEIR Mitigation Measure AQ-2, which is intended to reduce energy use by exceeding the requirements of Title 24. Mitigation Measure AQ-2 would be applied to the Revised Project.

7. GEOLOGY AND SOILS

The Certified PEIR and Certified EIRA include analyses of potential impacts related to paleontological resources as part of Cultural Resources – Archaeological and Paleontological Resources. Since Certification of the EIR, CEQA Guidelines Appendix G was revised to include paleontological resources as one of the questions under the Geology and Soils issue area, no longer under the Cultural Resources topic.

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would result in less than significant impacts related to seismicity after implementation of PEIR Mitigation Measure Geo-1. The Certified PEIR found that development associated with the Downtown Plan would result in less than significant impacts related to liquefaction after implementation of PEIR Mitigation Measure Geo-2 and less than significant impacts related to expansive or unstable soils after implementation of PEIR Mitigation Measure Geo-3.

Under the Cultural Resources – Archaeological and Paleontological Resources analysis, the Certified PEIR found that development associated with the Downtown Plan would result in less than significant impacts related to paleontological resources with implementation of Mitigation Measures CR-3(a) and CR-3(b).

The Certified EIR found that development associated with the Downtown Plan would not result in any other significant impacts related to geology and soils.

The Certified EIRA found that the Original Project would be consistent with the analysis and conclusions presented in the Certified PEIR; thus, impacts would be less than significant with mitigation.

Under the Cultural Resources – Archaeological and Paleontological Resources analysis, the Certified EIRA found that although the Project Site has been previously disturbed through grading and previous development, there is potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature due to the Original Project's proposed excavation. The Certified EIRA found that

Attachment C

the Original Project would be consistent with the analysis and conclusions presented in the Certified PEIR; thus, impacts related to paleontological resources and unique geologic features would be less than significant with implementation of PEIR Mitigation Measures CR-3(a) and CR-3(b).

B. Revised Project

The Revised Project would be developed on the same Project Site as evaluated in the Certified EIR, and would develop an eight-story building above two floors of subterranean parking. The Revised Project would also be subject to the same seismic safety code requirements as the Original project. Moreover, the Revised Project would not build the 23-story high-rise building approved under the Original Project. Impacts would be similar to the Original Project. With respect to the potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature, the Revised Project would require the same amount of excavation as the Original Project and would be subject to Mitigation Measures CR-3(a) and CR-3(b). Thus, the Revised Project would not result in a new significant impact or a substantial increase in the severity of previously identified impacts with respect to geology and soils.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures Geo-1 through Geo-3 and CR-3(a) and CR-3(b). These mitigation measures would be applied to the Revised Project.

8. GREENHOUSE GAS EMISSIONS

A. Original Project

The Certified PEIR found that the Downtown Plan would result in significant and unavoidable impacts with regard to construction and operational greenhouse gas (GHG) emissions.

The Certified EIRA found that the Original Project would result in reduced impacts compared to those identified in the Certified PEIR and that GHG emissions impacts associated with the Original Project would be less than significant with Certified PEIR Mitigation Measures AQ-1, AQ-2, GHG-1(a) and GHG-2(b). The Certified EIRA found that Original Project impacts related to applicable plans, policies, or regulations related to GHG emissions would be consistent with the analysis and conclusions presented in the Certified PEIR and less than significant with Certified PEIR Mitigation Measures AQ-2, GHG-2(a) and GHG-2(b).

B. Revised Project

GHG emissions from a development project are determined in large part by the number of daily vehicle trips generated and energy consumption from proposed land uses. Because the Revised Project would result in the development of 74 fewer residential units than the Original Project, trip generation and energy and water consumption from the Revised Project would be reduced compared to the Original

Attachment C

Project. Thus, the amount of GHG emissions generated by the Revised Project would be less than the emissions generated by the Original Project. Like the Original Project, the Revised Project would be a mixed-use development located in a Transit Priority Area and incorporate sustainable design features. Therefore, the Revised Project would also be consistent with applicable plans, policies, or regulations related to GHG emissions, and impacts with respect to such consistency would be similar to the Original Project. Therefore, the Revised Project would not result in a new significant impact or a substantial increase in the severity of previously identified impacts with respect to GHG emissions.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures AQ-1, AQ-2, GHG-1(a), GHG-1(b), GHG-2(a), and GHG-2(b). These mitigation measures would be applied to the Revised Project.

9. HAZARDS AND HAZARDOUS MATERIALS

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have less than significant impacts related to hazards and hazardous materials after implementation of Mitigation Measures Haz-1(a) through Haz-3(c).

The Certified EIRA found that Original Project impacts related to hazards and hazardous materials would be consistent with the analysis and conclusions presented in the Certified PEIR and less than significant with Certified PEIR Mitigation Measures Haz-1(a) through Haz-3(c).

B. Revised Project

The Revised Project would be developed on the same Project Site and with the same land uses as evaluated in the Certified EIRA and would be subject to the same mitigation measures and regulatory compliance measures identified in the Certified EIRA. Impact would be similar to those of the Original Project. The Revised Project would, consequently, not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to hazardous materials.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures Haz-1(a) through Haz-1(c) and Haz-3(a) through Haz-3(d). These mitigation measures would be applied to the Revised Project.

10. HYDROLOGY AND WATER QUALITY

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have less than significant impacts related to hydrology and water quality after implementation of Mitigation Measures Hydro-1 through Hydro-3.

The Certified EIRA found that Original Project impacts related to hydrology and water quality would be consistent with the analysis and conclusions presented in the Certified PEIR and less than significant with Certified PEIR Mitigation Measures Hydro-1 through Hydro-3.

B. Revised Project

The Revised Project would be developed on the same Project Site as the Original Project and would develop a project with a similar sized footprint and lot coverage as the Original Project. The Revised Project would be subject to the same mitigation measures and regulatory compliance measures identified in the Certified EIRA. Impacts would be similar. The Revised Project would, consequently, not represent a new significant impact or substantial increase in the severity of previously identified impacts with respect to hydrology and water quality.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures Hydro-1 through Hydro-3. These mitigation measures would be applied to the Revised Project.

11. LAND USE AND PLANNING

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have less than significant impacts related to land use and planning.

The Certified EIRA found that impacts associated with the Original Project related to land use and planning would be consistent with the analysis and conclusions presented in the Certified PEIR and less than significant.

B. Revised Project

The Revised Project includes the same land uses (residential and commercial) and would be developed on the same Project Site as the Original Project. The Revised Project is not requesting any additional

Attachment C

entitlements that were not previously requested and approved under the Original Project. Similar to the Original Project, the Revised Project would not physically divide an establish community, would be consistent with applicable land use plans adopted for the purpose of avoiding or mitigating an environmental effect, and would not conflict with any applicable habitat conservation plan or

natural community conservation plan. Consequently, the Revised Project would not result in a new significant impact or a substantial increase in the severity of previously identified impacts with respect to land use.

C. Mitigation Measures

No mitigation measures were required for land use and planning in the Certified EIRA; no mitigation measures are required for the Revised Project.

12. MINERAL RESOURCES

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have no impact related to mineral resources.

The Certified EIRA found that impacts associated with the Original Project related to mineral resources would be consistent with the analysis and conclusions presented in the Certified PEIR. Thus, the Revised Project would not represent new significant impact or substantial increase in the severity of previously identified impacts with respect to mineral resources.

B. Revised Project

The Revised Project would be developed on the same Project Site as evaluated in the Certified EIRA. Impacts of the Revised Project would be the same as the Original Project. The Revised Project would, consequently, not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to mineral resources.

C. Mitigation Measures

No mitigation measures were required for mineral resources in the Certified EIRA; no mitigation measures are required for the Revised Project.

13. NOISE

A. Original Project

Attachment C

The Certified PEIR found that development associated with the Downtown Plan would have less than significant construction-related noise impacts after implementation of Mitigation Measures Noise-1(a) and Noise-1(b). The Certified PEIR found that development associated with the Downtown Plan would have less than significant noise impacts during operation of development within the Downtown Plan after implementation of Mitigation Measure Noise-6.

The Certified found that development associated with the Downtown Plan would have significant and unavoidable impacts related to groundborne vibration during construction phases and less than significant vibration impacts during operation.

The Certified EIRA found that the Original Project would result in similar construction and operational noise impacts as those identified in the Certified PEIR; construction noise impacts associated with the Original Project would be less than significant with implementation of Certified PEIR Mitigation Measures Noise-1(a) and Noise-1(b), and operational noise impacts associated with the Original Project would be less than significant with implementation of Certified PEIR Mitigation Measure Noise-6.

The Certified EIRA found that the Original Project would result in reduced impacts compared to the Certified PEIR's significant and unavoidable construction vibration impact; thus, potential construction vibration impacts associated with the Original Project would be less than significant with implementation of Certified PEIR Mitigation Measure Noise-2(a) and Noise 2-(b).

B. Revised Project

The Revised Project would be developed on the same Project Site as evaluated in the Certified EIR, and would develop an eight-story building above two floors of subterranean parking. The Revised Project would not build the 23-story high-rise building approved under the Original Project. However, peak on-site construction activities and equipment and the associated construction noise levels would be similar to the Original Project during maximum activity days when pieces of equipment may be operating simultaneously. The Revised Project would be subject to the same mitigation measures and regulatory compliance measures identified in the Certified EIRA. The Revised Project's peak on-site construction noise impacts would be similar to the Original Project's, which would be less than significant after mitigation. Therefore, the Revised Project would not result a new significant impact or a substantial increase in the severity of previously identified impacts with respect to construction noise.

As with the Original Project, operational noise generated under the Revised Project would be typical of residential land uses; however, the Revised Project would generate fewer daily vehicle trips than the Original Project and thus would generate less traffic noise than the Original Project. Due to less building and fewer units, the Revised Project's on-site operational noise impacts would be less than the Original Project's, which would be less than significant. Therefore, the Revised Project would not result int a new

Attachment C

significant impact or a substantial increase in the severity of previously identified impacts with respect to operational noise.

With respect to vibration, because peak on-site construction activities would be similar to the Original Project, the associated construction vibration levels would be similar to the Original Project during maximum activity days when pieces of equipment may be operating simultaneously. The Revised Project would be subject to the same mitigation measures and regulatory compliance measures identified in the Certified EIRA. The Revised Project's peak on-site construction vibration impacts would be similar to the Original Project's, which would be less than significant after mitigation (and less than the Certified PEIR's significant and unavoidable impact). Therefore, the Revised Project would not represent a new significant impact or substantial increase in the severity of previously identified impacts with respect to construction vibration.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures Noise-1(a), Noise-1(b), Noise-2(a) and 2(b), and Noise-6. These mitigation measures would be applied to the Revised Project.

14. POPULATION AND HOUSING

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have significant and unavoidable impacts with respect to population growth and household displacement.

The Certified EIRA found that the Original Project would be within the development parameters considered in the Certified PEIR and would not allow for development at a greater density/intensity than previously considered. Additionally, the Original Project would be within the SCAG projections for the Downtown Plan area and the City. Thus, population growth impacts associated with the Original Project would be less than significant, and less than the impacts identified in the Certified PEIR. The Certified EIRA found that the Original Project would have a less than significant impact with respect to household displacement, less than the impacts identified in the Certified PEIR.

B. Revised Project

Population growth associated with the Revised Project would be reduced compared to the Original Project because the Revised Project would have 74 fewer housing units. Impacts of the Revised Project related to population and housing would therefore be slightly reduced compared to the Original Project. Consequently, the Revised Project would not represent a new significant impact or substantial increase in the severity of previously identified impacts with respect to population and housing. As the Revised

Attachment C

Project would be developed on the same Project Site as the Original Project, the Revised Project would not result in the displacement of any housing units or people, as there are currently no housing units on the Project Site. Displacement impacts would be the same as with the Original Project.

Therefore, the Revised Project would not represent a new significant impact or substantial increase in the severity of previously identified impacts with respect to population and housing.

C. Mitigation Measures

No mitigation measures were required for population and housing in the Certified EIRA; no mitigation measures are required for the Revised Project.

15. PUBLIC SERVICES

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have less than significant impacts with respect to fire protection, police protection, schools, and libraries. The Certified PEIR found that development associated with the Downtown Plan would have significant and unavoidable impacts with respect to parks. The PEIR determined that recreational opportunities associated with the development associated with the Downtown Plan would place additional stress on the City's recreation system and to reduce this stress, individual project approvals within the Downtown Plan area would be required to pay an in-lieu park and recreation facilities impact fee as a condition of approval. The PEIR found that although the collection of required fees would mitigate some of the overburden on the recreation system, it is not expected to be enough to meet the established City standard of 8 acres of parkland per 1,000 residents. Therefore, the Certified PEIR found that the impact on park and recreation facilities from new development within the Downtown Plan would be significant and unavoidable.

The Certified EIRA found that impacts associated with the Original Project related to fire protection, police protection, schools, and libraries would be consistent with the analysis and conclusions presented in the Certified PEIR and less than significant. The EIRA found that the Original Project would provide an excess of the required open space on the Project Site, and would be required to pay an in-lieu park and recreation facilities impact fee as a condition of approval. Therefore, the EIRA found that no new impacts on park and recreation facilities would occur from implementation of the Original Project. The Certified EIRA found that impacts associated with the Original Project related to parks would be consistent with the analysis and conclusions presented in the Certified PEIR and significant and unavoidable. Thus, the Revised Project would not represent new significant impact or substantial increase in the severity of previously identified impacts with respect to public services.

B. Revised Project

Attachment C

Demand for fire protection, police protection, school, library, and parks and recreation services associated with the Revised Project would be reduced as compared to the Original Project because the Revised Project would build 74 fewer housing units. Impacts related to fire protection, police protection, schools, and libraries would be less than significant, the same as the Original Project, although with a corresponding reduced demand on those services due to the decrease in on-site population. As discussed above, the EIRA determined that the Original Project would be consistent with the analysis and conclusions in the Certified PEIR and would thus be significant and unavoidable. Consequently, although the Revised Project would decrease demand on parks and recreation services, would provide open space on-site in accordance with the requirements of the Downtown Plan, and would be required to pay an in-lieu park and recreating impact fee, impacts to parks and recreation services would be consistent with the findings of the PEIR and would remain significant and unavoidable. The Revised Project would not result in a new significant impact or a substantial increase in the severity of previously identified impacts with respect to public services.

C. Mitigation Measures

No mitigation measures were required for public services in the Certified EIRA; no feasible mitigation measures are available for the Revised Project.

16. RECREATION

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have significant and unavoidable impacts with respect to recreation.

The Certified EIRA found that impacts associated with the Original Project related to recreation would be consistent with the analysis and conclusions presented in the Certified PEIR and significant and unavoidable. Thus, the Revised Project would not represent new significant impact or substantial increase in the severity of previously identified impacts with respect to recreation.

B. Revised Project

Demand for recreation services associated with the Revised Project would be reduced as compared to the Original Project because the Revised Project would build 74 fewer housing units than the Original Project and the reduced on-site population would create less of a demand for recreational services in the Project area. Additionally, although the Revised Project would build fewer housing units than the Original Project, it proposes to provide a similar amount of open space, thus increasing the per capita amount of open space within the Revised Project for residents. This would further reduce the potential demand for public recreational facilities in the area. However, as with the Original Project, the Revised Project's impacts would be significant and unavoidable. Consequently, the Revised Project would not result in a new

Attachment C

significant impact or a substantial increase in the severity of previously identified impacts with respect to recreation.

C. Mitigation Measures

No feasible mitigation measures were available for recreation in the Certified EIRA; no feasible mitigation measures are available for the Revised Project.

17. TRANSPORTATION

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have significant and unavoidable impacts with respect to eight intersections within the Plan area. An additional eight intersections would have less than significant impacts after mitigation. The Certified PEIR found that development associated with the Downtown Plan would have significant and unavoidable CMP impacts at two intersections. The Certified PEIR found that the Downtown Plan would have no impact with respect to air traffic patterns or hazardous design features, and less than significant impacts related to emergency access and public transit, bicycle, and pedestrian facilities.

The Certified EIRA found that the Original Project's contribution to traffic conditions at the two study intersections would be less than significant after implementation of PEIR Mitigation Measures Traf-1(a) through Traf-1(f), which require payment of a fair-share contribution to specific intersections and roadways in the Downtown Plan area. The impacts identified in the Certified PEIR at eight intersections outside of the study area would remain significant and unavoidable. The Certified EIRA found that the Original Project would be consistent with the analysis and conclusions presented in the Certified PEIR regarding CMP impacts, air traffic patterns, hazardous design features, emergency access, and public transit, bicycle, and pedestrian facilities; thus, the Revised Project would not represent new significant impact or substantial increase in the severity of previously identified impacts with respect to transportation.

B. Revised Project

In 2013, California Senate Bill (SB) 743 was signed, with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions." When implemented, "traffic congestion shall not be considered a significant impact on the environment" within California Environmental Quality Act (CEQA) transportation analysis. SB 743 required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. For land use projects, OPR identified Vehicle Miles Traveled (VMT) per capita, VMT per employee, and net VMT as new metrics for transportation analysis.

Attachment C

At the statewide level, regulatory changes to the CEQA Guidelines that implement SB 743 were approved on December 28, 2018. OPR released a December 2018 Technical Advisory that contains recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. Statewide implementation occurred on July 1, 2020. In response, the City of Long Beach has adopted Traffic Impact Analysis Guidelines (July 2020).

Thus, since certification of the PEIR and EIRA, the methodology used to determine CEQA impacts related to transportation have changed. Whereas the PEIR and EIRA analyzed impacts based on criteria such as intersection level of service, average daily traffic volumes, and peak-hour trips, the CEQA Guidelines now state that vehicle miles traveled is the most appropriate measure of transportation impacts.

The Revised Project would be reduced compared to the Original Project; the Revised Project would build 74 fewer housing units and 1,356 sf less of retail space than the Original Project. Thus, the Revised Project would result in fewer daily traffic trips and consequently fewer peak hour trips and a reduced contribution to intersection impacts. Section 2.2.2 of the City of Long Beach Traffic Impact Analysis Guidelines states explains that OPR Technical Advisory on Evaluating Transportation Impacts in CEQA states that residential and office projects that have similar density, mix of uses, and transit accessibility as surrounding similar uses will likely have similar VMT generation as those uses. Therefore, maps showing VMT-efficient areas can be used to screen residential and office projects from further analysis. The City of Long Beach Traffic Impact Analysis Guidelines has determined that the Project Site is in an area where average VMT per capita is lower than the County average by 15 percent or more. (See Figure 2 of the City of Long Beach Traffic Impact Analysis Guidelines, July 2020.) In these areas, projects with similar characteristics to the surrounding development would be presumed to have a less than significant transportation impact.

Furthermore, Section 2.2.3 of the City of Long Beach Traffic Impact Analysis Guidelines states any project located in within a transit priority areas per CEQA Guidelines Section 15064.3, Subsection (b), will be presumed to have a less than significant transportation impact related to CEQA Guidelines Section 15064.3, subdivision (b), unless the project:

- Has an overall Floor Area Ratio (FAR) of less than 0.75;
- Includes more parking for use by residents, customers, or employees of the project than required (if parking minimums pertain to the site) or allowed without a conditional use permit (if minimums and/or maximums pertain to the site);
- Is inconsistent with the Long Beach Land Use Element or the SCAG RTP/SCS; or
- Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

Attachment C

Thus, under both Sections 2.2.2 and 2.2.3 of the City of Long Beach Traffic Impact Analysis Guidelines, the Revised Project by virtue of its location and land uses would result in a less than significant impact with respect to vehicle miles traveled. Therefore, the Revised Project would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to transportation.

Like the Original Project, the Revised Project would have no effect on air traffic patterns. Vehicular access to the Project Site for the Revised Project is the same as under the Original Project, and therefore the Revised Project would not introduce any new hazardous design features nor would the Revised Project have an adverse impact on emergency access. The Revised Project would not result in any changes to public transit, bicycle, or pedestrian facilities in the vicinity that were not previously analyzed in the Certified EIRA. Therefore, the Revised Project would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to transportation.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures Traf-1(a) through Traf-1(f). These mitigation measures would be applied to the Revised Project.

18. TRIBAL CULTURAL RESOURCES

The Certified PEIR and Certified EIRA include analyses of potential impacts related to tribal cultural resources as part of Cultural Resources – Archaeological and Paleontological Resources. Since Certification of the EIR, CEQA Guidelines Appendix G was revised to include tribal cultural resources as a stand-alone impact issue area, separate from Cultural Resources. Paleontological Resources are now analyzed in the Geology and Soils issue area of the most recent version of the CEQA Guidelines.

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would result in less than significant impacts related to archaeological or human remains with implementation of Mitigation Measures CR-2(a) through CR-2(c), CR-3(a), and CR-3(b).

The Certified EIRA found that near-surface archeological resources, or human remains, on previously developed properties that may have existed are likely to have been disturbed or removed. Despite this, the potential still exists for development activities to encounter and damage archaeological resources, or encounter human remains and, thus, impacts would be potentially significant. The Certified EIRA found that impacts would be mitigated by complying with Mitigation Measures CR-2(a) through CR-2(c), as well as Mitigation Measure CR-3(a) and Mitigation Measure CR-3(b), of the Certified PEIR. Mitigation Measures CR-2(a) through CR-2(c), as well as Mitigation Measure CR-3(a) and Mitigation Measure CR-3(b), of the Certified PEIR require the project proponent to hire a qualified archaeologist or and Native

Attachment C

American representative to monitor the project site during construction and address preservation of any identified resources that may be encountered during project implementation. The Certified EIRA found that the Original Project would be consistent with the analysis and conclusions presented in the Certified PEIR; thus, impacts would be less than significant with implementation of PEIR Mitigation Measures CR-2(a) through CR-2(c).

B. Revised Project

The Revised Project would be developed on the same Project Site as evaluated in the Certified PEIR and EIRA and would require the same depth of excavation to accommodate the two levels of subterranean parking proposed. Moreover, the same mitigation measures and regulatory compliance measures that would be applicable to the Original Project would continue to be applicable to the Revised Project. Impacts would be similar as compared to the Original Project. The Revised Project would, consequently, not result in a new significant impact or a substantial increase in the severity of previously identified impacts with respect to Tribal Cultural Resources.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Mitigation Measures CR-2(a) through CR-2(c). These mitigation measures would be applied to the Revised Project.

19. UTILITIES AND SERVICE SYSTEMS

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would result in less than significant impacts related to wastewater, the storm drain system, and water supply and demand. The Certified PEIR found that the Downtown Plan would result in less than significant impacts after mitigation related to solid waste.

The Certified EIRA found that the Original Project would be consistent with the analysis and conclusions presented in the Certified PEIR; thus, impacts related to wastewater, the storm drain system, and water supply and demand would be less than significant and impacts related to solid waste disposal would be less than significant with implementation of PEIR Mitigation Measures Utilities-3(a) through Utilities-3(d).

B. Revised Project

The Revised Project would be reduced in size compared to the Original Project, both in overall building and development size (total floor area) and number of units (a reduction of 74 compared to the Original Project). The reduced project size would result in an overall decrease in wastewater output and water consumption generated by the Revised Project as compared to the Original Project. With regard to

Attachment C

stormwater, the Revised Project would have similar impacts to the Original Project because the Revised Project would result in a similar amount of on-site paving and impervious surfaces. The Revised Project would generate less solid waste than the Original Project as a result of fewer residential units and commercial sf present on the Project Site. Although wastewater and solid waste generation and water demand would be reduced under the Revised Project comparatively, the same mitigation measures that would be applicable to the Original Project would continue to be applicable to the Revised Project. The Revised Project would, consequently, not result in a new significant impact or a substantial increase in the severity of previously identified impacts with respect to utilities and service systems.

C. Mitigation Measures

The Certified EIRA for the Original Project requires implementation of Certified PEIR Mitigation Measures Utilities-3(a) through Utilities-3(d). These mitigation measures would be applied to the Revised Project.

20. WILDFIRE

Potential impacts related to emergency evacuation and wildfire were discussed in the Certified PEIR and Certified EIRA as part of Hazards and Hazardous Materials. However, the CEQA Guidelines Appendix G has been revised to include a stand-alone wildfire issue area as part of the Checklist.

A. Original Project

The Certified PEIR found that development associated with the Downtown Plan would have no impact to wildland fires. Furthermore, the Certified PEIR found that the Original Project would not interfere with emergency preparedness or access (as evaluated under Hazards and Hazardous Materials and Transportation).

The Certified EIRA found that the Original Project would not result in an impact to wildland fires, emergency preparedness, or emergency access that was not previously considered in the Certified PEIR.

B. Revised Project

The Revised Project would be developed on the same Project Site as evaluated in the Certified PEIR and EIRA; the Project Site is within downtown Long Beach and is not in a location subject to wildfires or high fire hazard severity. The Revised Project would be subject to the same regulatory measures designed to ensure fire safety as the Original Project. Impacts would be similar to the Original Project. The Revised Project would, consequently, not result in a new significant impact or a substantial increase in the severity of previously identified impacts with respect to wildfire.

C. Mitigation Measures

Attachment C

No mitigation measures were required for wildfire in the Certified EIRA; no mitigation measures are required for the Revised Project.

III. CONCLUSION

Based on the above analysis, which compared the potential effects of the Revised Project with the potential impacts of the Original Project as discussed in the Certified EIRA, the Revised Project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects (CEQA Guidelines § 15162(a)(1)). In addition, no substantial changes have occurred with respect to the circumstances under which the project would be undertaken which would require major revisions of the previous EIRA due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (CEQA Guidelines § 15162(a)(2)). Finally, no new information of substantial importance has been presented which would show that the Revised Project would have one or more significant effects not discussed in the previous EIRA; that significant effects previously examined will be substantially more severe than shown in the previous EIRA; that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Revised Project, but the project proponents declined to adopt the mitigation measure or alternative; or that mitigation measures or alternatives which are considerably different from those analyzed in the previous EIRA would substantially reduce one or more significant effects on the environment, but the project proponents declined to adopt the mitigation measure of alternative (CEQA Guidelines § 15162(a)(3)). Therefore, a supplemental or subsequent EIR is not required, and the Certified PEIR and Certified EIRA remain the appropriate CEQA documentation for the Revised Project.

Attachment C



Table 2
Summary of Revised Project Impacts Compared to the Original Project

Impact Category	Original Project Impacts	Revised Project Impacts
Aesthetics	Less Than Significant with Mitigation	Same
Agricultural Resources	No Impact	Same
Air Quality – Construction	Less Than Significant with Mitigation	Lower and Less Than Significant with Mitigation
Air Quality – Operation	Less Than Significant with Mitigation	Lower and Less Than Significant with Mitigation
Biological Resources	No Impact	Same
Cultural Resources – Historic Resources	Less Than Significant with Mitigation	Same
Cultural Resources – Archaeological and Paleontological Resources, Human Remains	Less Than Significant with Mitigation	Same
Energy	Less Than Significant	Lower and Less Than Significant
Geology and Soils	Less Than Significant with Mitigation	Same
Greenhouse Gas Emissions	Less Than Significant with Mitigation	Lower and Less Than Significant with Mitigation
Hazards and Hazardous Materials	Less Than Significant with Mitigation	Same
Hydrology and Water Quality	Less Than Significant with Mitigation	Same
Land Use and Planning	Less Than Significant	Same
Mineral Resources	No Impact	Same
Noise – Construction	Less Than Significant with Mitigation	Lower and Less Than Significant with Mitigation
Noise – Operation	Less Than Significant	Lower and Less Than Significant
Population and Housing	Less Than Significant	Same
Public Services	Significant and Unavoidable (Parks and Recreation)	Lower and Significant and Unavoidable
Recreation	Significant and Unavoidable	Lower and Significant and Unavoidable
Transportation	Less Than Significant with Mitigation	Lower and Less than Significant with Mitigation
Tribal Cultural Resources	Less Than Significant with Mitigation	Same
Utilities	Less Than Significant with Mitigation	Lower and Less than Significant with Mitigation
Wildfire	No Impact	Same

Attachment C

