

CITY OF LONG BEACH

H-2

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

July 18, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, adopt a Resolution finding the project to be consistent with the Downtown Plan Programmatic Environmental Impact Report and subject to the Downtown Plan Mitigation Monitoring and Reporting Program and denying the appeal from Warren Blesofsky representing Long Beach Citizens for Fair Development; and,

Uphold the Planning Commission's decision to approve a Site Plan Review for the construction of a seven-story, 142-unit mixed use residential development at 500 West Broadway in the Downtown Planned Development District (PD-30). (District 2)

DISCUSSION

On May 4, 2017, the Planning Commission held a public hearing and approved, with conditions, a Site Plan Review for the construction of a seven-story, 142-unit mixed use residential development. The project site is located on the south side of Broadway between Magnolia Avenue (east) and World Trade Center (west) (Exhibit A – Location Map). The surrounding land uses consist of the Governor George Deukmejian Courthouse (Courthouse) to the north and the Courthouse parking structure to the south, the World Trade Center to the west and the Long Beach Public Safety Building to the east. The project site is currently improved with a surface parking lot.

The project site is located in the Downtown Planned Development (Downtown Plan) District, which establishes land use, height, parking and access standards for new development. The General Plan Land Use Designation (LUD) for the project site is LUD No. 7, Mixed Use District. This district intends for the blending of different types of land uses.

The proposed project improves the site with a seven-story building with 142 residential units and 191 parking stalls (163 standard size, 19 compact and 7 accessible) located within an integrated three-level garage (subterranean level, ground level and second floor) (Exhibit B – Plans). The residential units occupy floors three through seven. The unit mix consists of 75 studios (566 to 662 square feet), 41 one-bedroom units (758 square feet), 32 two-bedroom units (1,020 square feet) and 4 three-bedroom units (1,263 square feet).

HONORABLE MAYOR AND CITY COUNCIL

July 18, 2017

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The above ground parking levels are wrapped with active uses to activate the street level. The lobby, leasing office, bicycle storage and repair facility, and retail and restaurant space are located on the ground floor and oriented towards Broadway. A roof deck provides open space for the residents and provides residential amenities including a pool, spa, fitness center, and community room. At its highest point, the building would measure 84 feet from Magnolia Avenue. Vehicle ingress and egress is taken from Magnolia Avenue.

The proposed project features a contemporary design. The elevations incorporate a covered front entry, asymmetrical façade changes, a variety of materials including wood cladding, projecting balconies, and variations in the roofline and roof openings. The building design elements incorporate a subtle hint from the Courthouse with wood building material for the decorative eaves.

Pursuant to Title 21 (Zoning Ordinance) of the Long Beach Municipal Code, Site Plan Review by the Planning Commission is required for any development consisting of 50 or more units. The project, as conditioned, has been found to meet the Site Plan Review requirements (Exhibit C – Findings & Conditions).

On May 9, 2017, Mr. Warren Blesofsky, representing Long Beach Citizens for Fair Development, filed an appeal of the Planning Commission's decision citing inadequacy of the environmental review (Exhibit D – Application for Appeal). Mr. Blesofsky asserts the proposed development's potential impacts were not adequately addressed by the Downtown Plan Program Environmental Impact Report (PEIR).

Public hearing notices were distributed on June 19, 2017, and no responses were received as of the date of preparation of this report.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), staff evaluated the project in accordance with the Downtown Plan PEIR and associated Mitigation Monitoring and Reporting Program (MMRP) and found that compliance with the MMRP renders the project previously analyzed within the scope of the Downtown Plan PEIR. Pursuant to State CEQA Guidelines Section 15162, no further review is required as the project is consistent with the prior PEIR. Specific findings regarding compliance with CEQA are included as Exhibit E.

This project is consistent with the City's General Plan including Land Use Element goals of economic development, downtown revitalization, and new housing construction. The City's Housing Element contains Goal 4, provide increased opportunities for the construction of high quality housing, which this project does provide. The City's Mobility Element supports the pedestrian improvements associated with this project.

Staff finds the appeal to be without merit and recommends the City Council uphold the decision of the Planning Commission as outlined in the proposed Resolution.

This matter was reviewed by Assistant City Attorney Michael J. Mais on June 21, 2017 and by Budget Management Officer Rhutu Amin Gharib on May 31, 2017.

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July 18, 2017
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TIMING CONSIDERATIONS

City Council action is requested on July 18, 2017, as Section 21.21.504B of the Zoning Regulations requires a public hearing for an appeal to the City Council.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

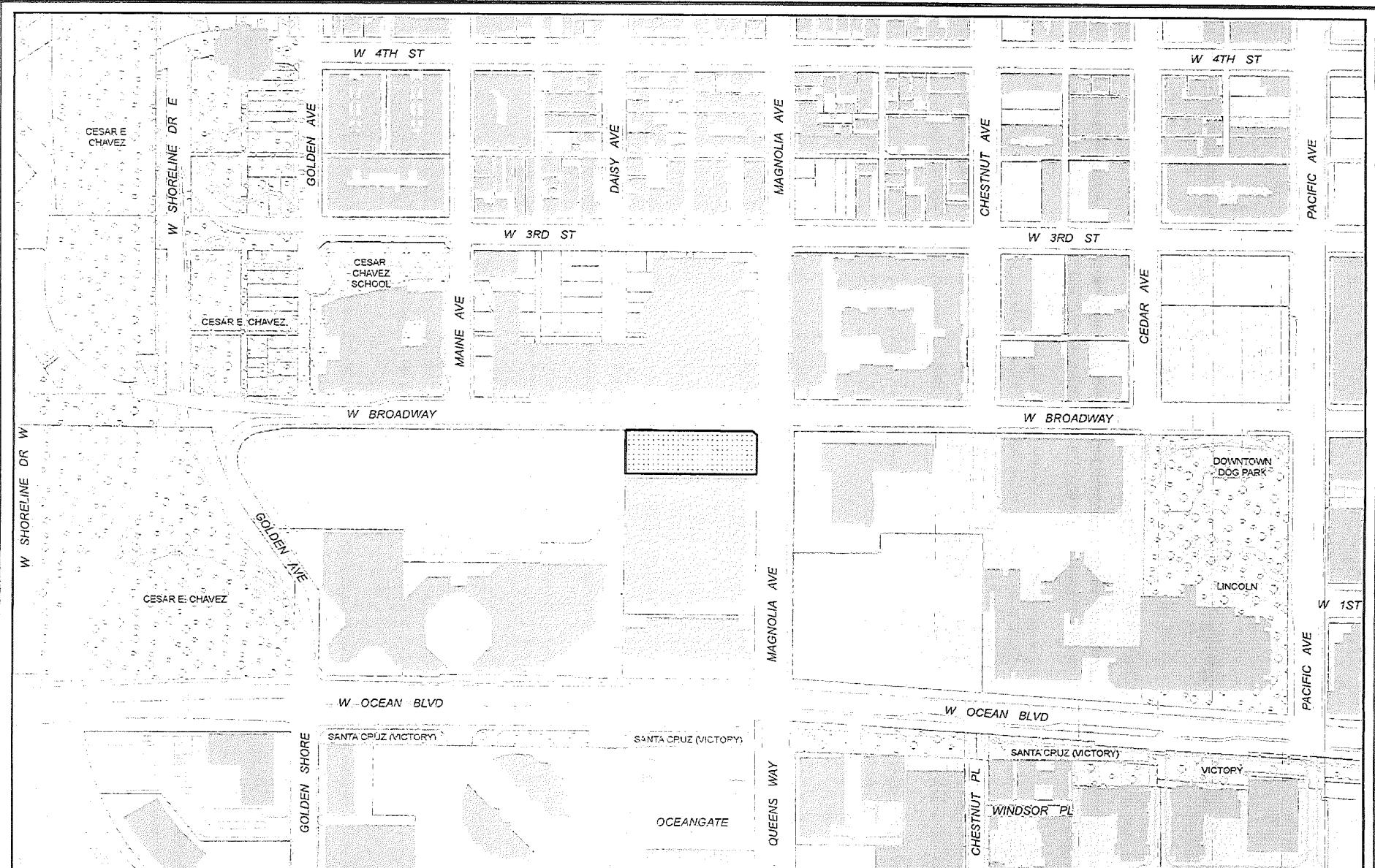
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APPROVED:



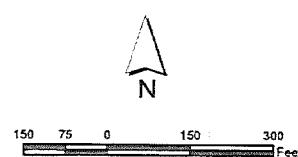
PATRICK H. WEST
CITY MANAGER

Attachments: Exhibit A - Location Map
Exhibit B - Plans
Exhibit C - Findings & Conditions
Exhibit D - Application for Appeal
Exhibit E - CEQA Findings
Resolution



Subject Property:
500 W Broadway
Application No. 1610-22
Council District 2
Zoning Code : PD-30

Exhibit A



BROADWAY & MAGNOLIA APARTMENTS

LONG BEACH / CA



**BROADWAY
AND
MAGNOLIA
APARTMENTS**

500 W. BROADWAY,
LONG BEACH | CA 90802

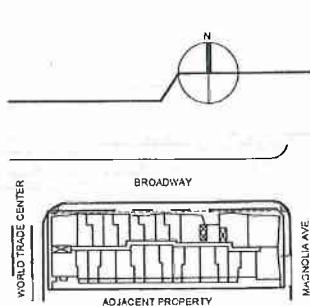
**ENSEMBLE REAL
ESTATE
INVESTMENTS**

444 W OCEAN BLVD # 1108,
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SITE PLAN REVIEW

JANUARY 04, 2017
with APRIL 11, 2017
EV PARKING REVISIONS

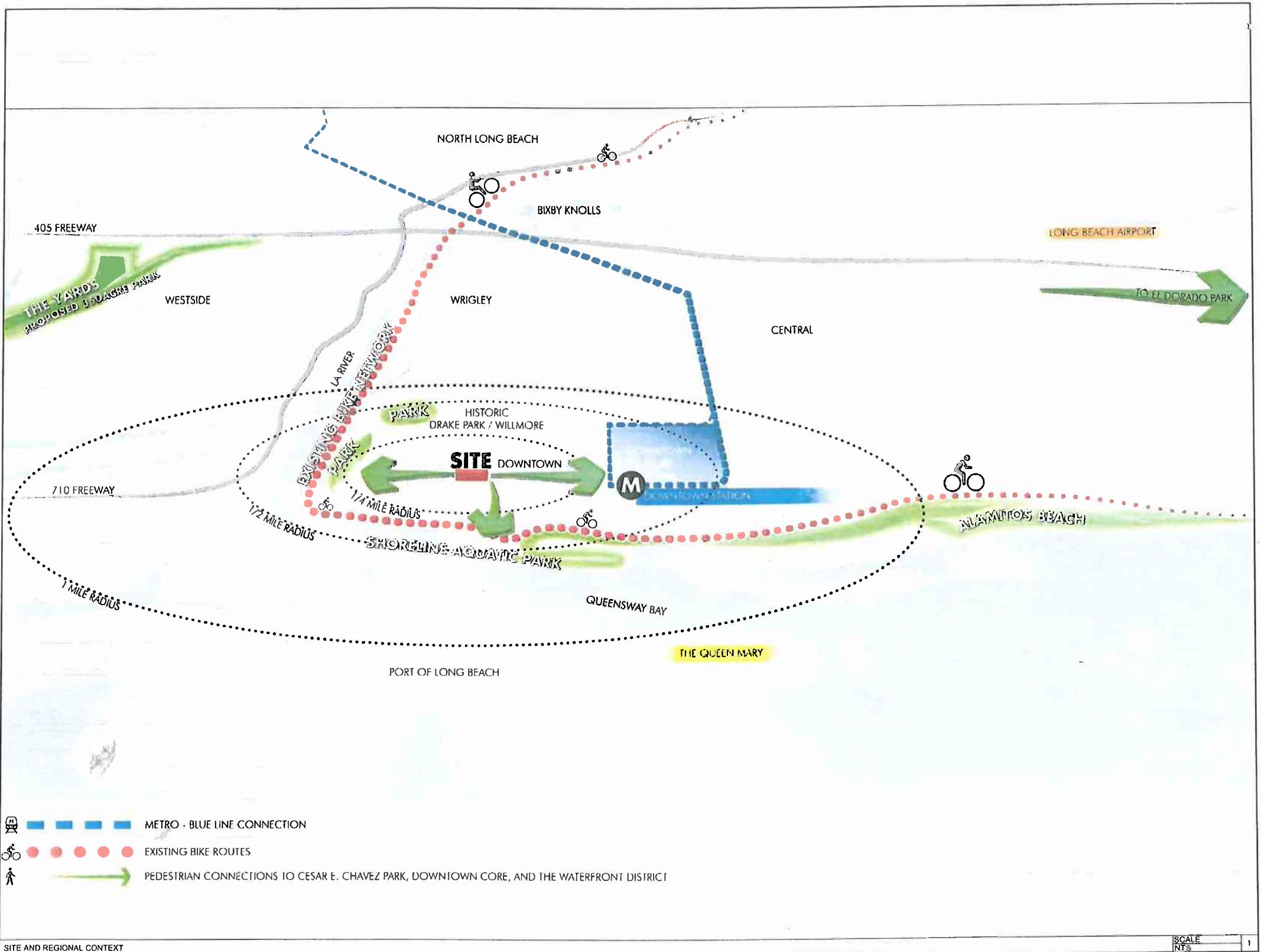
PROJECT NO. 16003



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BROADWAY AND MAGNOLIA APARTMENTS			
500 W. BROADWAY LONG BEACH, CA			
EXISTING ZONING:			TYPE II
GROSS LOT AREA (DENSITY):			34,654 SF (Pre-dedication)
NET LOT AREA:			32,870 SF (After dedication)
BUILDABLE AREA:			32,507 SF (After 3'-6" Setback)
ALLOWABLE FAR:			8.0
PROPOSED FAR:			4.08
PROPOSED DENSITY:			142 UNITS
PROPOSED BUILDABLE AREA:			131,912 SF
ALLOWABLE HEIGHT LIMIT:			240'
PROPOSED BUILDING HEIGHT:			84' Top of sheathing
ALLOWABLE BUILDING STORIES:			NO LIMIT
BUILDING STORIES:			7 (5 OVER 2)
SETBACK			REQ PROVIDED FRONT 3'-6" 3'-6" SIDE YARD 0'-0" 0'-0" REAR YARD 0'-0" 0'-0"
PROJECT INFORMATION:			
UNIT TYPE	QUANTITY	GSF	TOTAL GSF %
Units - Floor 3 - 4			
JR1- 1 BEDROOM/ 1 BATH	6	566	3,396 4%
S1- 1 BEDROOM / 1 BATH	4	667	2,668 3%
S1a- 1 BEDROOM / 1 BATH	2	743	1,486 1%
S2- 1 BEDROOM / 1 BATH	2	640	1,280 1%
S3- 1 BEDROOM / 1 BATH	2	574	1,148 1%
S4- 1 BEDROOM / 1 BATH	2	606	1,212 1%
S5- 1 BEDROOM / 1 BATH	2	689	1,378 1%
S6- 1 BEDROOM / 1 BATH	2	669	1,338 1%
S7- 1 BEDROOM / 1 BATH	2	688	1,376 1%
S9- 1 BEDROOM / 1 BATH	2	644	1,288 1%
S10- 1 BEDROOM / 1 BATH	2	603	1,206 1%
B1- 1 BEDROOM / 1 BATH	4	822	3,288 3%
B1a- 1 BEDROOM / 1 BATH	2	779	1,558 1%
B5- 1 BEDROOM / 1 BATH	2	737	1,474 1%
B6- 1 BEDROOM / 1 BATH	2	663	1,328 1%
B7- 1 BEDROOM / 1 BATH	2	697	1,394 1%
B8- 1 BEDROOM / 1 BATH	2	729	1,458 1%
B10- 1 BEDROOM / 1 BATH	2	728	1,452 1%
C1- 2 BEDROOM / 2 BATH	2	1245	2,490 1%
C2- 2 BEDROOM / 2 BATH	2	1116	2,235 1%
C3- 2 BEDROOM / 2 BATH	2	1111	2,222 1%
C5- 2 BEDROOM / 2 BATH	6	924	5,544 4%
C6- 2 BEDROOM / 2 BATH	2	1006	2,012 1%
D2- 3 BEDROOM / 2 BATH	2	1255	2,510 1%
Units - Floor 5 - 6			
JR1- 1 BEDROOM / 1 BATH	8	566	3,396 4%
S1- 1 BEDROOM / 1 BATH	4	667	2,668 3%
S1a- 1 BEDROOM / 1 BATH	2	743	1,488 1%
S2- 1 BEDROOM / 1 BATH	2	640	1,280 1%
S3- 1 BEDROOM / 1 BATH	2	574	1,148 1%
S4a- 1 BEDROOM / 1 BATH	2	643	1,266 1%
S5a- 1 BEDROOM / 1 BATH	4	696	2,784 3%
S7a- 1 BEDROOM / 1 BATH	2	894	1,388 1%
S8- 1 BEDROOM / 1 BATH	2	679	1,358 1%
S9a- 1 BEDROOM / 1 BATH	2	678	1,356 1%
G10a- 1 BEDROOM / 1 BATH	2	648	1,293 1%
B1- 1 BEDROOM / 1 BATH	4	822	3,288 3%
B1a- 1 BEDROOM / 1 BATH	2	779	1,558 1%
B5a- 1 BEDROOM / 1 BATH	4	876	2,704 3%
B6a- 1 BEDROOM / 1 BATH	2	744	1,408 1%
B7a- 1 BEDROOM / 1 BATH	2	699	1,398 1%
B10a- 1 BEDROOM / 1 BATH	2	730	1,400 1%
C1a- 2 BEDROOM / 2 BATH	2	1065	2,130 1%
C2a- 2 BEDROOM / 2 BATH (floor 5)	1	1127	1,127 1%
C2b- 2 BEDROOM / 2 BATH (floor 6)	1	1159	1,159 1%
C3a- 2 BEDROOM / 2 BATH (floor 5)	1	1050	1,050 1%
C3b- 2 BEDROOM / 2 BATH (floor 6)	1	1091	1,091 1%
C5- 2 BEDROOM / 2 BATH	6	924	5,544 4%
C6a- 2 BEDROOM / 2 BATH	2	1046	2,092 1%
D2a- 3 BEDROOM / 2 BATH	2	1271	2,542 1%
Units - Floor 7			
JR1- 1 BEDROOM / 1 BATH	3	566	1,698 2%
S4a- 1 BEDROOM / 1 BATH	1	643	643 1%
S5- 1 BEDROOM / 1 BATH	1	689	689 1%
S8- 1 BEDROOM / 1 BATH	1	669	669 1%
S7- 1 BEDROOM / 1 BATH	1	688	688 1%
B1a- 1 BEDROOM / 1 BATH	1	779	779 1%
B1b- 1 BEDROOM / 1 BATH	1	950	950 1%
B5- 1 BEDROOM / 1 BATH	1	735	735 1%
B6- 1 BEDROOM / 1 BATH	1	663	663 1%
B7b- 1 BEDROOM / 1 BATH	1	670	670 1%
B8- 1 BEDROOM / 1 BATH	1	729	729 1%
B12- 1 BEDROOM / 1 BATH	1	915	915 1%
B9c- 1 BEDROOM / 1 BATH	1	1006	1,006 1%
C4- 2 BEDROOM / 2 BATH	1	1191	1,191 1%
C5- 2 BEDROOM / 2 BATH	3	924	2,772 2%
TOTAL			
		QUANTITY	SF TOTAL SF %
JUNIOR 1 BED / 1 BATH	15	566	8,490 11%
STUDIO 1 BED / 1 BATH	50	662	33,119 35%
1 BEDROOM / 1 BATH	41	759	31,115 29%
2 BEDROOM / 2 BATH	32	1021	32,680 23%
3 BEDROOM / 2 BATH	4	1263	5,052 3%
	142	778	110,439 100%
LOBBY			
COMMUNITY ROOM (FLOOR 7)			417
FITNESS (FLOOR 7)			1,500
LEASE OFFICE (GROUND)			1,500
TRASH VENTILATE			1,168
CORRIDORS (FLOOR 1)			430
CORRIDORS (FLOOR 2)			0
CORRIDORS (FLOOR 3-4)			200
CORRIDORS (FLOOR 5-6)			4,203
CORRIDORS (FLOOR 7)			3,699
BALCONY (FAR)			1,864
TOTAL COMMON FLOOR AREA			2,303
			17,484
TOTAL RESIDENTIAL FLOOR AREA			
			127,920
COMMERCIAL AREAS (AREA 1 + AREA 2)			1,188
CAFÉ/MARKET			2,287
PATIO (EXTERIOR)			557
TOTAL COMMERCIAL FLOOR AREA			3,892
			131,812
TOTAL FLOOR AREA (RESID+COMMER)			
			4.08 131,812
BASEMENT PARKING			27,271
FIRST FLOOR PARKING			17,080
SECOND FLOOR PARKING			25,258
BIKE AMENITY			1,170
PARKING SP.			70,779
TRASH ROOM			303
TRASH ROOM (COMMERCIAL)			165
RESIDENTIAL SELF-STORAGE #1			364
RESIDENTIAL SELF-STORAGE #2			713
RESIDENTIAL SELF-STORAGE #3			640
MECHANICAL, UTILITY, OTHER STORAGE			1,149
ELECTRICAL SWITCH GEAR			374
ELECTRICAL VAULT ROOM			876
TOTAL UTILITY AREA			4,604
			207,295
REQUIRED OPEN SPACE			
REQUIRED COMMON PEN SPACE			
20 % OF 0.79 ACRE SITE			6,882
REQUIRED PRIVATE OPEN SPACE	# UNITS	MN SF	
50 % OF ALL DWELLING UNITS - 6' MIN DIST	71	36	2,556
TOTAL REQUIRED OPEN SPACE =			9,436
PROVIDED COMMON OPEN SPACE			
INTERIOR			
COMMUNITY ROOM (FLOOR 7)			1,500
FITNESS (FLOOR 7)			1,500
TOTAL INTERIOR			3,000
EXTERIOR			
ROOF DECK (7 FLOOR)			4,569
TOTAL PROVIDED COMMON OPEN SPACE			7,569
PRIVATE OPEN SPACE			
UNIT WITH QUALIFYING BALCONY (38 SF MN) =	71	2,556	
TOTAL PROPOSED OPEN SPACE			10,125

PARKING:			
PARKING REQUIRED	RATIO	# UNITS	REQUIRED
1 PER UNIT	1.00	142	142
1 GUEST FOR EVERY 4 UNITS	0.25	142	36
TOTAL RESIDENTIAL PARKING REQUIRED =			
			178
PARKING PROVIDED:			
BASEMENT PARKING GARAGE (RESIDENTIAL SPACES ONLY)			
STANDARD RESIDENTIAL			61
STANDARD RESIDENTIAL (TADEM)			8
'COMPACT (2ND SPACE IN TANDEM CONFIG/ NON-UNIQUE SPACES)			8
COMPACT (RESIDENTIAL)			3
TOTAL BASEMENT SPACES			80
FIRST FLOOR PARKING GARAGE (GUEST + RESIDENTIAL SPACES)			
STANDARD SPACES (GUEST)			23
ACCESSIBLE (GUEST) - 5%			2
STANDARD EVCS SPACES (GUEST)			2
STANDARD EVS (FUTURE) SPACES (GUEST)			8
ACCESSIBLE EVCS (GUEST)			1
EV SPACES (RESIDENTIAL)			0
STANDARD (RESIDENTIAL)			4
COMPACT (RESIDENTIAL)			0
ACCESSIBLE (RESIDENTIAL)			3
TOTAL FIRST FLOOR SPACES			43
SECOND FLOOR PARKING GARAGE (RESIDENTIAL SPACES ONLY)			
STANDARD RESIDENTIAL			45



BROADWAY AND MAGNOLIA APARTMENTS

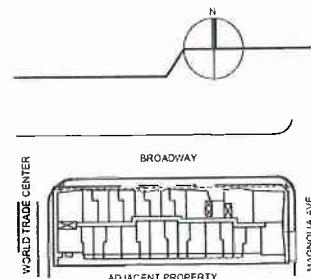
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444 W OCEAN BLVD # 1108,
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SITE PLAN REVIEW

JANUARY 04, 2017
PROJECT NO. 16003

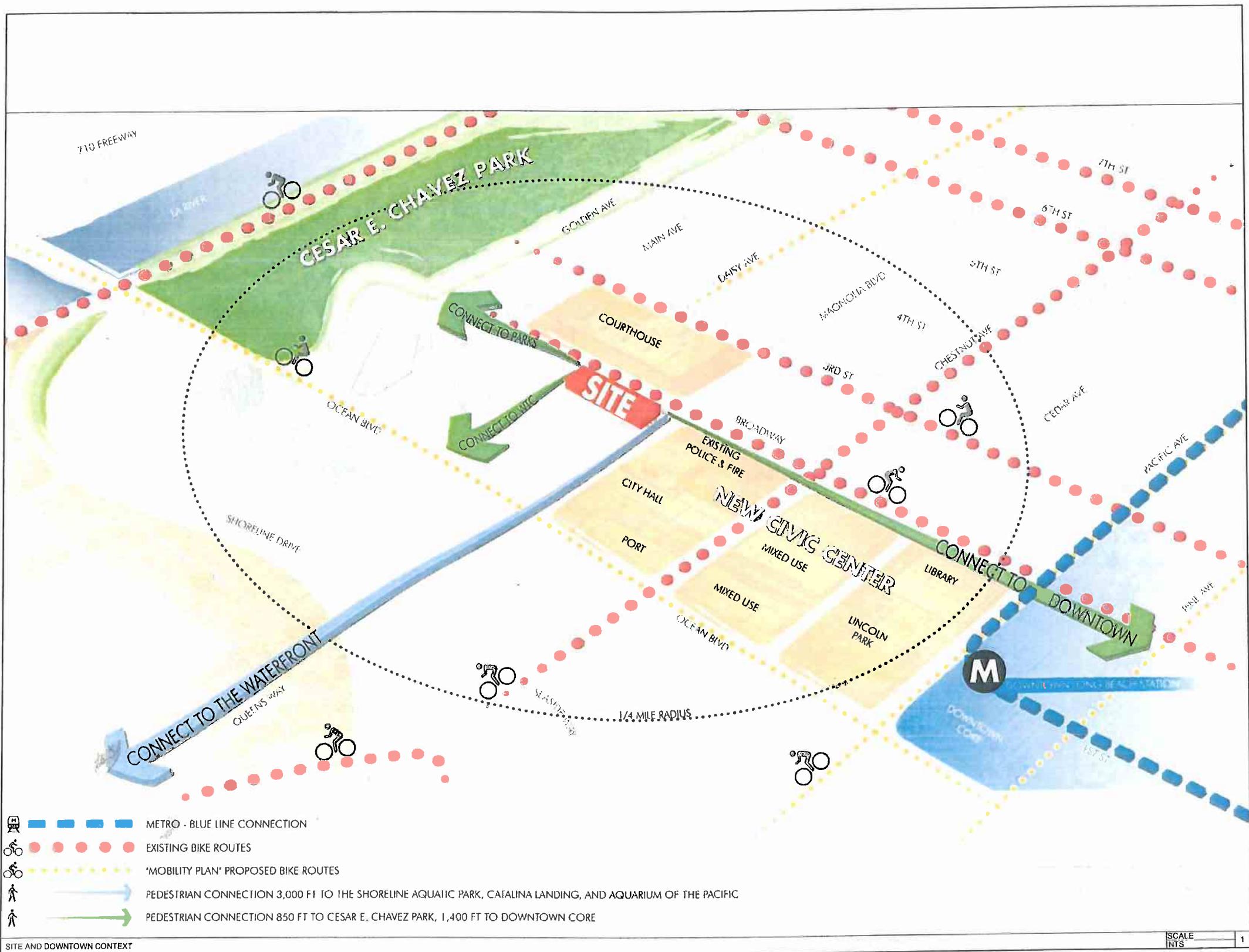


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SITE ANALYSIS



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BROADWAY AND MAGNOLIA APARTMENTS

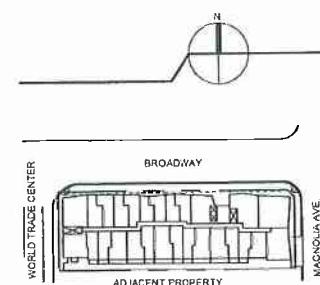
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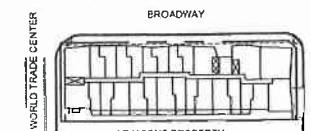
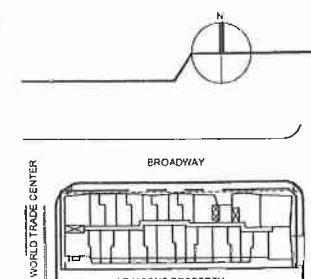
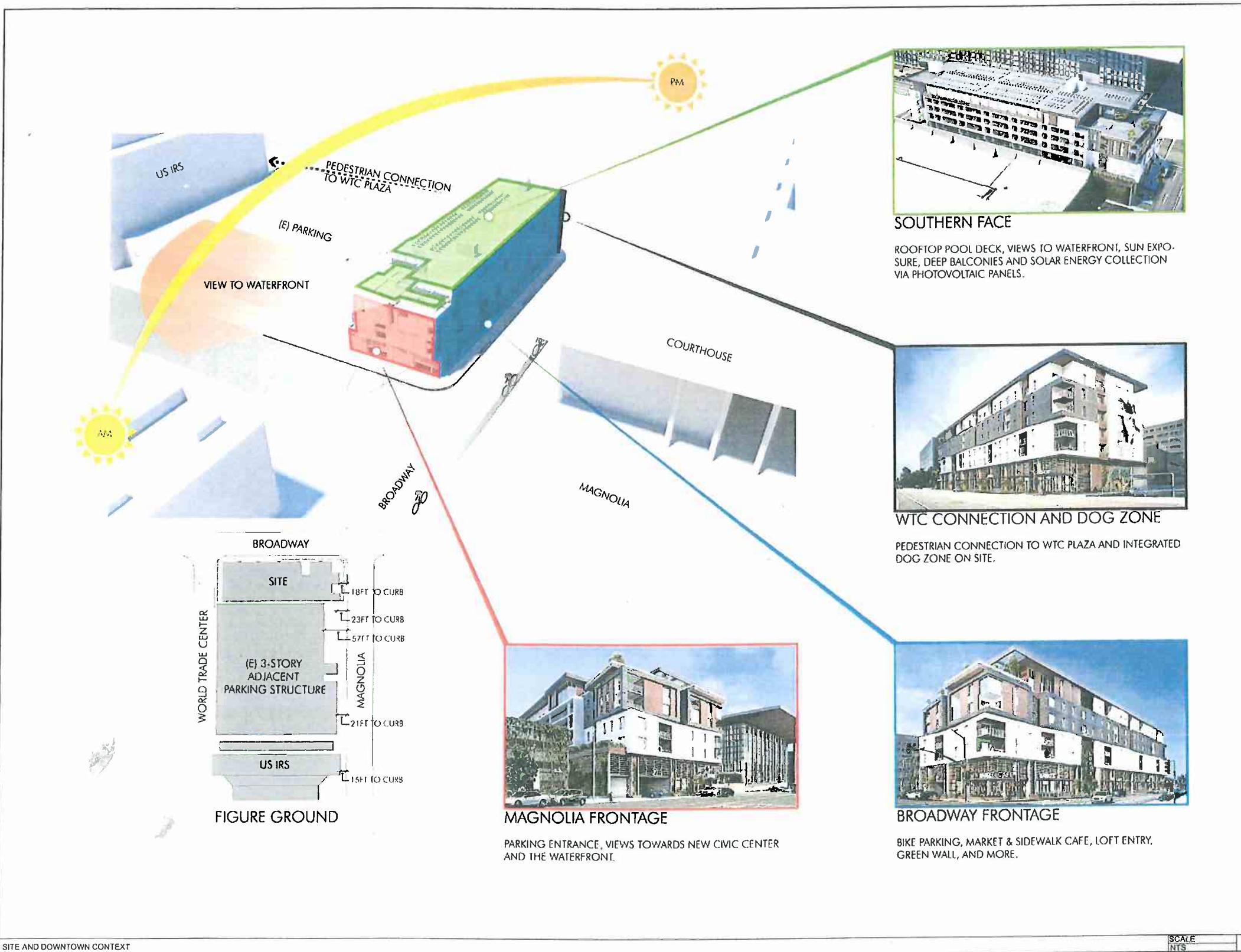


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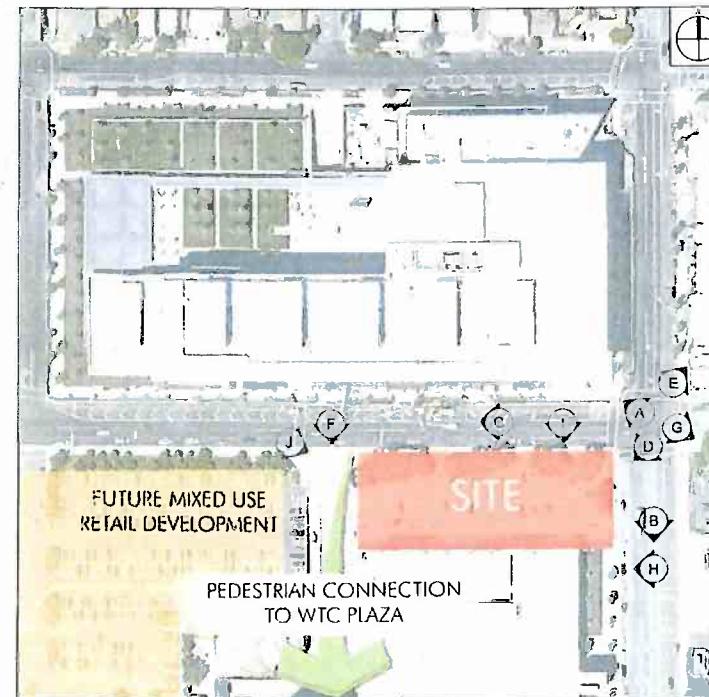


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SITE ANALYSIS 3



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SITE PHOTOS

BROADWAY AND MAGNOLIA APARTMENTS

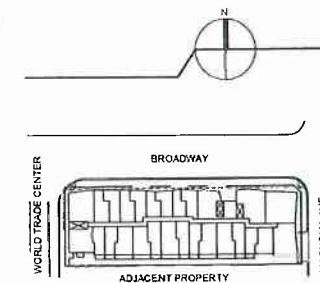
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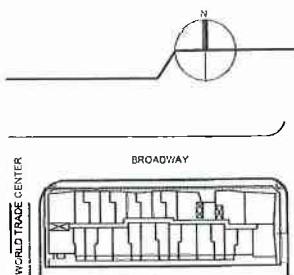
SITE PHOTOS



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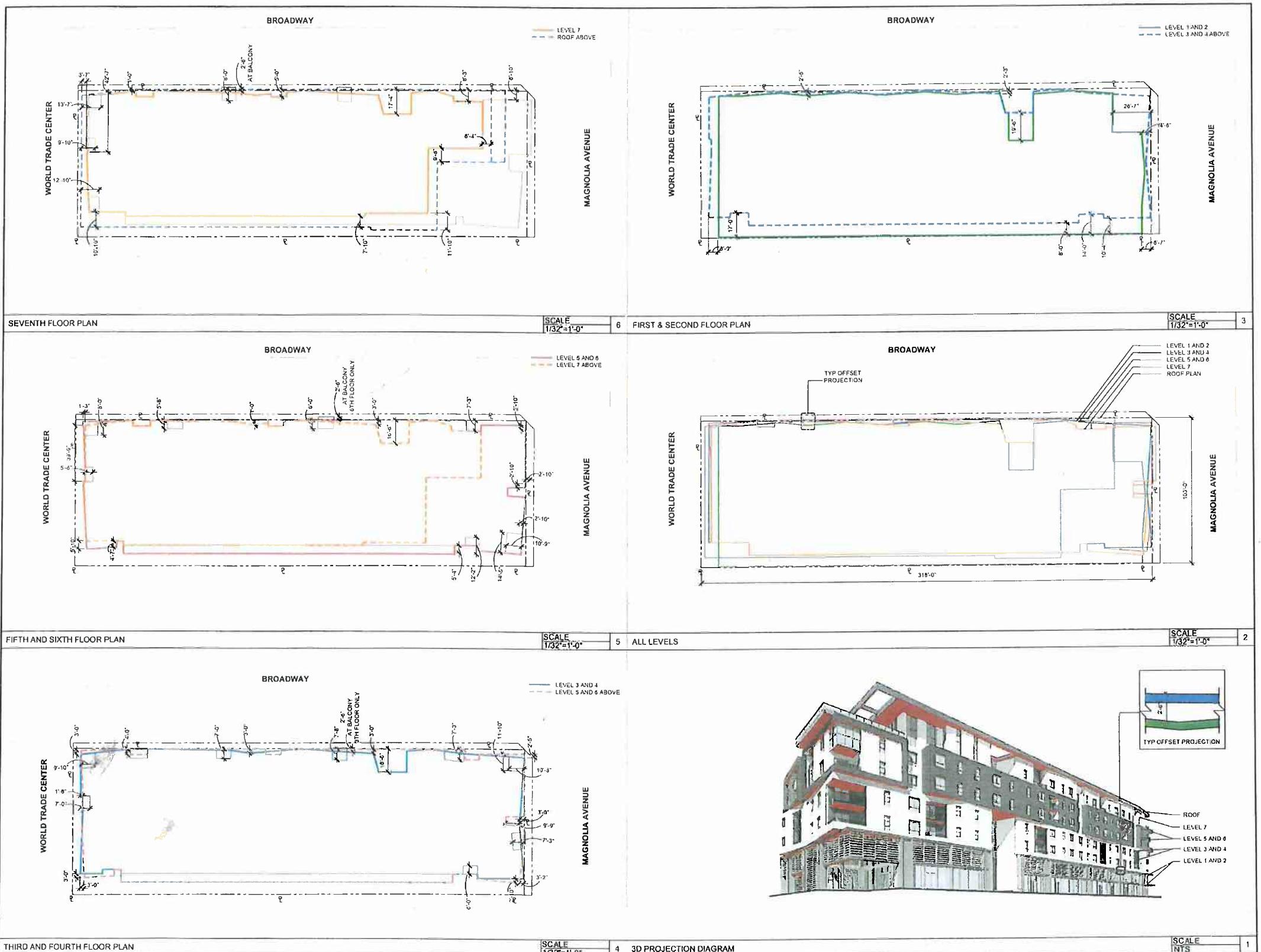


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OPEN SPACE DIAGRAM



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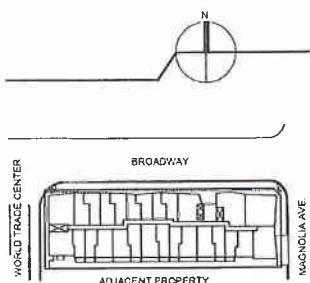
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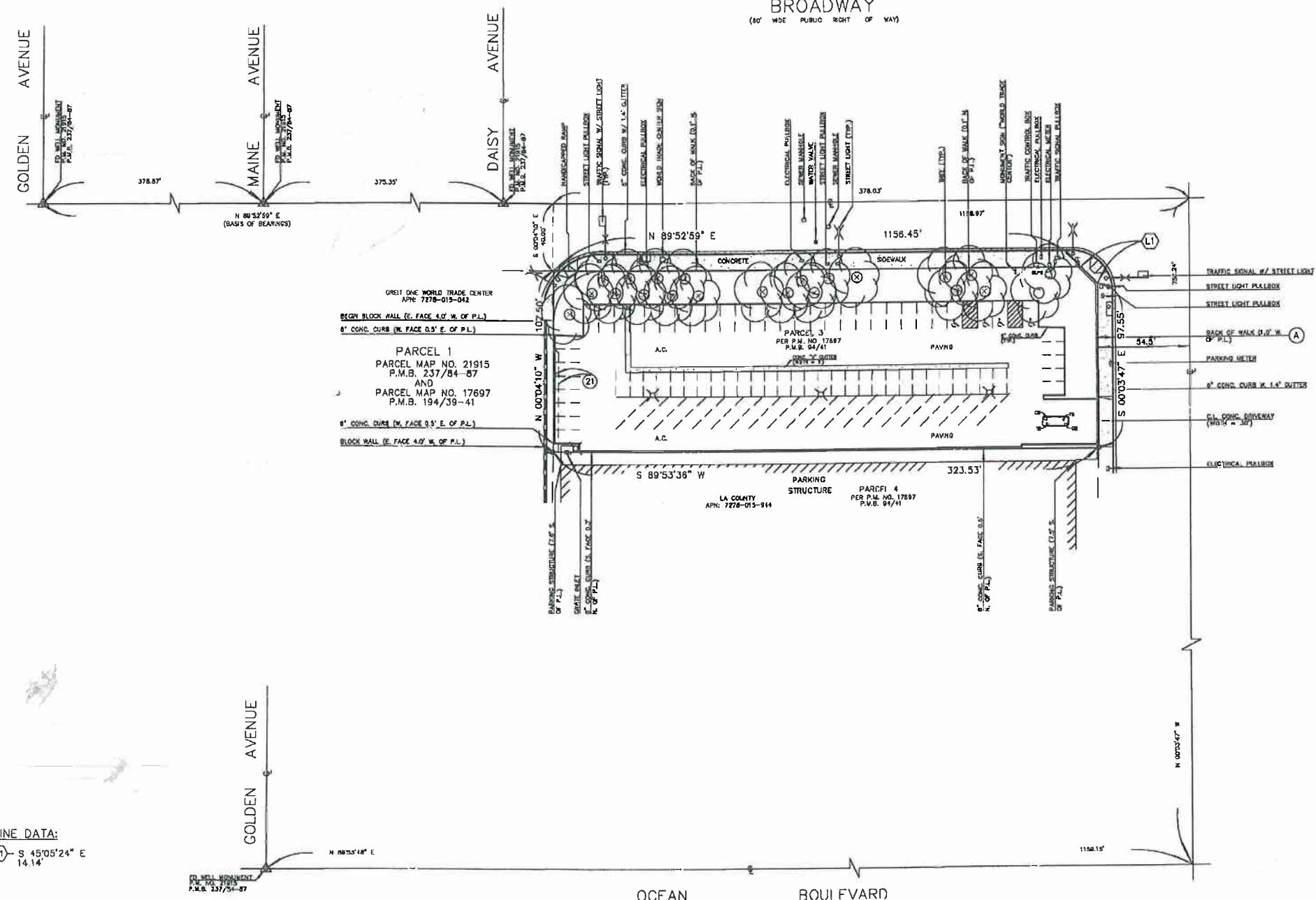
PROJECTION DIAGRAM

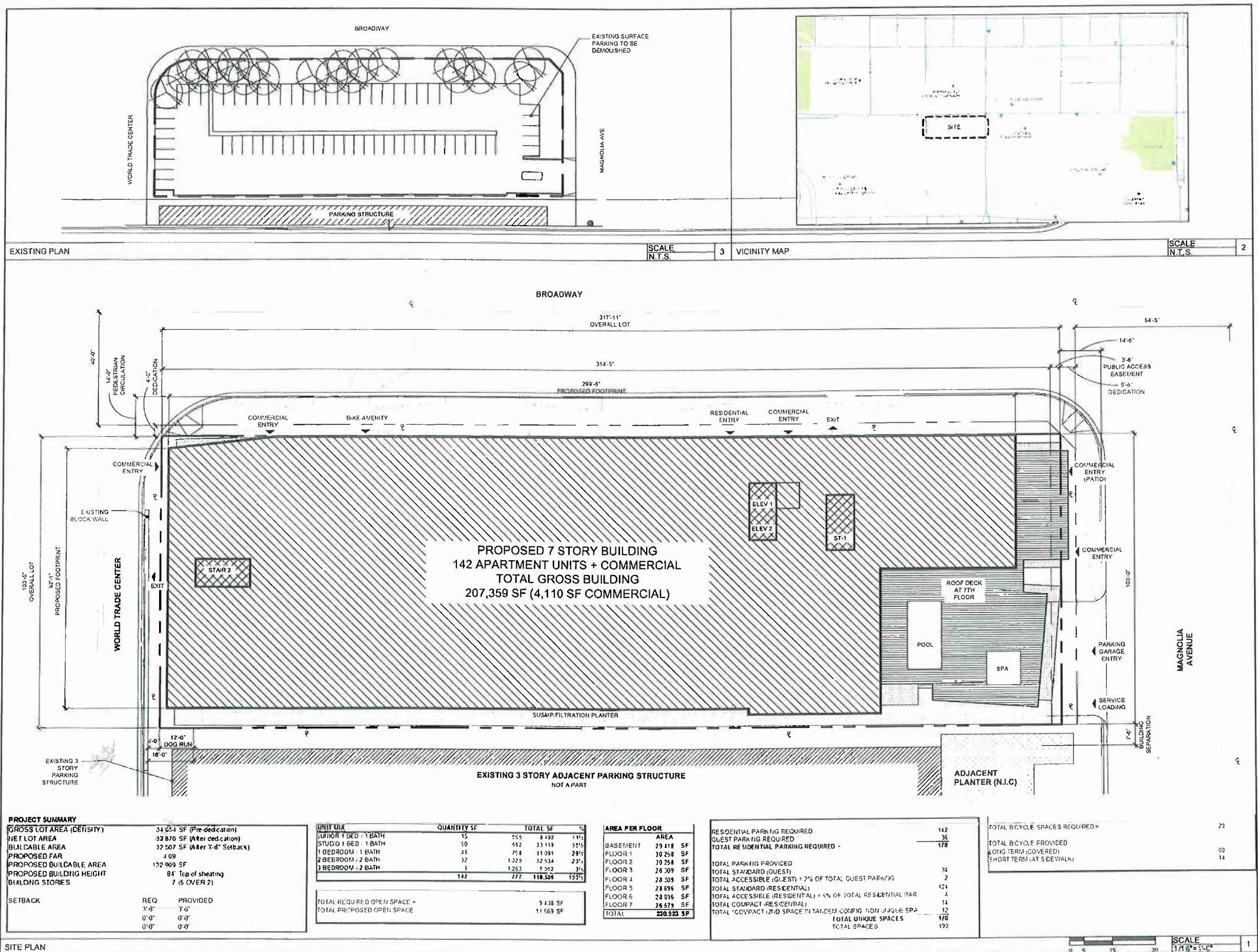


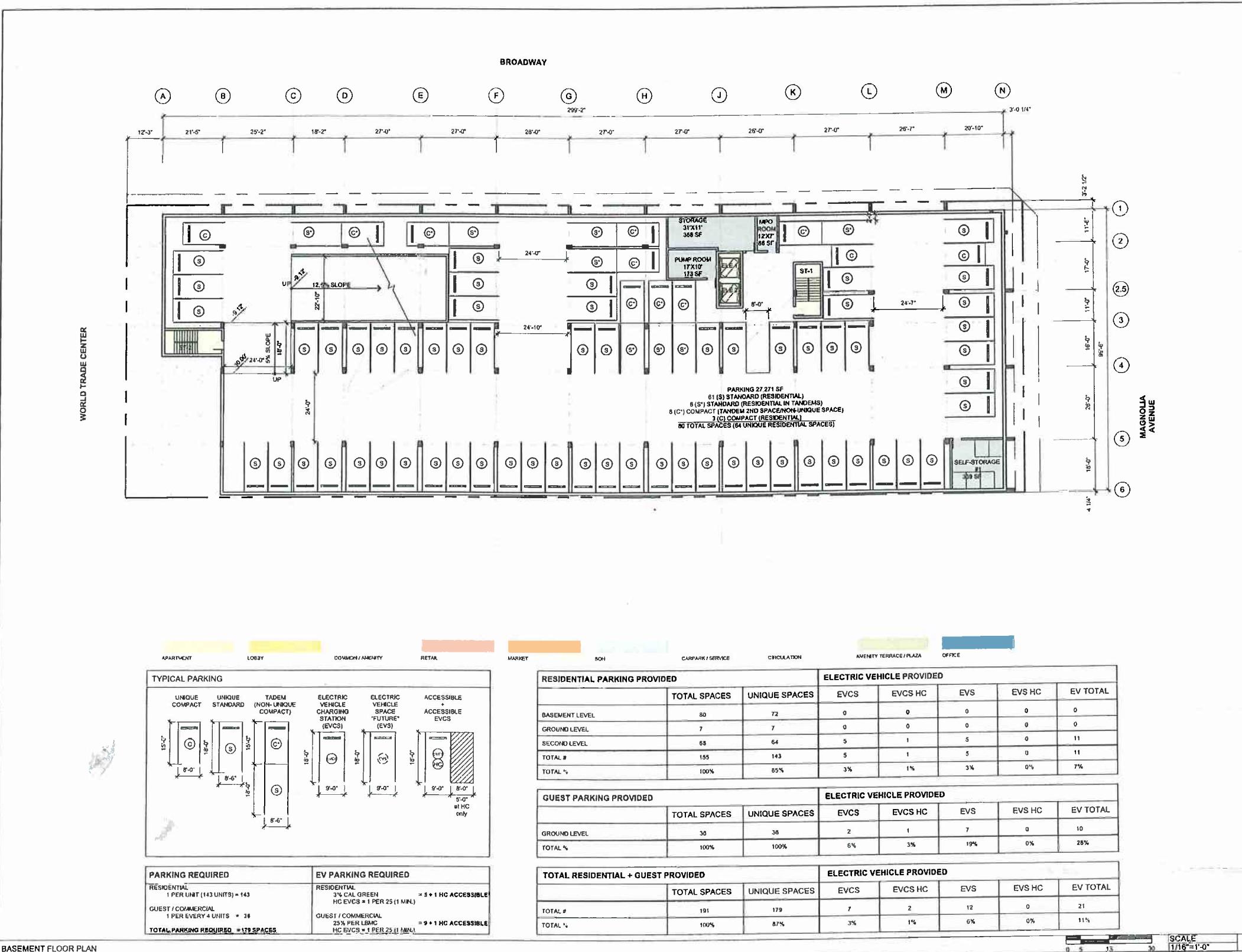
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WORLD TRADE
CENTER
LONG BEACH, CALIFORNIA

LONG BEACH, CALIFORNIA







BROADWAY AND MAGNOLIA APARTMENTS

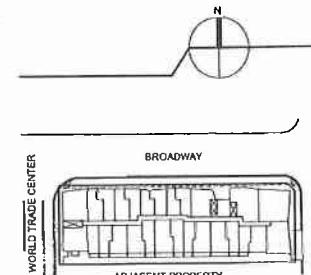
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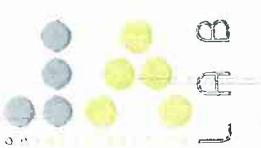
SITE PLAN REVIEW

APRIL 11, 2017
PROJECT NO. 16003

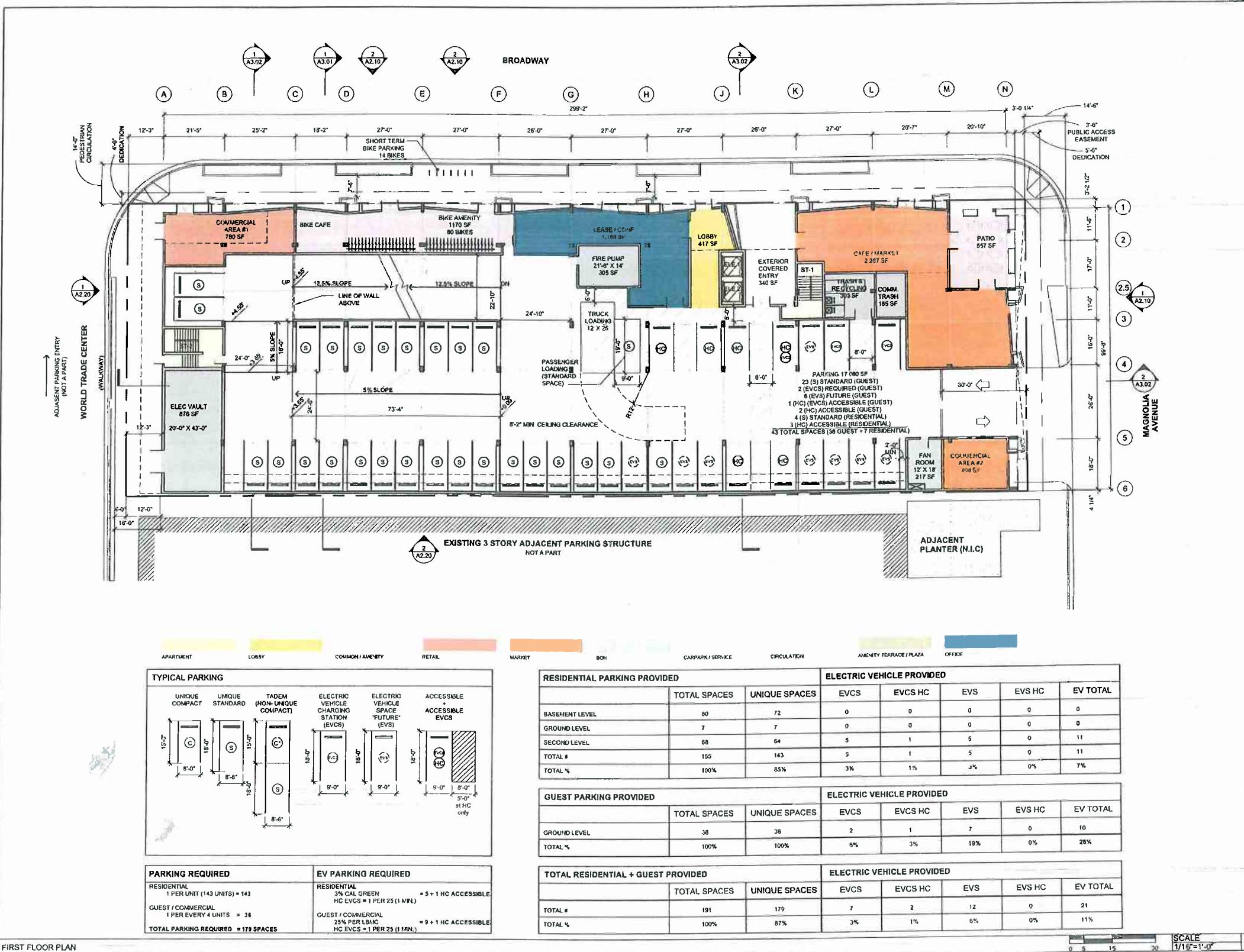


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BASEMENT FLOOR PLAN



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BROADWAY AND MAGNOLIA APARTMENTS

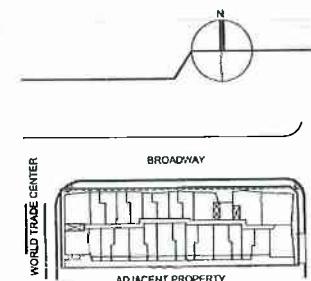
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ENSEMBLE REAL ESTATE INVESTMENTS

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APRIL 11, 2017
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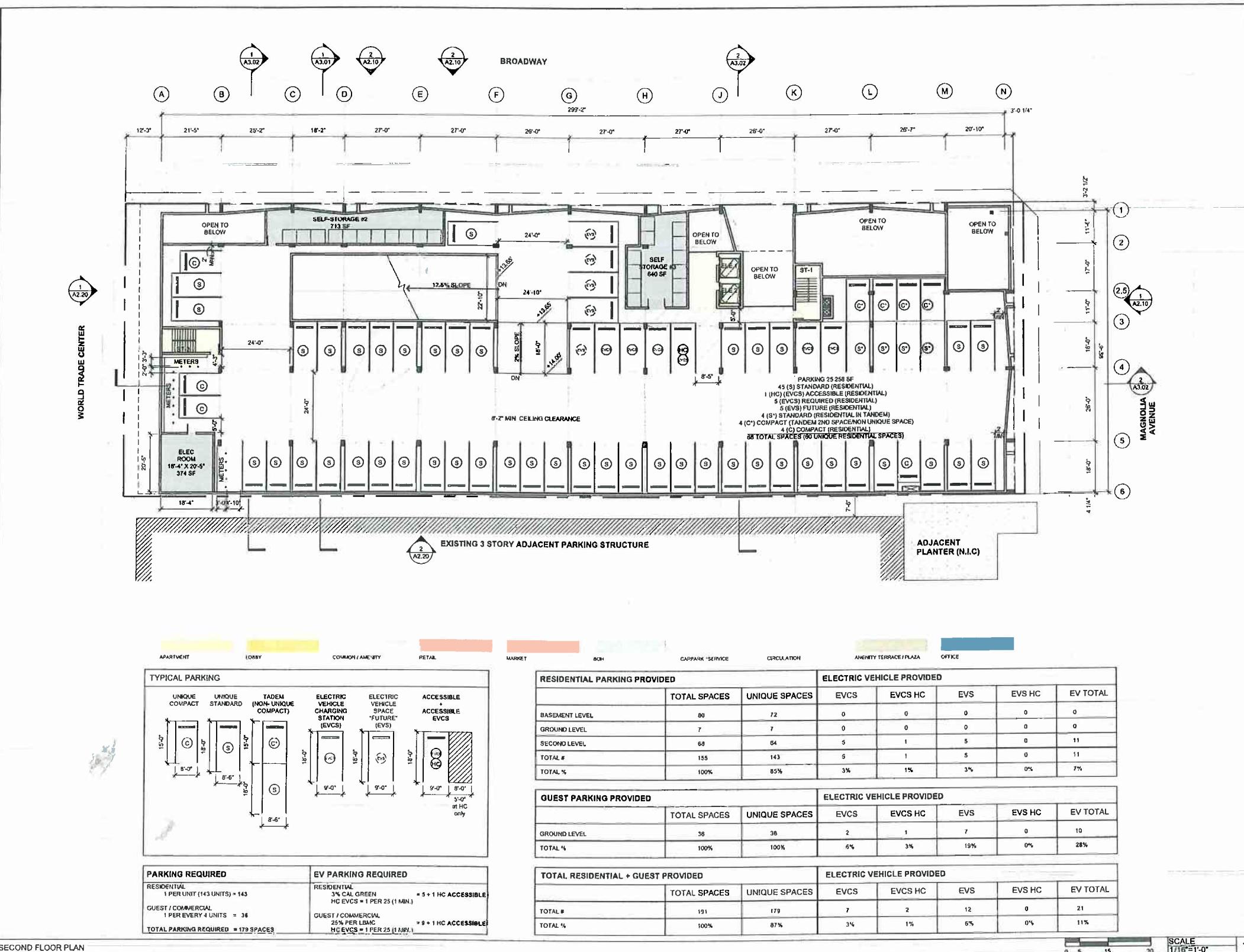


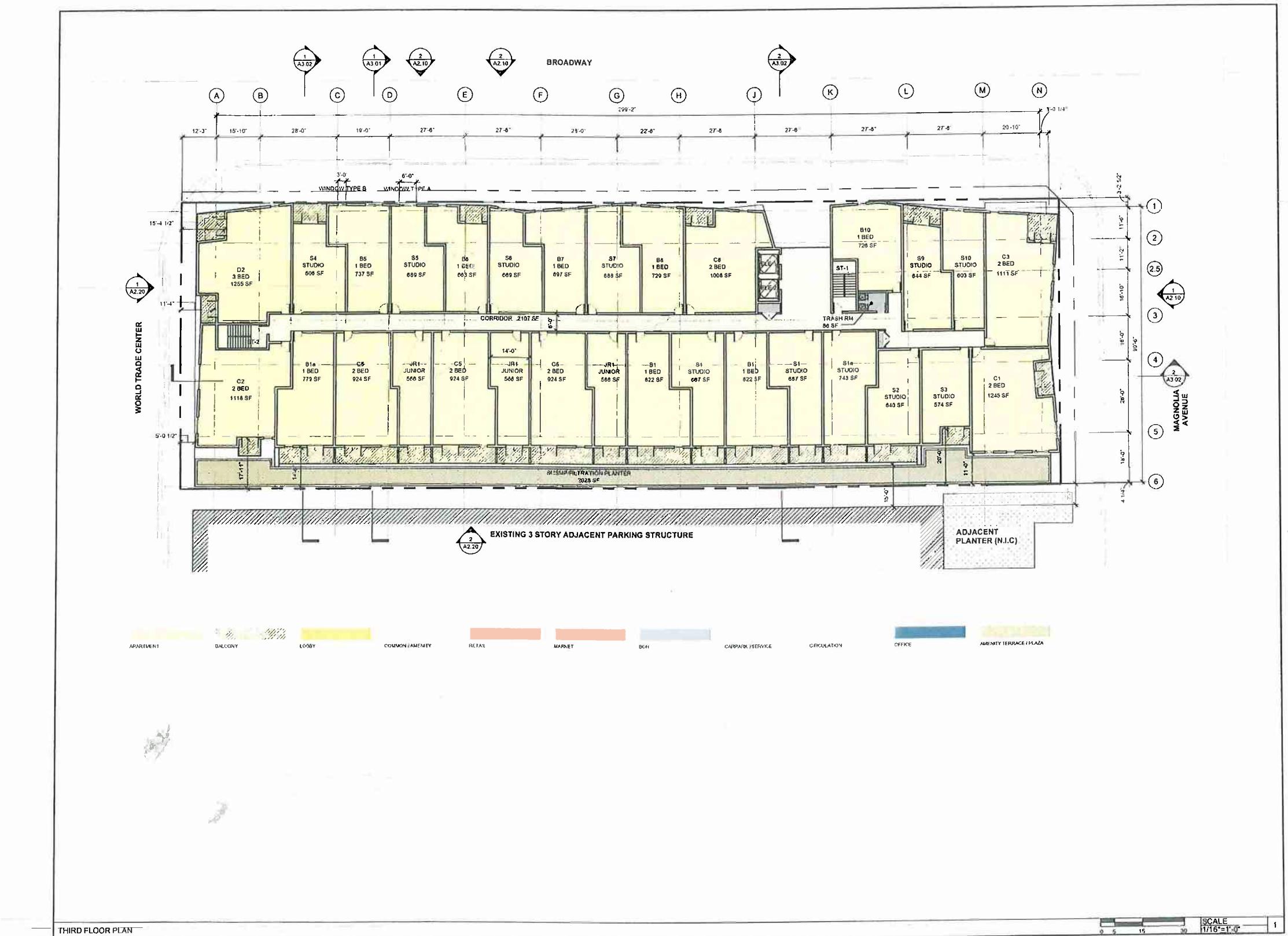
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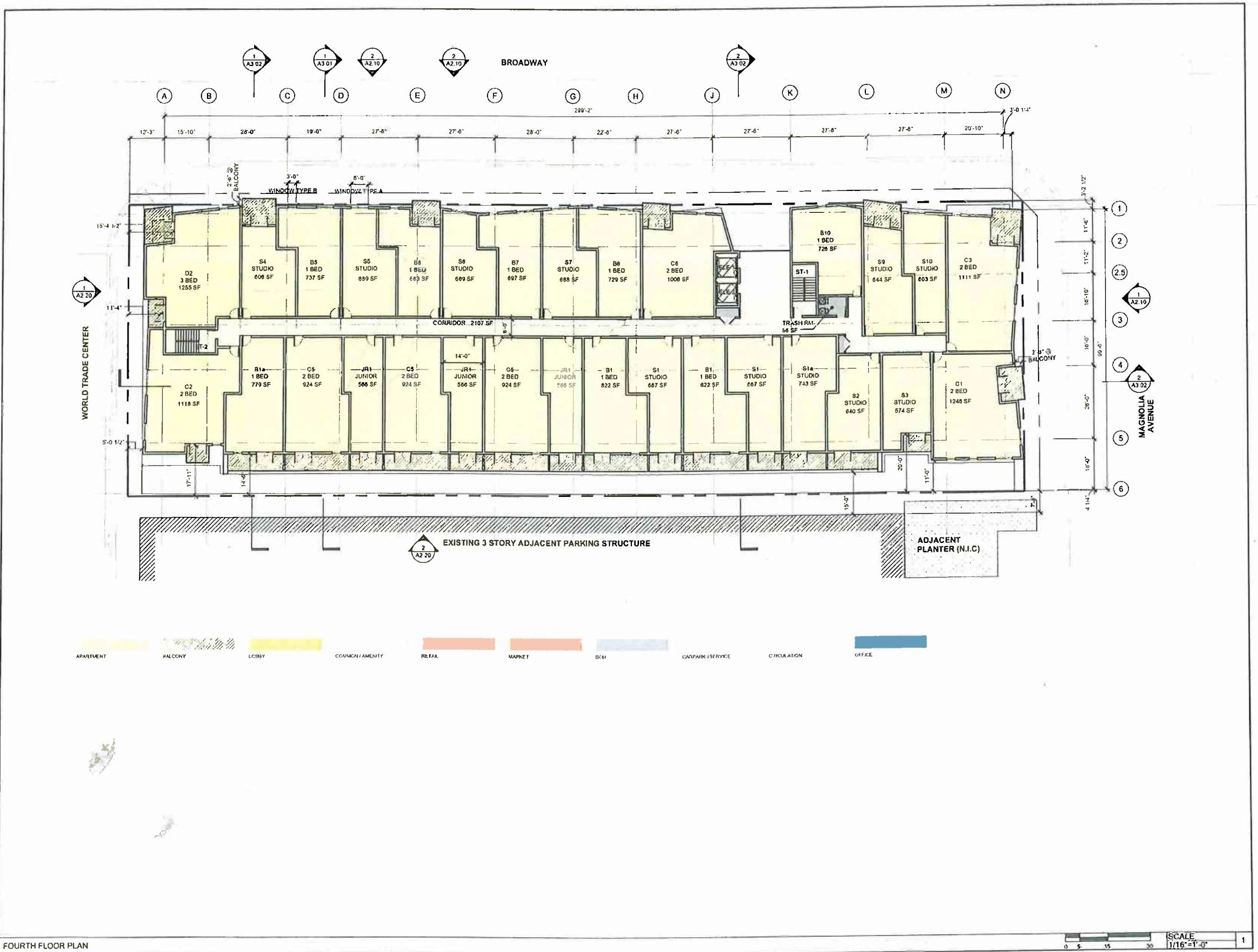
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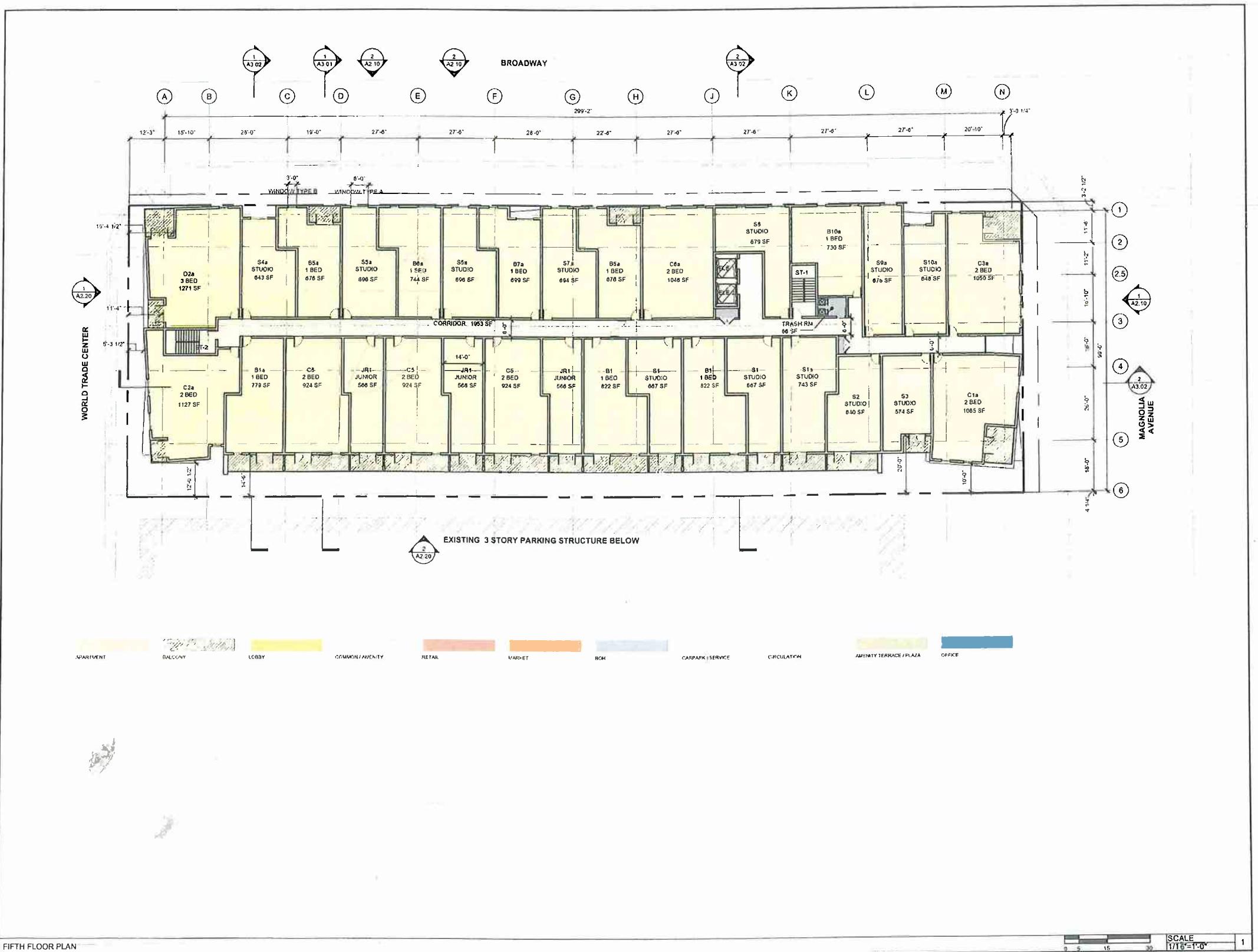


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BROADWAY AND MAGNOLIA APARTMENTS

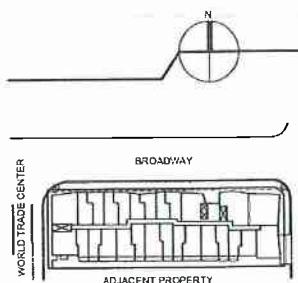
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ENSEMBLE REAL ESTATE INVESTMENTS

444 W OCEAN BLVD # 1108,
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SITE PLAN REVIEW

JANUARY 04, 2017
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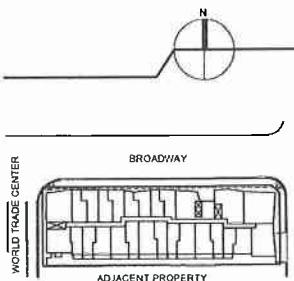
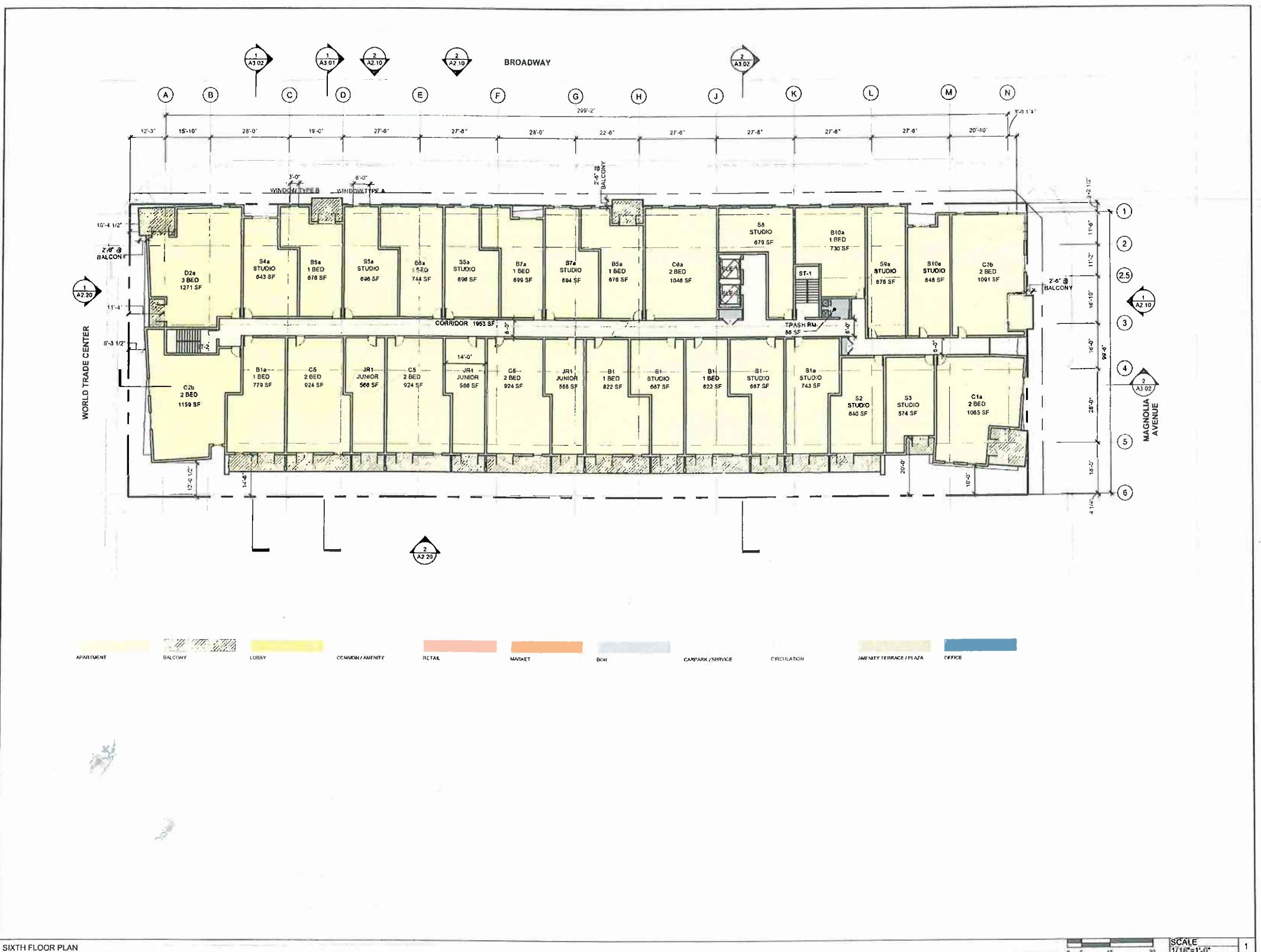


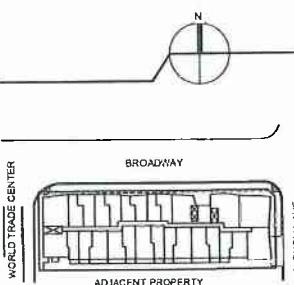
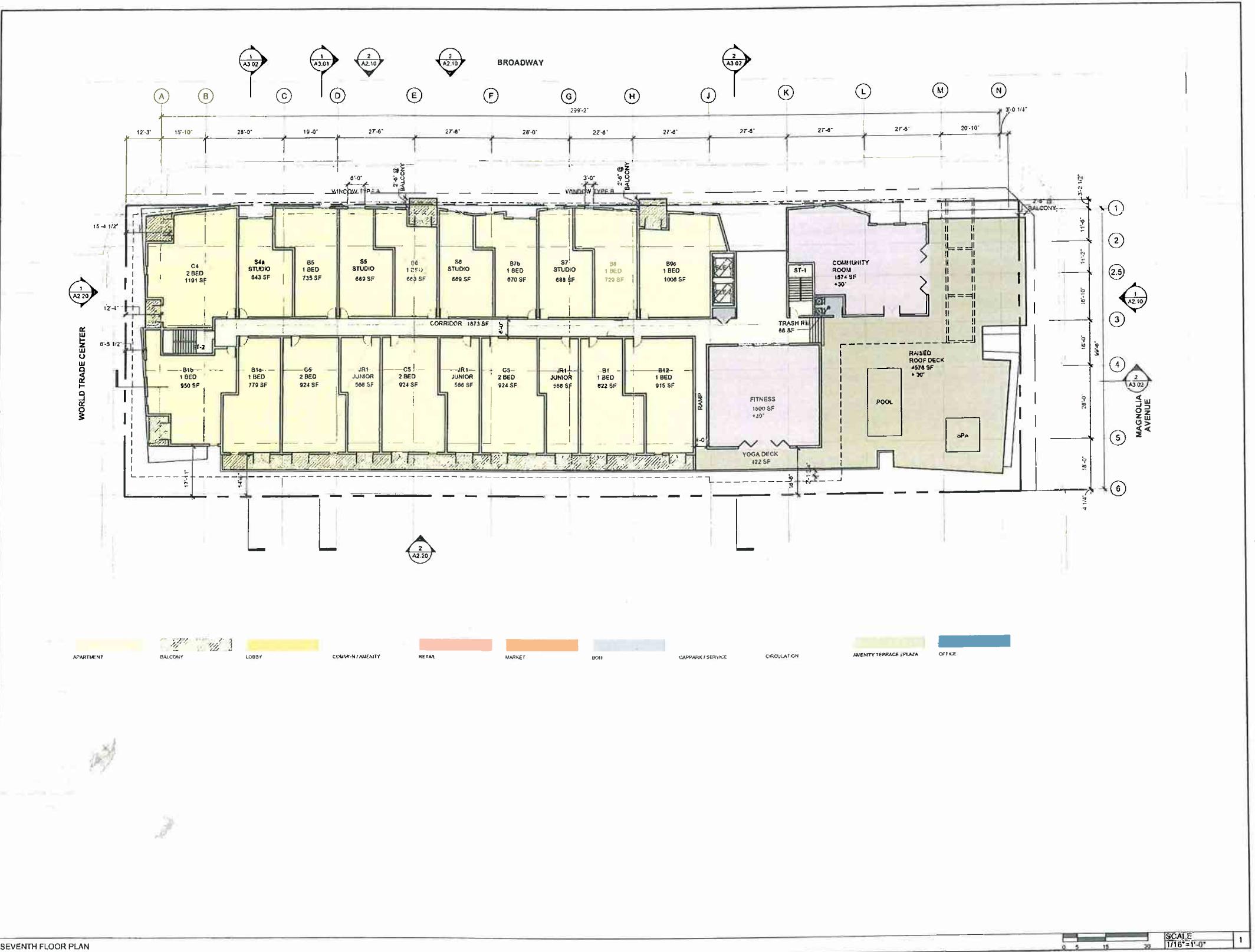
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FIFTH FLOOR PLAN

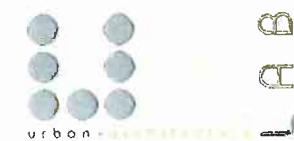


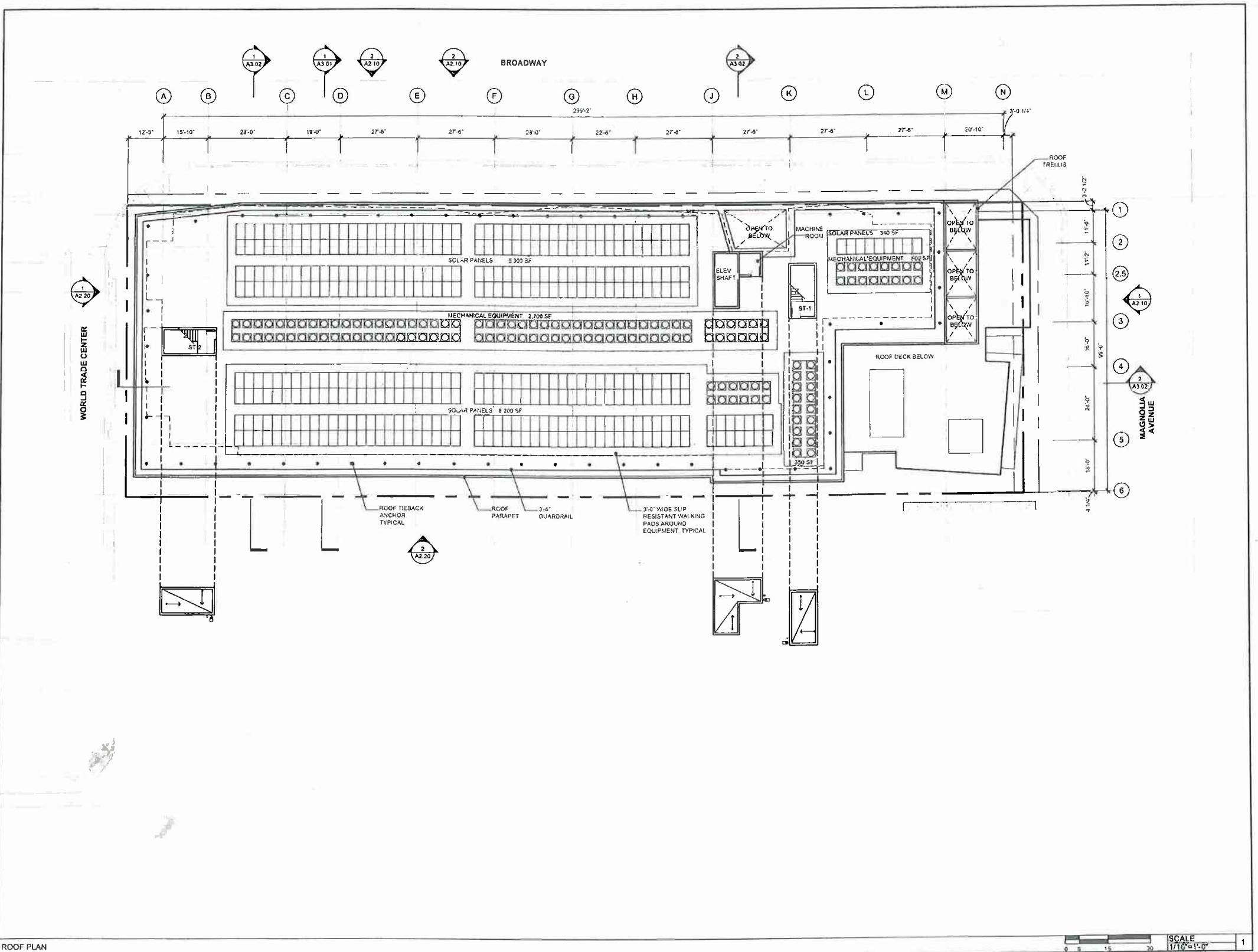
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A1.70
SEVENTH FLOOR PLAN







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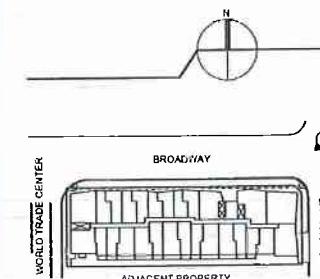
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A2.01

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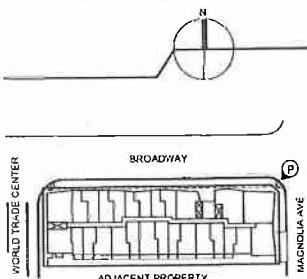
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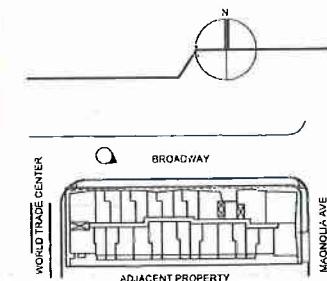
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INVESTMENTS**

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SITE PLAN REVIEW

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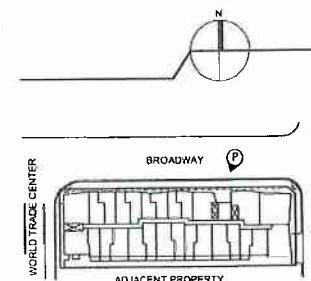
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**ENSEMBLE REAL
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SITE PLAN REVIEW

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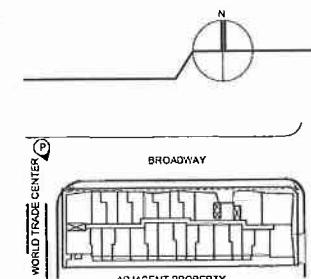
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**ENSEMBLE REAL
ESTATE
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SITE PLAN REVIEW

JANUARY 04, 2017
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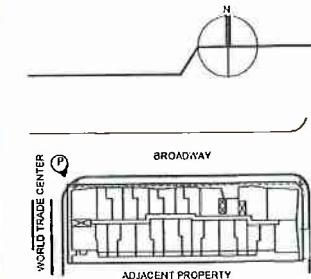
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**ENSEMBLE REAL
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SITE PLAN REVIEW

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A2.06

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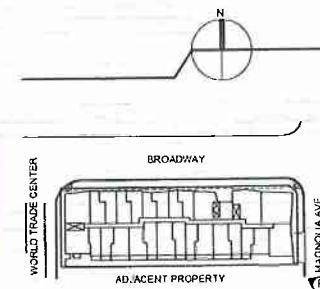
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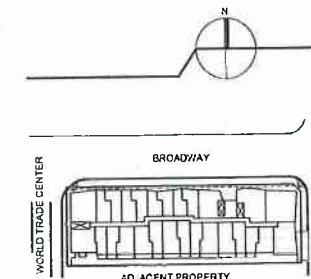
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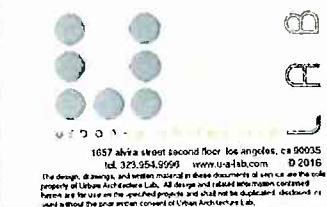
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JANUARY 04, 2017
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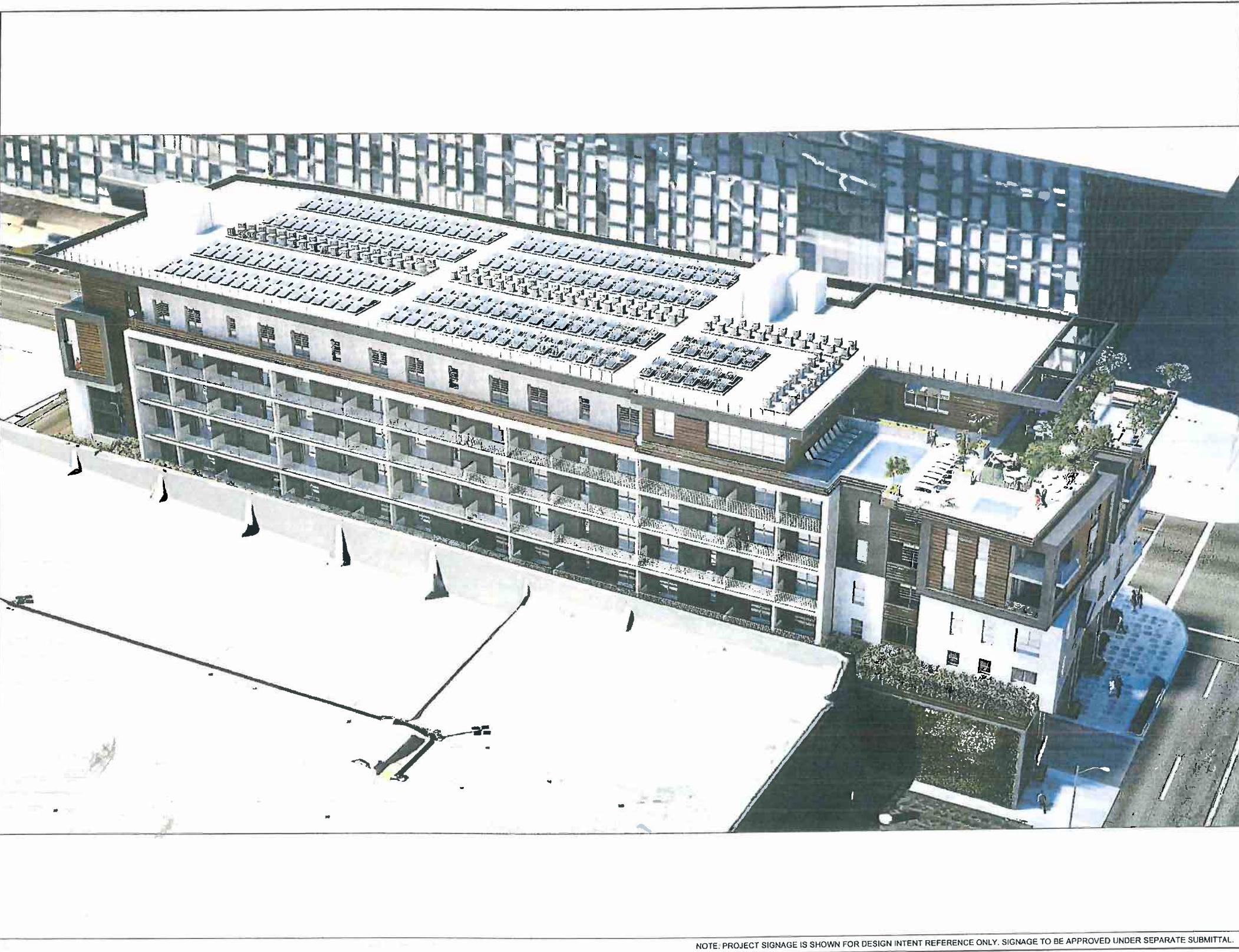
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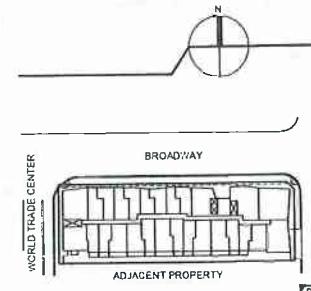
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**ENSEMBLE REAL
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INVESTMENTS**

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A2.09

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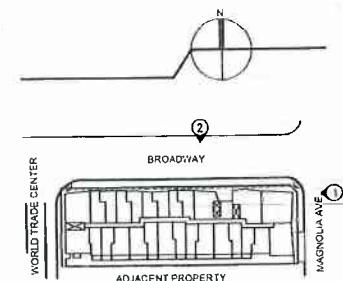
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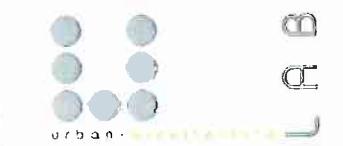
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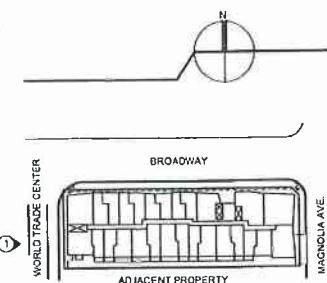
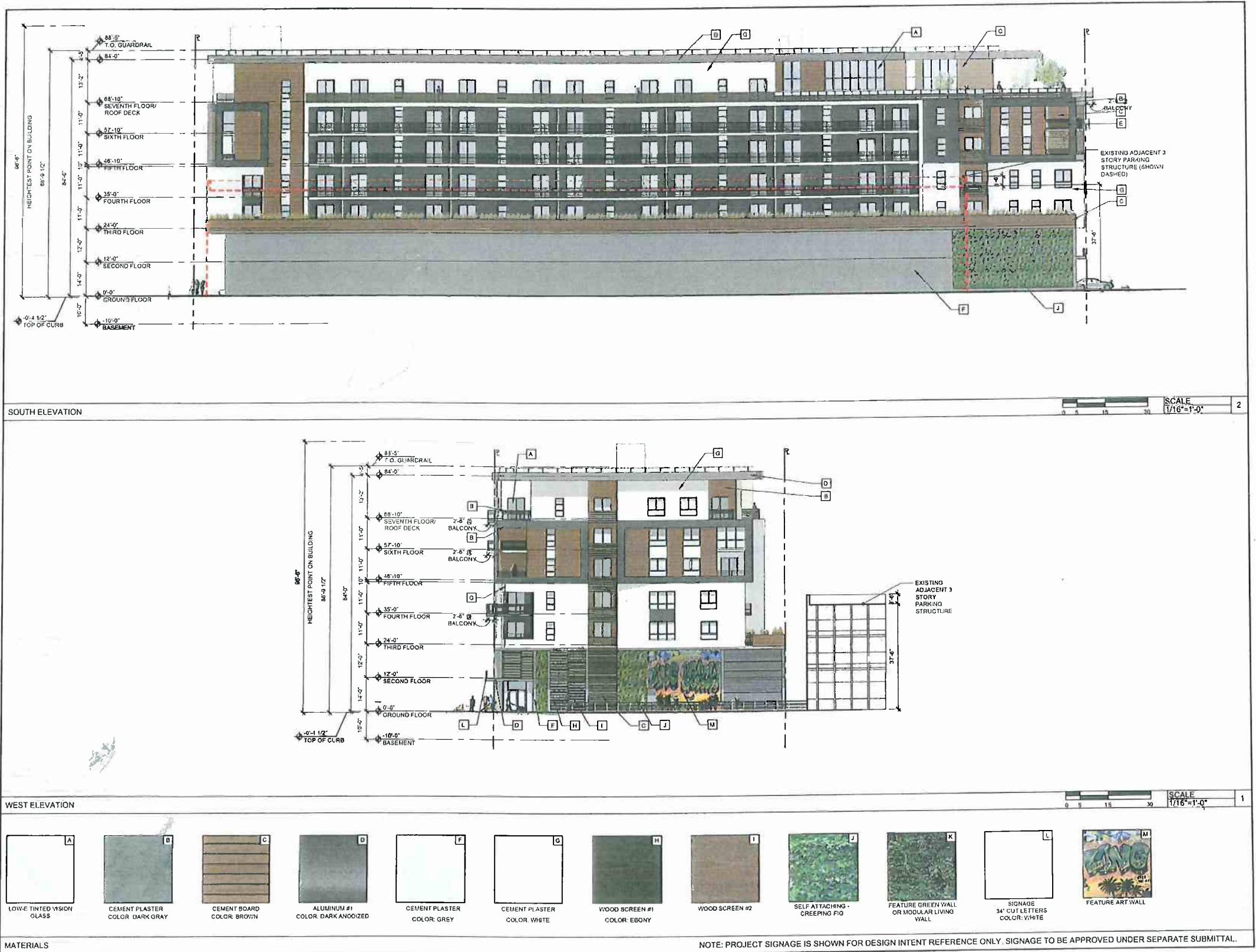


A2.10

ELEVATIONS



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MAGNOLIA AVE
ADJACENT PROPERTY

A2.20
ELEVATIONS



urban.
A B
C D
E F

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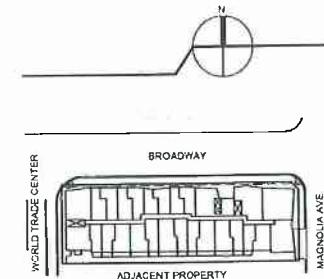
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**ENSEMBLE REAL
ESTATE
INVESTMENTS**

444 W OCEAN BLVD # 1108,
LONG BEACH | CA 90802

SITE PLAN REVIEW

JANUARY 04, 2017
PROJECT NO. 16003



FINISH MATERIAL LEGEND

- A. LOW-E TINTED VISION GLASS
- B. CEMENT PLASTER
- COLOR: DARK GRAY
- C. CEMENT BOARD
- COLOR: BROWN
- D. ALUMINUM #1
- COLOR: DARK ANODIZED
- E. NOT USED
- F. CEMENT PLASTER
- COLOR: GRAY
- G. CEMENT PLASTER
- COLOR: WHITE
- H. WOOD SCREEN #1
- COLOR: EBONY
- I. WOOD SCREEN #2
- COLOR: BROWN
- J. SELF ATTACHING CREEPING FIG
MODULAR LIVING WALL
- L. SIGNAGE CUT LETTER
- COLOR: WHITE
- M. FEATURE ART WALL

A2.30

MATERIAL BOARD



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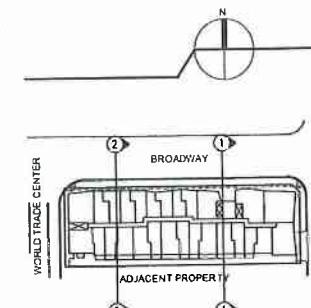
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SITE PLAN REVIEW

JANUARY 04, 2017
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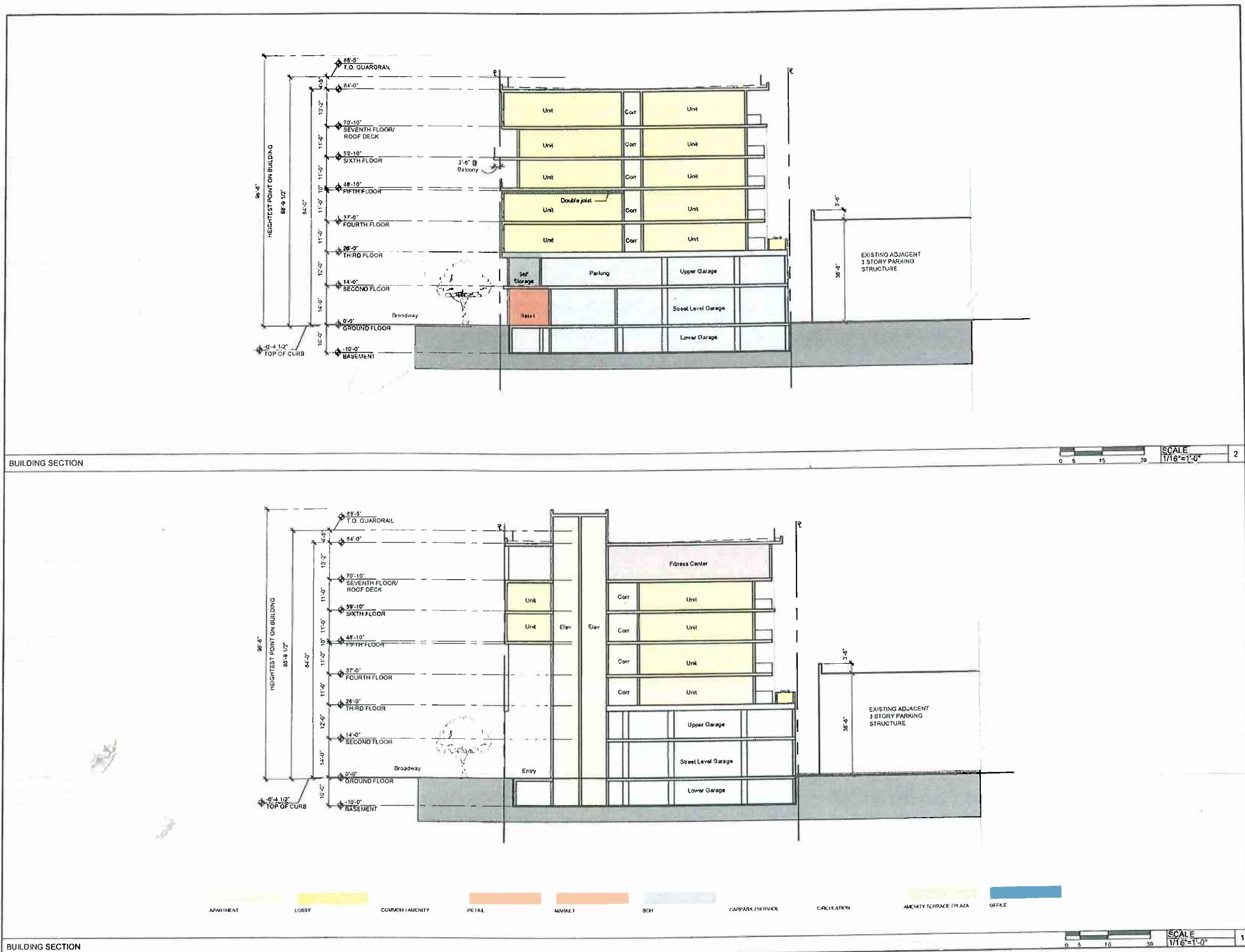


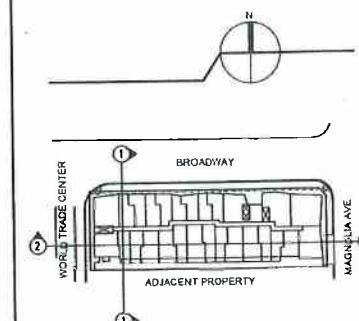
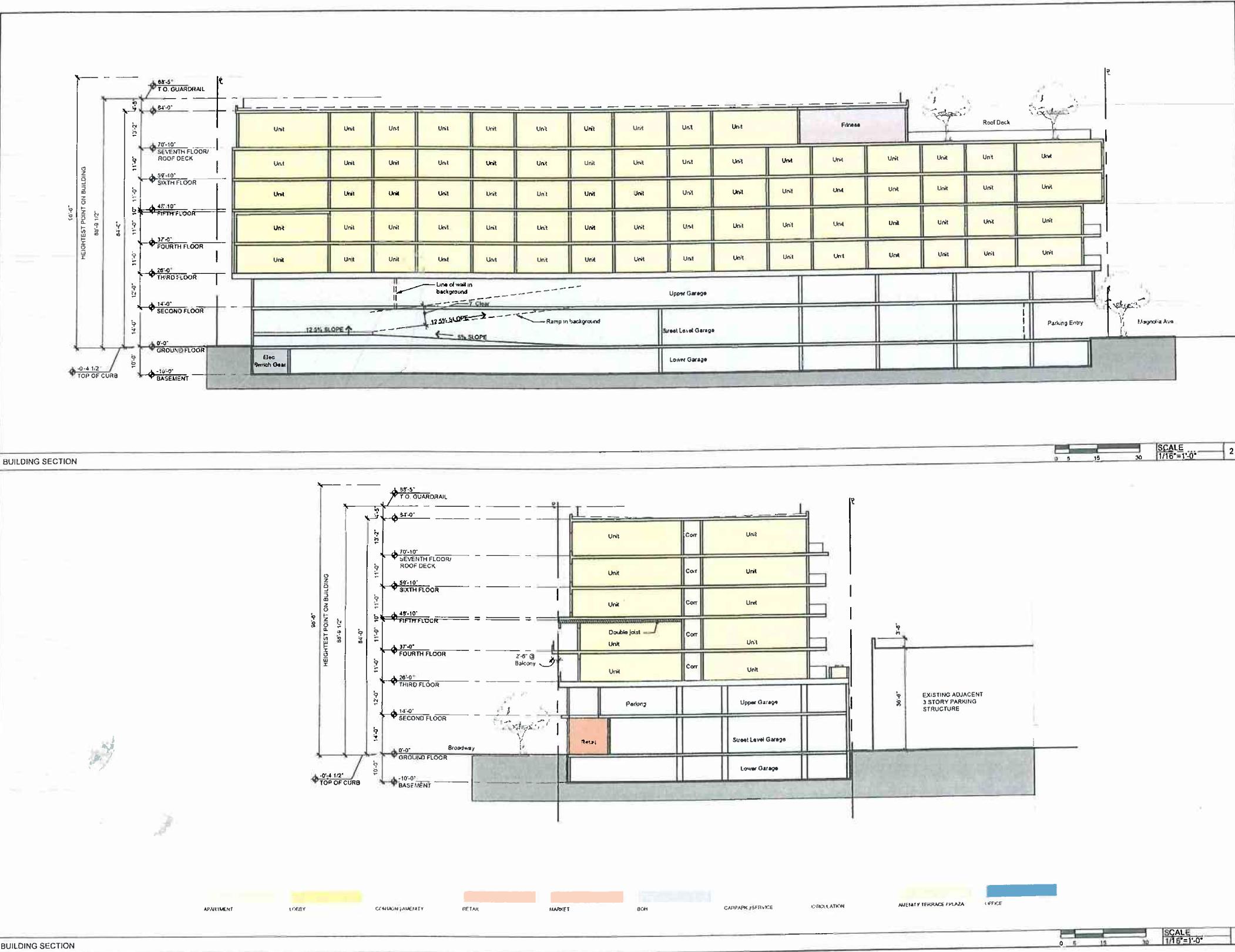
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SECTIONS

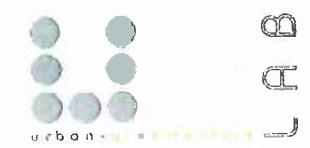


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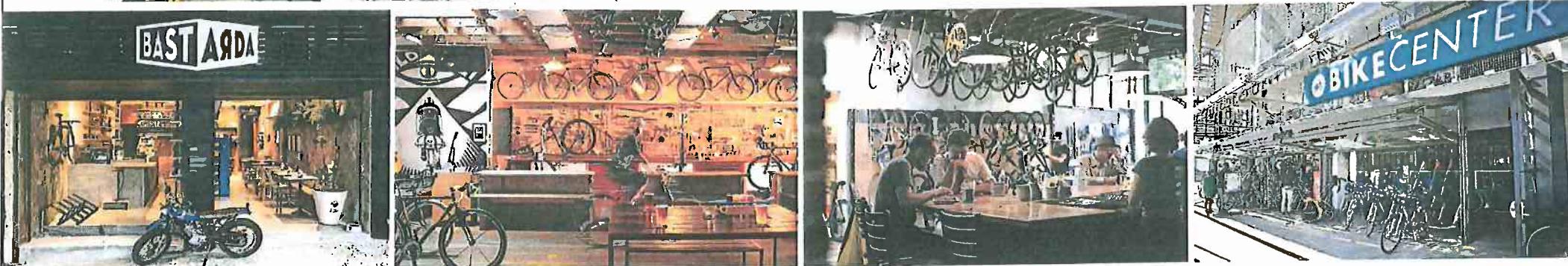
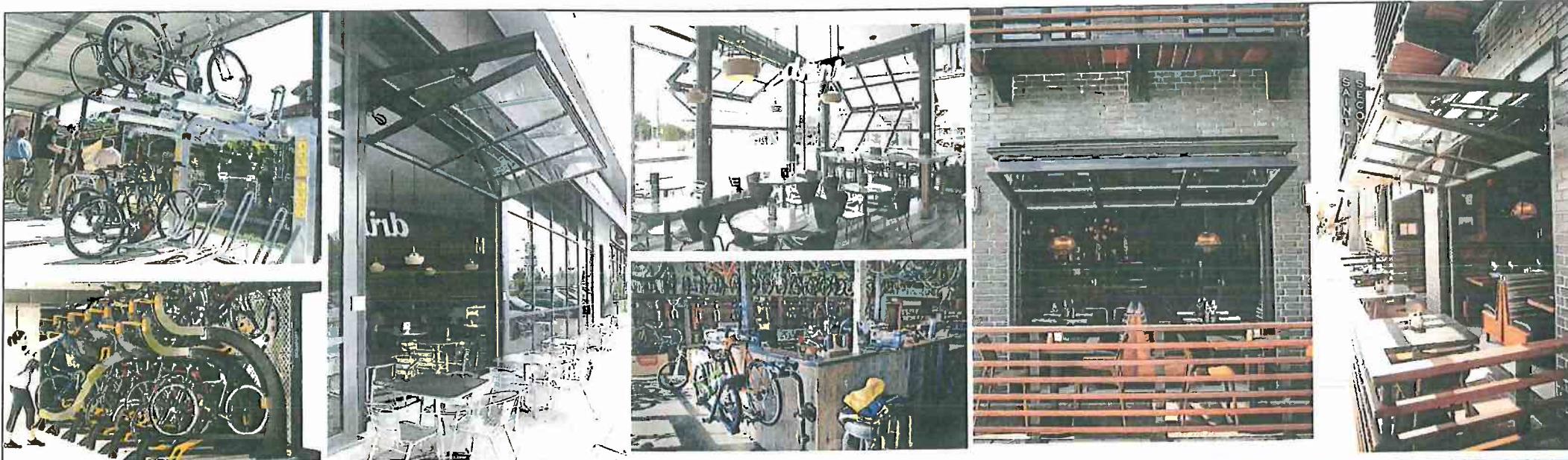




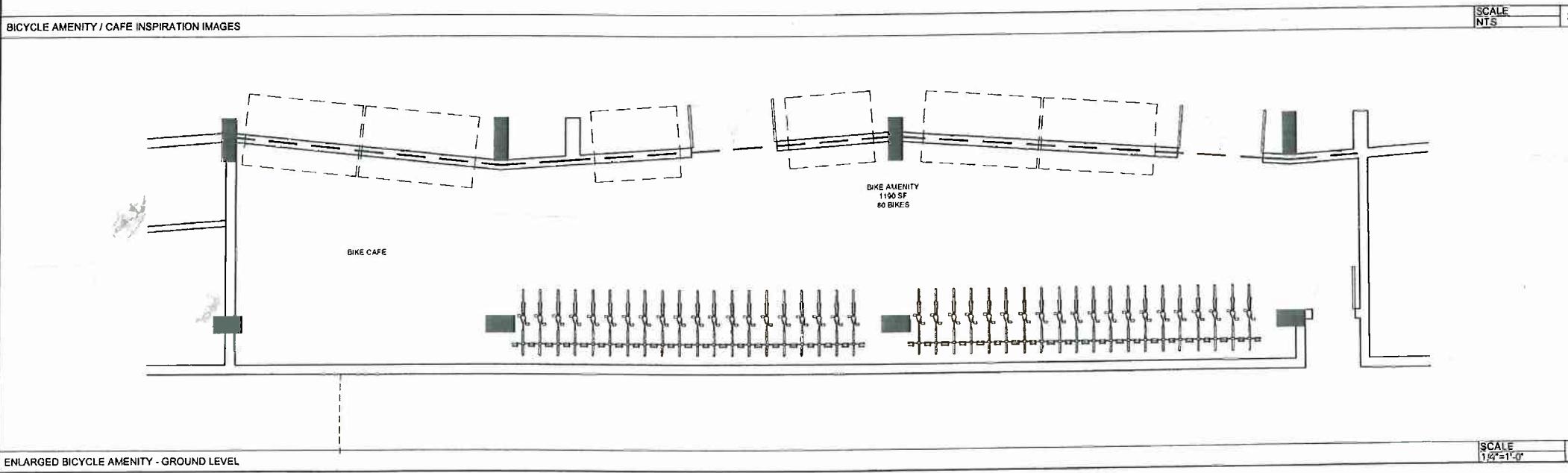
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BICYCLE AMENITY / CAFE INSPIRATION IMAGES



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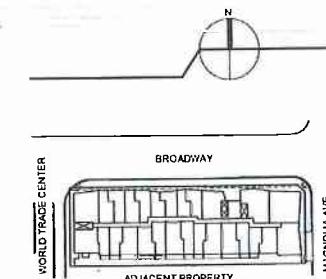
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JANUARY 04, 2017
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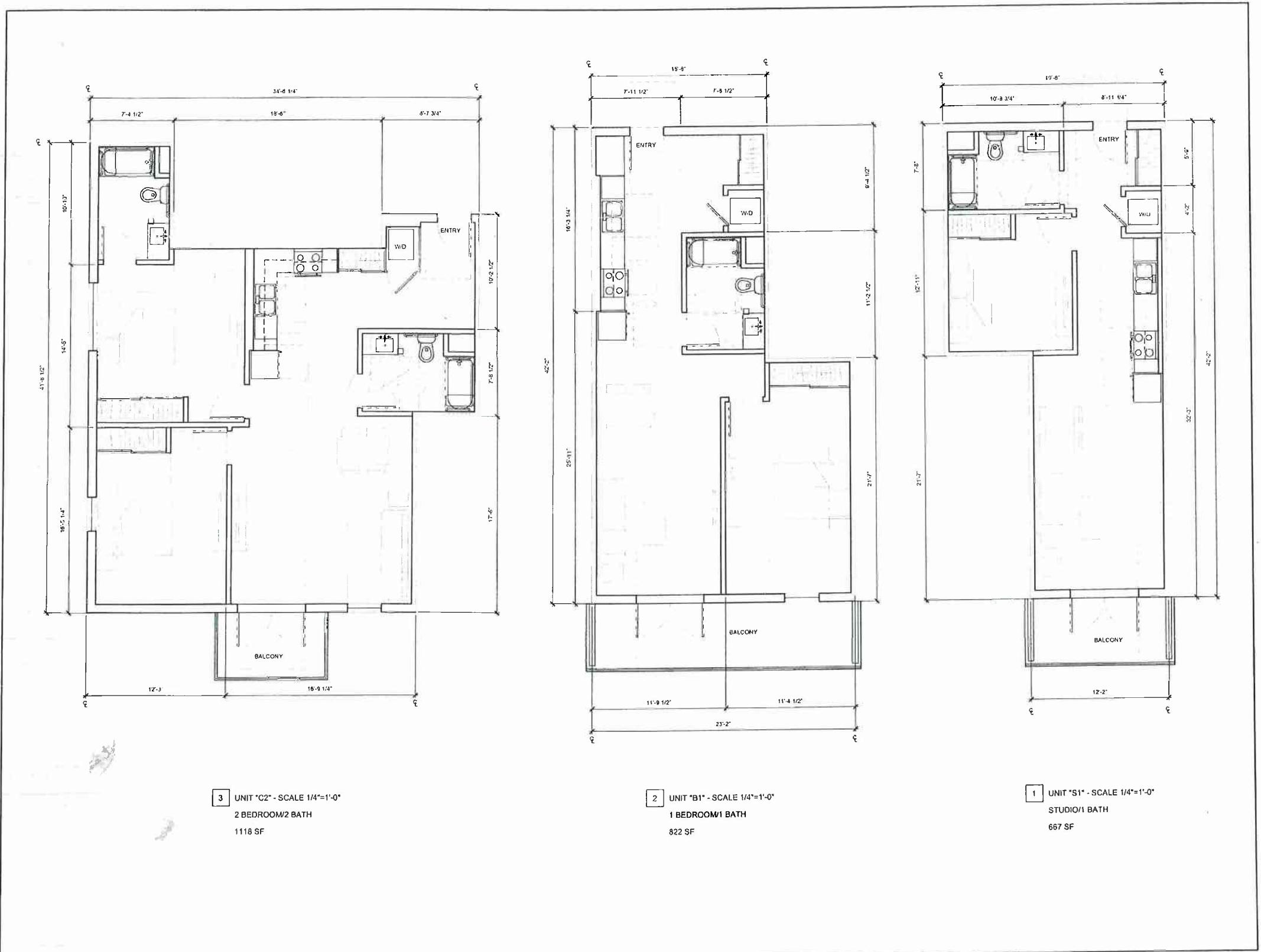


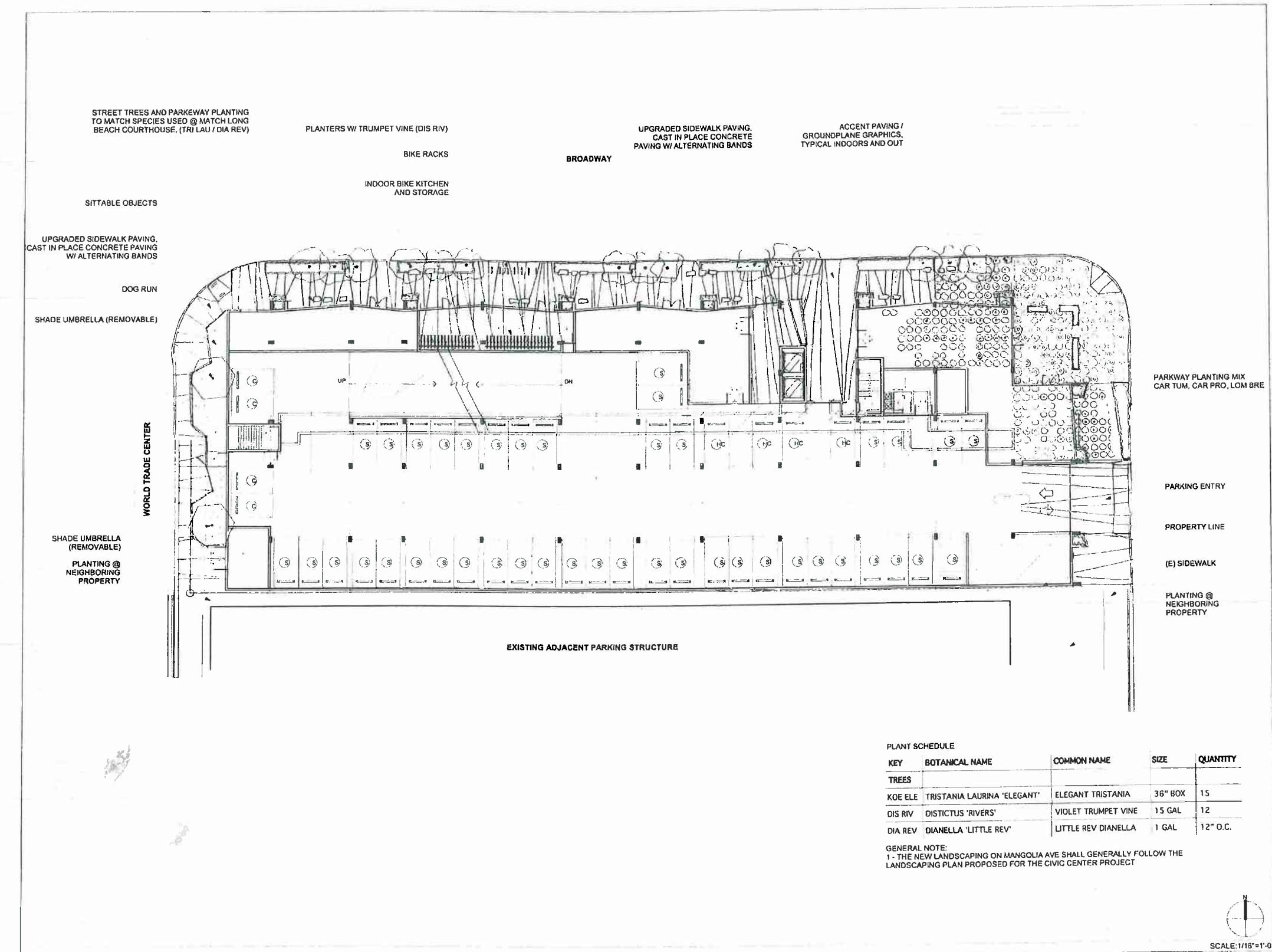
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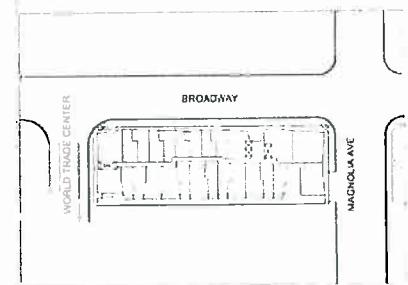
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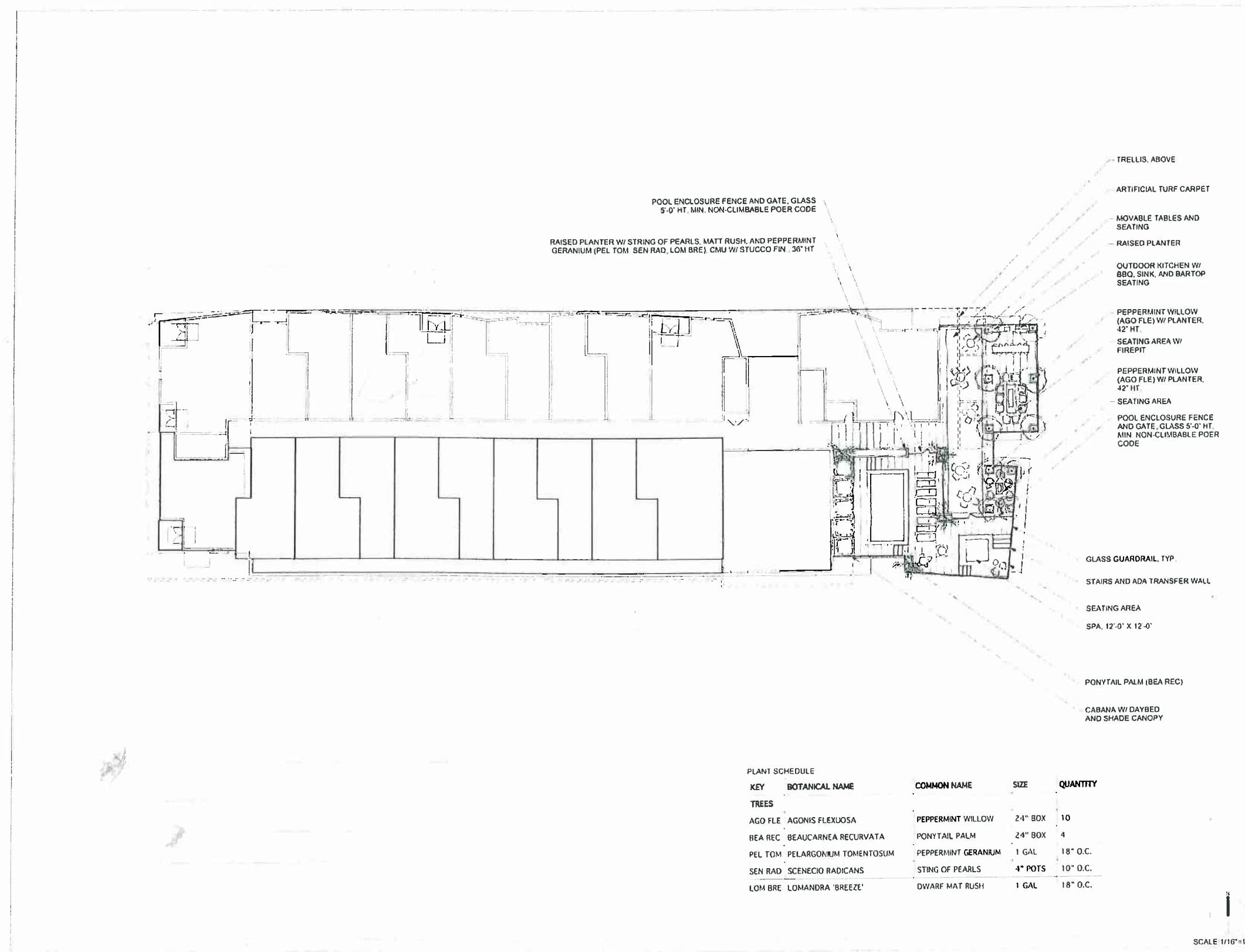


L2.2

**SEVENTH FLOOR
LANDSCAPE PLAN**

**Mark Tessier
— Landscape
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SITE PLAN REVIEW FINDINGS
500 West Broadway
Application No. 1610-22
May 4, 2017

Pursuant to Section 21.25.506 of the Zoning Ordinance, the Planning Commission shall not approve a Site Plan Review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

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

The proposed project is a 142-unit mixed use development with 4,603 square feet of commercial space on a single, 0.75-acre parcel within the Downtown Planned Development (Downtown Plan) District. The development encompasses a single, seven-story, 84-foot-tall building that contains residential units, indoor and outdoor amenities and open space areas, and 191 parking stalls located within a three-level parking garage. The project site is a commercial surface parking lot located between the Governor George Deukmejian Courthouse (Courthouse) and Courthouse parking structure.

The proposed project is harmonious, consistent, and complete within itself. The development will provide new, quality housing on an underutilized site within the City's downtown core. The Project is of a compatible height and scale to adjacent uses including the four-level Courthouse parking structure, the five-story Courthouse, the six-story Long Beach Public Safety Building and the five-story Gallery 421 residential development.

The proposed project features a contemporary design. The elevations incorporate a covered front entry, asymmetrical façade changes, change of materials including wood cladding, projecting balconies and variations in the roofline and roof openings. The building design elements incorporate a subtle hint from the Courthouse with wood building material for the decorative eaves.

The design makes use of visually interesting, complementary construction materials, colors, and finishes. The mid-rise building's contemporary design is punctuated by clean and simple lines that create interest while avoiding a busy appearance. Strong vertical façade elements are designed to balance the length and narrowness of the building. The wood clapping on the first and second floor

provide visual interest for pedestrians. The building's numerous flat roofs feature varying parapet heights that create architectural interest.

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

The Downtown Plan requires that new development emphasize proper massing, street wall design, pedestrian orientation, and compatibility with surrounding buildings, and provide outdoor space and the use of natural building materials. The project is also consistent with the criteria set forth in the Downtown Plan for mid-rise buildings (identified as those buildings being 7-13 stories tall). Mid-rise design guidelines include designing projects with surrounding uses in mind. The massing and design of the project shows a sensitivity to buildings adjacent to the Courthouse. The project is consistent with the design guidelines including the provision of architectural variation between ground floor uses and upper floor uses and roof line variation.

The project as proposed meets all Downtown Plan design guidelines and standards that address scale and massing by building type, context, architectural design and allowable building materials. The proposed project has been designed to address these objectives through a building design that incorporates a variety of high-quality materials, pedestrian scale corner element, and the use of outdoor space to create visual interest. The building takes inspiration from the Courthouse and is designed to provide visual interest from all sides by including varying the roof line including roof openings. Some of the key design elements incorporated into each elevation include different levels of articulation and fenestration, asymmetrical frontages, and the appropriate use of color. The scale and scope of the project respects neighboring properties and the surrounding area. The approved design will result in a quality building that will provide a strong presence at the gateway into Downtown from the I-710 freeway.

The project includes a range of unit types (studios, one-bedroom, two-bedroom and three-bedrooms) and unit sizes (566 square feet – 1,263 square feet), adding to the diversity of housing stock in the downtown. The project's 15 studio units measure 566 square feet, a figure below the Downtown Plan's minimum unit size standard. The Downtown Plan allows for a reduction in minimum unit size provided no more than 15 percent of all units are under 600 square feet, the development's private open space is consistent with Downtown Plan's regulations, and the undersized units are high-quality and contain sufficient amenities so as to be

desirable and livable. The 15 undersized studio units comprise 11 percent of the project's total unit count. Furthermore, project private open space is consistent with Downtown Plan's regulations, and all studio units will feature a full range of amenities. Tenants within the studio units will also have full access to all project common open space and amenity areas.

The parking requirements in the Downtown Plan is one space per each residential unit and one guest space for every four units. As such, the project requires 178 parking spaces. The project proposes 191 parking stalls of which 12 parking stalls are designed in tandem. The project provides 1.34 parking spaces per unit. Twelve electric vehicle charging stations are located on the second garage level, and secured bike parking is provided within a bike storage room adjacent to the ground floor lobby off the Broadway frontage. Moreover, the location is in close proximity to public transit and bike share providing additional options for mobility.

Broadway is identified as a Pedestrian-Oriented Use: Secondary Street in the Downtown Plan. As such, ground floor activation along Broadway is required and accomplished by pedestrian-oriented retail/restaurant uses with small outdoor at the rear abutting a pedestrian path. The project incorporates a restaurant at the corner that offers active ground-floor uses, takes advantage of foot traffic from the courthouse parking structure and the courthouse.

The Downtown Plan requires common open space equivalent to 20 percent of the lot area (6,574 square feet). The project is providing a total of 5,841 square feet of open space which includes a roof deck (4,569 square feet) and dog run (1,272 square feet) on the ground level at the rear. The roof deck also includes a pool and spa. For common indoor open space, the project provides a community room (1,500 square feet) and fitness center (1,500 square feet). The project provides a total of 8,841 square feet of common open space. Lastly, the Downtown Plan requires that at least 50 percent of dwelling units have private open space. Fifty percent of the units have private open space in balconies with a minimum of 36 square feet, which satisfies the requisite private open space for the units.

The General Plan offers no design specifications for development in Land Use District 7 (LUD 7) – Mixed Uses.

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

The 0.75-acre project site is improved as a parking lot. An approximately five-foot landscaped setback on Broadway includes 33 mature ficus trees. All the existing trees will be removed as part of the development of this project. The ficus trees

have not been identified as significant mature trees worth preserving. All existing street trees are to be removed as part of project activities. Removed trees will be replaced with new street tree and parkway shrub plantings – Magnolia Avenue: Southern Magnolia (Magnolia Grandiflora) and Flax Lily (Dianella tasmanica) and Broadway: Brisbane Box (Tristania Conferata) and Flax Lily (Dianella tasmanica) -- consistent with Downtown Plan Streetscape and Public Realm Standards

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

The developers will be required to comply with all public improvement requirements including parkway improvements and property dedications found by the Department of Public Works to apply to this project. The increase in on-site density and the potential pedestrian and transit traffic generated by users of this particular development necessitates these public improvements.

E. THE PROJECT CONFORMS TO ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT); AND

The project contains less than 25,000 square feet of new, non-residential development and thus will be exempt from Transportation Demand Management requirements. However, the project has incorporated many Transportation Demand Management elements into its design. A ground floor bicycle storage and repair facility will provide secure parking and storage for 80 bicycles. Additionally, Los Angeles Metro Blue Line stops are conveniently located within walking distance north (at Pacific Avenue and 4th Street) and south (at Pacific Avenue and 1st Street) of the Project site. The project's bicycle amenities and proximity to existing local and regional transit services will figure to reduce vehicular trips to and from the site and reduce vehicle miles traveled.

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

The project contains over 50 new dwelling units and is thus subject to meeting the intent of Leadership in Energy and Environmental Design (LEED) at the certified level. The section's other green building requirements – one bicycle parking stall for every five residential units, solar-ready rooftops, and designated recyclable materials collection areas in all project trash collection area – will also be met. Furthermore, the project will comply with all Downtown Plan Final Program Environmental Impact Report Mitigation Measures, including the requirement that

Findings & Conditions
Application No. 1610-22
July 18, 2017
Page 5 of 15

the project be designed to meet Title 24 + 20 percent energy efficiency standards, including the installation of photovoltaic cells on the building's rooftop to achieve an additional 25 percent reduction in electricity use on an average sunny day.

CONDITIONS OF APPROVAL

500 West Broadway
Application No. 1610-22
July 18, 2017

Special Conditions:

1. This Site Plan Review approval is for the construction of a mixed-use building consisting of 142 units, 4,603 square feet of ground floor commercial uses, 191 vehicle parking stalls, and landscape and hardscape improvements to Magnolia Avenue and Broadway.
2. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services, Planning Bureau, dated April 11, 2017.
3. A minimum of 178 parking stalls shall be permanently maintained and in useful operation within the building's parking garage. The number of Electric Vehicle (EV) charging stations and spaces shall meet the California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements.
4. Parking stalls in tandem shall be assigned and dedicated to the same unit.
5. A minimum of 80 secured bicycle parking stalls shall be maintained on the site. The bicycle enclosures and bicycle room shall have restricted access exclusive to people parking bicycles inside the secure designated area. The type, spacing and placement of the bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services.
6. 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.
7. All required off-site street improvements shall be installed or provided for to the satisfaction of the Director of Public Works prior to issuance of a building permit.
8. 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.
9. The applicant or successor in interest shall conduct and report to the City a parking utilization study by licensed engineer three years from the issuance of the building's Certificate of Occupancy.

10. The applicant shall comply with the Mitigated Measures specified in the Mitigation Monitoring Plan of the Downtown Plan EIR to the satisfaction of the Director of Development Services prior to issuance of a building permit.
11. Maintain a twelve- (12) foot landscaped setback at the rear property line to ensure a pedestrian friendly existing walk way (West Elevation).
12. The garage access devices shall be placed at least thirty (30) feet from the front property line.
13. The development shall maintain the highest quality amenities including but not limited to the pool, spa, 1,500-square-foot community center and 1,500-square-foot fitness center.
14. The landscape and hardscape plan for Broadway and Magnolia public rights-of-way should be consistent with the Civic Center Project streetscape plan. Decorative sidewalk pavement stamping is prohibited.
15. The developer shall submit an application for a sign program for the project prior to the approval of a Certificate of Occupancy.
16. All exterior plaster (stucco) within the development shall be a smooth sand finish.
17. The pedestrian crossing at the Magnolia driveway entrance shall provide continental crosswalks and other visual cues to increase awareness of the motorists of pedestrian movement.

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

General Requirements

18. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, construction area perimeter fencing with custom-printed screen(s), street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).
19. The Developer proposes architectural projection encroachments into the public right-of-way that include signage, balconies and awnings. Construction plans shall be submitted to the Department of Public Works for all projections over the public right-of-way to be reviewed for approval as to compliance with California Building Code Chapter 32, to the satisfaction of the Director of Public Works.
20. The Developer proposes to improve paving along the project site with decorative pavers to which an Installation and Maintenance Agreement is required. The Developer 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 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.

Public Right-of-Way

21. The Developer shall dedicate and improve 5.5 feet for sidewalk purposes along Magnolia Avenue adjacent to the project site, resulting in a 14.5-foot wide public sidewalk. Sidewalk improvements shall be constructed of Portland cement concrete to the satisfaction of the Director of Public Works.
22. The Developer shall provide for a 3.5-foot-wide public access easement adjacent to the project site along Magnolia Avenue, resulting in an 18-foot-wide public sidewalk; 14.5-foot-wide sidewalk right-of-way and a 3.5-foot-wide public access easement.
23. The Developer shall dedicate and improve 4 feet for sidewalk purposes along W. Broadway adjacent to the project site, resulting in a 14-foot-wide public sidewalk. Sidewalk improvements shall be constructed of Portland cement concrete to the satisfaction of the Director of Public Works.
24. The Developer shall provide for a 4-foot-wide public access easement adjacent to the project site along the west property line, resulting in an 8-foot-wide pedestrian connection; 4-foot-wide existing width from the adjacent property and a 4-foot-wide public access easement from the Developer.
25. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.

Engineering Bureau

26. The Developer shall check with the Long Beach Water Department at (562) 570-2300 and the Gas and Oil Department at (562) 570-2030 for scheduled main replacement work prior to submitting lot improvement plans to the Department of Public Works.
27. The Developer shall improve the sidewalk easement and dedicated areas. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
28. The Developer shall install FenceScreen.com Custom Printed Flex Mesh screen(s), Series 311, or equivalent, fence screening along the perimeter of the development site, and provide for the printed graphic, to the satisfaction of the

Director of Public Works. The Developer shall consult with Public Works prior to submitting the graphic design for printing.

29. The Developer shall improve the parkway along W. Broadway and Magnolia Avenue fronting this project with new grass or drought-tolerant accent shrubbery and permeable groundcover such as decomposed granite as described in Section 21.42.060 of the Municipal Code.
30. The Developer shall provide for new street trees with root barriers along W. Broadway and Magnolia Avenue adjacent to the project site. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work on W. Broadway or Magnolia Avenue. 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 percent of the total area dedicated for public right-of-way.
31. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. All off-site improvements adjacent to the development site, and/or along the truck delivery route found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
32. The Developer shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
33. The Developer shall provide for the relocation of the Traffic Control Cabinet on the corner of W. Broadway and Magnolia Avenue to the satisfaction of the Director of Public Works. The Developer shall contact the Traffic and Transportation Bureau at (562) 570-6331 to schedule the relocation work prior to submitting on-site grading plans.
34. The Developer shall provide for the relocation of the existing electrical meter cabinet and underground conductor beneath the northwest corner of the development site to the satisfaction of the Director of Public Works. The Developer shall contact City Light and Power to schedule the relocation work prior to submitting on-site grading plans.
35. The Developer shall provide for the relocation of the existing Long Beach Water Department sewer main and manhole located within the center of the project site. The Developer shall contact the Long Beach Water Department at (562) 570-2300 to schedule the relocation work prior to submitting on-site grading plans.

36. The Developer shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.
37. All work within the public right-of-way must be performed by a contractor holding a valid State of California contractor's license and City of Long Beach Business License sufficient to qualify the contractor to do the work. The Contractor shall have on file with the City Engineer a Certificate of General Liability insurance and endorsement evidencing minimum City of Long Beach limits of required general liability insurance.
38. Public improvements shall be constructed in accordance with plans reviewed and approved by Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.

Traffic & Transportation Bureau

39. A traffic impact analysis must be prepared for this project, under the supervision of and approved by a registered Traffic Engineer in the State of California (Engineer's stamp required). Any conditions generated by the analysis shall be made a part of these conditions prior to the issuance of a building permit.
40. *The Developer shall be responsible to improve certain traffic signal related equipment to current CA MUTCD and/or City of Long Beach Standards. The traffic signal related equipment shall be within signalized intersections that are directly impacted by the Developer's project. If not existing, the Traffic Signal related equipment shall include, but may not be limited to the following:*
 - a. *All 8" Traffic Signal indications shall be updated to 12" LED units.*
 - b. *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.*
 - c. *All pedestrian indications shall be upgraded to LED Countdown Modules within all pedestrian crossings.*
 - d. *All pedestrian push buttons shall be upgraded to the most current City Standard.*
 - e. *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.*
 - f. *Because of the fact that so many City of Long Beach traffic signals operate and share coordinated signal timing plans, the developer 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.*

- g. *The developer may be asked to update the traffic signal controller located in the traffic signal cabinet. At the discretion of the City Traffic Engineer, it may be decided that the existing traffic signal controller does not have the capability to handle the complexities of new traffic patterns that are directly related to the Developer's project. In such cases, the developer will be asked to install a new traffic signal controller based on the most current City Standard.*
41. At the discretion of the City Traffic Engineer, the Developer shall be responsible to implement the proposed bicycle facilities identified in Bicycle Master Plan at its frontage blocks.
 42. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer; contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
 43. The Developer shall install an "R3-2" (No Left Turn) sign on the sidewalk at the driveway exiting onto Magnolia Avenue viewable by cars exiting that driveway. All traffic signs shall be installed to the satisfaction of the City Traffic Engineer.
 44. The Developer shall restore the red painted curb with new red curb painting restricting parking along W. Broadway and Magnolia Avenue to the satisfaction of the City Traffic Engineer.
 45. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
 46. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
 47. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
 48. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the site.
 49. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

Standard Conditions – Plans, Permits, and Construction:

50. The applicant shall comply with all comments from the Long Beach Police, Gas & Oil, Public Works, Water and Fire Departments and Building Bureau.

51. 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.
52. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
53. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
54. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
55. 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.
56. All rooftop mechanical equipment shall be fully screened from public view and views from taller, adjacent rooftops. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
57. Upon plan approval and prior to issuance of a building permit, the applicant shall submit an 11"x17" size set of final construction plans for the project file.
58. 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.
59. 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.
60. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.

61. 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.
62. 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.
63. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
64. 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.
65. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services.
66. All landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted primarily 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.
67. 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.
68. 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.
69. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.

70. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
71. 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.
72. For commercial food service facilities, low-flow pre-rinse sprayers with average flow rates of no more than 2.0 GPM shall be used. Flow rates shall be specified on plans.
73. 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
74. This permit and all development rights hereunder shall terminate two 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 two year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
75. 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 must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
76. 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.
77. 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).

78. 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 must be recorded with all title conveyance documents at time of closing escrow.
79. 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.
80. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
81. 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.
82. The property owner shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash 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.
83. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
84. Any graffiti found on site must be removed within 24 hours of its appearance.
85. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
86. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
87. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul the approval of the 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 any anticipated litigation costs and staff time required as a result of litigation activity.

From: Warren Blesofsky Fax: (888) 716-1516

To:

Fax: (562) 570-6068

Page 1 of 10 05/09/2017 10:33 AM

FAX**FROM****TO**

Warren Blesofsky

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PLEASE FIND ATTACHED 9 PAGE PLANNNG APPEAL

YOU CAN EMAIL ME AT WARRENIBLESOFSKY@GMAIL.COM or FAX 888-716-1556

THANK YOU

Statutory Provisions for Appeal, from LBMC Chapter 21.21 (Administrative Procedures)

Division V. - Appeals

21.21.501 - Authorization and jurisdiction.

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

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

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

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

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

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

21.21.506 - Finality of appeals.

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

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May 4, 2017

VIA PERSONAL DELIVERY

Planning Commission
City of Long Beach
333 W. Ocean Blvd.
Long Beach, CA 90802

Re: 500 West Broadway Mixed Use Project; Non-Compliance with California Environmental Quality Act ("CEQA")

Dear Chair Horik and Honorable Commissioners:

This firm represents Long Beach Citizens for Fair Development, Inc. ("LBCFD") with respect to the City of Long Beach's ("City") consideration of the 500 West Broadway project ("Project"). Generally speaking, the Project consists of a seven-story mixed-use development where a commercial parking lot currently exists. This letter is intended to inform the City that approval of the Project would violate the California Environmental Quality Act ("CEQA").

I. The Project

The Project, as proposed, is for the construction of a mixed-use building consisting of 142 units, 4,603 square feet of ground floor commercial uses, 191 vehicle parking stalls, and landscape and hardscape improvements to Magnolia Avenue and Broadway. Staff has concluded that the Project is exempt from CEQA as a Class 32 infill project.

II. Background

In 2012, the City adopted the so-called "Downtown Plan," a specific plan that replaced the existing land use, zoning and planned development districts as the land use and design document for all future development in the Downtown area of Long Beach. The Downtown Plan was approved by the City Council and went into effect in February 2012. The Downtown Plan

project have not been addressed in the PEIR, exceed the level of impact for any environmental issue identified in the PEIR, or do not propose to adequately implement mitigation measures identified in the PEIR, an additional project-specific environmental document in compliance with CEQA and the State CEQA Guidelines would be required." Draft PEIR at 1-3 (emphasis added).

In response to public comments received regarding the Draft PEIR, the City reiterated that future projects would be subject to future environmental review, stating the following in the "Environmental Impact Report Response to Comments," part of the Final PEIR:

"CEQA Analysis for Future Development Projects."

It should be noted that all future development projects proposed within the Downtown Plan project area *will require some type of subsequent CEQA environmental review to determine whether all of the potential environmental impacts of that particular project were 'adequately addressed' in the Downtown Plan Draft PEIR.*

The CEQA Guidelines, Section 15152(f)(3) provides that significant environmental effects have been 'adequately addressed' in a previous program EIR if the lead agency determines that such effects:

Have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental report; or have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project."

Therefore, after a program EIR is certified, any individual development project within that program area (i.e., the Downtown Plan 725-acre area) that could result in any of the following conditions *would require some type of new CEQA environmental documentation:* new environmental impacts not identified in the Program EIR; a substantial severity in the increase of impacts identified in the Program EIR; or if conditions have changed substantially from those expected in the Downtown Plan EIR. If any of these conditions are present, then subsequent environmental impact analysis and any required mitigation for the future development project must be prepared in compliance with CEQA."

Final PEIR at RTC-13 to RTC-14.

Finally, the City stated the following in conjunction with the near-term traffic analysis conducted in the Draft PEIR: "... any increase in land use intensity, such as an increase in vehicle trip generation or other new or increased environmental impacts that were not evaluated by the individual project EIR, will be reviewed for CEQA compliance pursuant to the Downtown Plan PEIR.

V. The City Did Not Conduct a Subsequent Environmental Review for the Project and Deemed the Project Exempt from CEQA

The PEIR unambiguously states that “all future development projects proposed within the Downtown Plan project area will require some type of subsequent CEQA environmental review to determine whether all of the potential environmental impacts of that particular project were ‘adequately addressed’ in the Downtown Plan Draft PEIR.” Here, there is no evidence that the City conducted any subsequent environmental review for the Project or rendered any such determination. The City has abused its discretion by failing to conduct this subsequent review.

The City has asserted in the NOE that the project qualifies for a Class 32 Categorical Exemption. As a “statement of support” for this exemption determination, the City states “The project is consistent with adopted general plan and zoning regulations” pursuant 14 Cal. Code Regs. section 15332 (a). The Class 32 exemption is reserved for certain types of “infill” projects. According to the State CEQA Guidelines, a project must meet the following conditions to qualify for this exemption:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

14 Cal. Code Regs. section 15332.

VI. Per the Final PEIR, New CEQA Environmental Analysis is Required

There are significant environmental effects associated with the Project that were not adequately addressed in the PEIR pursuant to CEQA Guidelines, Section 15152(f)(3). The Project proposes new environmental impacts that were not identified in the PEIR. These impacts include the following:

- Aesthetics – The site is currently a parking lot with sidewalk greenbelts that allow the Deukmejian Courthouse aesthetics to shine. The courthouse is an award-winning design and green building that is 5 stories tall. The proposed project is 7 stories tall and will significantly and negatively impact the overall aesthetics of the intersection.
- Transportation/Traffic – The project has one auto ingress/egress on Magnolia. Putting these high density residential units here will have significant traffic impacts by slowing the north/south traffic on Magnolia in an especially critical area of high traffic flow on the Broadway corridor, the courthouse will many auto arrivals slowing and looking for

courthouse parking. In addition due to the proximity of the courthouse and the project's location in the downtown district there is a high amount of pedestrian traffic at the intersection and on the sidewalk in front of the proposed project's proposed parking ingress egress location.

- Population/Housing – While the downtown plan goals include walkability and pedestrian friendliness this project will significantly and negatively impact pedestrian experience on this important intersection and block as part of the downtown core. All too often in recent project approvals the negative impact on walkability and pedestrian safety are ignored with overly optimistic findings when it comes to the impact of underparked projects and reduced traffic flows effect on the safe for pedestrians and overall walk ability. Without any study these impacts cannot be measured.
- Air quality is negatively impacted by the overly dense and under adequate parking ingress and egress.

Moreover, it bears noting that the Draft PEIR specifically contemplates that its mitigation measures were not intended to be comprehensive or final, and that future projects would be subject to future environmental review:

These mitigation measures are intended to be implemented as future development projects occur. Each proposed development project will be reviewed to determine whether potential project impacts have been adequately addressed in the PEIR; and to identify appropriate mitigation measures identified in the PEIR and the Mitigation Monitoring and Reporting Program (MMRP) that would be required to be implemented by the proposed development project." Draft PEIR at 1-2.

VII. Class 32 Exemption is Not Applicable

This particular project is not exempt as a Class 32 project because there are both "unusual circumstances" and "cumulative impacts." Categorical exemptions are not absolute. An exemption should be denied if one of the exceptions listed in section 15300.2 of the CEQA Guidelines applies. Section 15300.2(c) provides for one such exception and states that if there is a "reasonable possibility" of a "significant effect on the environment due to unusual circumstances," then the categorical exception cannot apply. *Id.*

Moreover, all classes of exemption are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant. Where there is a reasonable possibility of a significant effect due to unusual circumstances surrounding the project it is not exempt even if it clearly fits one of the categories. (14 Cal. Code Regs § 15300.2(c).) (See e.g., *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego*, 139 Cal.App.4th 249 (2006).)

a. Unusual Circumstances

There is a reasonable probability that the proposed Project will have a significant effect due to unusual circumstances. The following unusual circumstances exist:

- The project is located one of only three vehicle entry ways into the downtown core from the 710 freeway. Considering all the current project approvals in the downtown core, the traffic and pedestrian patterns created from the new civic center and other important buildings the intersection of Magnolia and Broadway is unusual. It is unusual because of these three road entries into the downtown core. This one uniquely sits near the geographic center and will become a vital pedestrian and vehicle pathway for business between the new civic center, the courthouse and other important downtown buildings.
- The site is unusual in that it is underparked. The project will have an unusually negative impact on the flow of traffic eastbound on Broadway and in turn to the high pedestrian crossing.
- The site is also aesthetically unusual in that it sits directly to the south of the new courthouse. So, this proposed project is unusual in that its 7-story proposed stature will tower over the 5-story courthouse and unusually affect the sunlight, shadows and aesthetics of the courthouse and the overall area.

Therefore, the proposed exemption is inapplicable as there is a reasonable possibility of a significant effect due to unusual circumstances surrounding the project; CEQA analysis must be conducted.

b. Cumulative Impacts

The Project is also not eligible for a Class 32 categorical exemption due to cumulative impacts. Section 21083(b)(2) of the Public Resources Code mandates that categorical exemptions do not apply if the "possible effects of a project are individually limited but cumulatively considerable." Impacts are "cumulatively considerable" if the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." *Id.* There are a great number of mixed use development projects either proposed, approved or currently being constructed in downtown Long Beach. Thus, environmental analysis is required per CEQA.

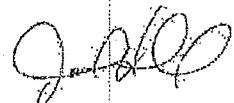
VIII. The City Cannot Adopt Mitigation Measures in the Form of Specialized Conditions of Approval for the Project In an Effort to Mitigate the Environmental Impacts of the Project

Significantly, it should be noted that in evaluating whether a categorical exemption may apply, the agency may not rely on mitigation measures as a basis for concluding that a project is categorically exempt, or as a basis for determining that one of the significant effects exceptions does not apply. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098. Staff is recommending a host of conditions of approval, several which are customized for this project, to reduce its effect on the environment. Therefore, the Project is not eligible for a categorical exemption under CEQA.

IX. Conclusion

For the reasons outlined above, the City cannot deem the Project exempt from CEQA. I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,



Jamie T. Hall



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU

APPLICATION FOR APPEAL

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

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

Which was taken on the 4th day of May, 20 17.

Project Address: 500 West Broadway

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

ALL INFORMATION BELOW IS REQUIRED

Reasons for Appeal: Non-Compliance with California Environmental Quality Act (CEQA) per attached 7 page letter and our oral comments at the planning commission meeting.

Appellant Name(s): warren blesofsky

Organization (if representing) Long Beach Citizens for Fair Development

Address: 65 Pine Ave #119

City Long Beach State CA ZIP 90802 Phone 714-745-5577

Signature(s) Warren Blesofsky Date S-9-17

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

BELOW THIS LINE FOR STAFF USE ONLY

Appeal by Applicant

Appeal by Third Party

Received by: _____

Case No.: _____

Appeal Filing Date: _____

Fee: _____

Fee Paid

Project (receipt) No.: _____

revised parking standards for both residential and commercial land uses, requiring one space per unit plus .25 spaces per unit for guest parking.

III. The California Environmental Quality Act

a. Purpose of California's Environmental Protection Statute

The California Environmental Quality Act is California's broadest environmental law. CEQA helps to guide public agencies such as the City during issuance of permits and approval of projects. Courts have interpreted CEQA to afford the fullest protection of the environment within the reasonable scope of the statutes. CEQA applies to all discretionary projects proposed to be conducted or approved by a City, including private projects requiring discretionary government approval. See California Public Resources Code, sections 21000 - 21178, and Title 14 Cal. Code Regs., section 753, and Chapter 3, sections 15000 - 15387.

IV. The Downtown Plan Environmental Impact Report

Pursuant to Section 15168 of the CEQA guidelines, the City conducted an environmental review for the "Downtown Plan", the Program Environmental Impact Report ("PEIR") (SCH No: 2009071006); The City circulated a draft of the PEIR for public comment in December 2010 (hereinafter referred to as "Draft PEIR"). This report was finalized in November 2012 ("Final PEIR").

The Draft PEIR specifically contemplated that its mitigation measures were not intended to be comprehensive or final, and that future projects would be subject to future environmental review:

These mitigation measures are intended to be implemented as future development projects occur. Each proposed development project will be reviewed to determine whether potential project impacts have been adequately addressed in the PEIR; and to identify appropriate mitigation measures identified in the PEIR and the Mitigation Monitoring and Reporting Program (MMRP) that would be required to be implemented by the proposed development project." Draft PEIR at 1-2.

The PEIR also acknowledged that it "might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site" and referred to Section 15183 for guidance for preparation of Initial Studies for subsequent projects "to determine whether there were project- or site-specific impacts; environmental effects that were not analyzed as significant effects in the PEIR; as offsite or cumulative impacts; or as more severe impacts than were identified in the PEIR." Draft PEIR at 1-2.

In addition, the PEIR provided:

"During subsequent review of future development projects, the City may use an Initial Study or require additional project-specific environmental documentation to analyze the relationship of the proposed development to the significant environmental impacts identified in this PEIR. This analysis may determine that the potential environmental effects were anticipated in the PEIR and that no additional environmental documentation is required. If the City or the Redevelopment Agency determines that the environmental effects of a proposed

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH FINDING THAT THE BROADWAY &
MAGNOLIA PROJECT IS CONSISTENT WITH THE
DOWNTOWN PLAN PROGRAM ENVIRONMENTAL IMPACT
REPORT AND SUBJECT TO THE DOWNTOWN PLAN
MITIGATION MONITORING AND REPORTING PROGRAM;
AND MAKING CERTAIN FINDINGS AND
DETERMINATIONS RELATED THERETO

WHEREAS, in January, 2012, the City Council of the City Long Beach (City) adopted the Downtown Plan as a comprehensive spatial development plan to implement strategies that both preserve and enhance the ideals that have contributed to the Downtown's successes while seamlessly instilling new principles of sound urban development. The Downtown Plan area comprises 719 acres in the City's Downtown.

As adopted, the Downtown Plan provides development standards and design guidelines for an expected increase in the density and intensity of existing Downtown land uses by allowing up to: (1) approximately 5,000 new residential units; (2) 1.5 million square feet of new office, civic, cultural, and similar uses; (3) 384,000 square feet of new retail; (4) 96,000 square feet of restaurants; and (5) 800 new hotel rooms. The development assumed in the Downtown Plan would occur over 25 years.

WHEREAS, in connection with adoption of the Downtown Plan, the City, as lead agency, prepared a Program Environmental Impact Report for the Downtown Plan, SCH No. 2009071006 (Downtown Plan PEIR) in accordance with the provisions of the California Environmental Quality Act (CEQA) and Section 15168 of the CEQA Guidelines, which provides for the preparation of a PEIR “[i]n connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing

1 program.” The City Council certified the Downtown Plan EIR in January 2012 when it
2 adopted the Downtown Plan.

3 WHEREAS, pursuant to Section 1.3 of the Downtown Plan PEIR, the PEIR
4 serves “as a basis for streamlined environmental review of all subsequent public and
5 private actions that may be subject to CEQA review for land development projects,
6 infrastructure improvements, and other ordinances, programs, and actions that the Lead
7 Agency determines to be necessary to implement the Downtown Plan.” Furthermore, the
8 PEIR states:

9 “Because the Project is an adoption of a plan, not an individual or series of
10 development projects, subsequent environmental review will be subject to
11 the provisions of Section 15183 of the State CEQA Guidelines, under
12 which projects that are consistent with the development density or
13 intensity of the plan “shall not be subject to additional environmental
14 review, except as might be necessary to examine whether there are
15 project-specific significant effects which are peculiar to the project or its
16 site.” Section 15183 provides additional guidance for preparation of an
17 Initial Study for subsequent projects to determine whether there are
18 project- or site-specific impacts; environmental effects that were not
19 analyzed as significant effects in the PEIR; as offsite or cumulative
20 impacts; or as more severe impacts than were identified in the PEIR.”

21 WHEREAS, where appropriate, the mitigation measures to the PEIR
22 requires preparation of specific additional studies and analyses to determine whether an
23 individual project would result in project-specific new or increased significant effects that
24 are peculiar to the project or its site.

25 WHEREAS, the proposed Magnolia Broadway Project (Project) located at
26 500 West Broadway in the City consists of a proposed 7-story building containing
27 approximately 142 apartment units, 4,603 square feet of ground floor commercial space,
28 and approximately 191 vehicular parking spaces and 94 bicycle spaces on a 0.75-acre lot

1 currently paved and used as a surface parking lot (project site). The project site is within
2 boundaries of the Downtown Plan, and, as set forth below, is consistent with the
3 Downtown Plan.

4 WHEREAS, on May 4, 2017, the Long Beach Planning Commission
5 approved a Site Plan Review for the Project and found the Project to be exempt from
6 CEQA under CEQA Guidelines Section 15332 (Infill Exemption). On May 9, 2017,
7 Warren Blesofsky, on behalf of himself and Long Beach Citizens for Fair Development,
8 filed an appeal of the Planning Commission's action. The appeal contends that the City's
9 reliance on the Infill Exemption was inappropriate and the Project should instead have
10 been reviewed in the context of the Downtown Plan PEIR and in accordance with Section
11 15183 of the State CEQA Guidelines.

12 WHEREAS, in response to the appeal, the City Planning Department has
13 undertaken additional review of the Project in accordance with CEQA Guidelines Section
14 15183, including an expert technical memorandum prepared by EcoTierra (Technical
15 Memorandum) and supporting expert technical studies by Cadence Environmental
16 Consultants and Linscott Law and Greenspace to determine whether there are project-
17 specific significant effects which are peculiar to the Project or the project site that would
18 require still further analysis.

19 WHEREAS, pursuant to CEQA, the City serves as the "lead agency" with
20 respect to the Project in connection with the subject City actions.

21 NOW, THEREFORE, the City Council resolves as follows:

22 Section 1. The City Council: (a) has considered the Downtown Plan
23 PEIR, Technical Memorandum and supporting technical studies, and other pertinent
24 evidence in the record, including studies, reports, and other information from qualified
25 experts (collectively the "Environmental Documents"), (b) has considered the
26 environmental effects of the Project as set forth in the Environmental Documents, and (c)
27 makes the following findings:

28 A) The City independently reviewed and analyzed the Environmental

- 1 Documents and finds that they reflect the independent judgment of the City.
- 2 B) The Downtown Plan was adopted as a zoning ordinance and is consistent
- 3 with the City's General Plan.
- 4 C) The City previously certified the Downtown Plan PEIR for the Downtown
- 5 Plan.
- 6 D) The Project is consistent with the Downtown Plan, including, but not limited
- 7 to the following design standards:
- 8 • 100 percent of ground floor street fronts should contain active uses on
- 9 designated pedestrian-oriented "main" and "secondary" streets of which
- 10 Magnolia and Broadway are considered pedestrian-oriented "secondary"
- 11 streets;
- 12 • The Project is approximately 84 feet tall, consistent with the Height
- 13 Incentive Area 240-foot limit (500 feet with incentives);
- 14 • The Project observes the "zero-foot build-to-lines" guidelines and provides
- 15 the required 3-foot 6-inch front yard setback with 0-foot side and rear
- 16 setbacks;
- 17 • The Project has an FAR of 4.09:1, below the allowed 8:1 FAR;
- 18 • The Project is consistent with the development standards to promote a mix
- 19 of unit sizes;
- 20 • The Project exceeds the design standards for open space by providing over
- 21 11,000 square feet of open space;
- 22 • Consistent with the development standards, the Project provides a
- 23 community room of approximately 1,539 square feet;
- 24 • The Project is consistent with the development standard to provide private
- 25 balconies on at least 50% of units of at least 36 square feet;
- 26 • The Project meets the parking requirements of the Downtown Guide
- 27 development standards (1 vehicular parking space per unit plus 1 guest
- 28 space per 4 units);

- 1 • The Project exceeds the bicycle parking requirements Downtown Guide
2 development standards (1 bicycle space per 7,500 square feet of
3 commercial and 1 bicycle space per every 5 units);
4 • The Project incorporates high-quality materials into its design, includes a
5 pedestrian-scale corner element, and uses outdoor space to create visual
6 interest; and
7 • The size and scale of the Project is consistent with neighboring properties,
8 and the surrounding area and the Downtown Plan.
- 9 E) All applicable feasible mitigation measures from the Downtown Plan PEIR
10 will be undertaken as part of the Project, in the form of mitigation measures,
11 regulatory compliance measures, project design features, and/or conditions
12 of approval, as set forth in the Environmental Documents.
- 13 F) Based on substantial evidence in the Environmental Documents and
14 elsewhere in the record, including but not limited to oral and written
15 testimony provided at the public hearings on the matter, there are no
16 environmental effects of the Project that: (1) are project-specific impacts
17 peculiar to the Project or its site, (2) were not analyzed as significant effects
18 in the Downtown Plan PEIR, (3) are potentially significant off-site impacts
19 and cumulative impacts which were not discussed in the PEIR, or (4) are
20 previously identified significant effects which, as a result of substantial new
21 information which was not known at the time the PEIR was certified, are
22 determined to have a more severe adverse impact than discussed in the
23 PEIR.
- 24 G) Pursuant to CEQA Guidelines 15183, no further CEQA review or additional
25 environmental studies are required for the Project.
- 26 H) None of the information submitted by the Appellants, including the Appeal
27 and testimony by the Appellants and their representatives at the public
28 hearings on the Project, constitutes significant new information. The City

1 Council has carefully considered this information and testimony and does
2 not find it to be credible evidence of a significant impact, a substantial
3 increase in the severity of an impact disclosed in the Downtown Plan PEIR,
4 or otherwise requiring additional CEQA review, including but not limited to
5 preparation of subsequent or supplemental EIR pursuant to CEQA
6 Guidelines 15162 and 15163;

- 7 I) The City Council finds and declares that substantial evidence for every
8 finding made herein is contained in the Environmental Documents, which
9 are incorporated herein by this reference, or is in the record of proceedings
10 in the matter.
- 11 J) Consistent with Public Resources Code Section 21081.6, the City Council
12 adopts the Mitigation Monitoring and Reporting Program attached as Exhibit
13 “A”, which is incorporated herein by this reference, to mitigate or avoid
14 significant effects of the Project on the environment and to ensure
15 compliance during project implementation.
- 16 K) In accordance with the requirements of Public Resources Section 21081.6,
17 the City Council hereby adopts each of the mitigation measures expressly
18 set forth herein as conditions of approval for the Project.
- 19 L) Consistent with Public Resources Code Section 21081.6(a)(2), the
20 documents that constitute the record of proceedings for approving the
21 Project are located at the Development Services Department, 333 West
22 Ocean Blvd., 4th Floor, Long Beach, California 90802.

23 //

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

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

7 Ayes: Councilmembers: _____
8

9 Noes: Councilmembers: _____
10

11 Absent: Councilmembers: _____
12

13 _____ City Clerk
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EXHIBIT A

CITY OF LONG BEACH DOWNTOWN PLAN

MITIGATION MONITORING AND REPORTING PROGRAM

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

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

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

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

Key: PWD – City of Long Beach Public Works Department
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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
implement the Enhanced Exhaust Control Practices (listed below) or whatever mitigation measures are recommended by SCAQMD at the time individual portions of the site undergo construction.	<p><u>Enhanced Exhaust Control Practices</u></p> <ul style="list-style-type: none">The project applicant shall provide a plan for approval by the City, demonstrating that the heavy-duty (50 hp or more) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NO_x reduction, 20 percent VOC reduction, and 45 percent particulate reduction compared to the 2011 ARB fleet average, as contained in the URBEMIS output sheets in Appendix C. Acceptable options for reducing emissions may include use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. SCAQMD, which is the resource agency for air quality in the Project area, can be used in an advisory role to demonstrate fleet-wide reductions. SCAQMD's mitigation measures for off-road engines can be used to identify an equipment fleet that achieves this reduction (SCAQMD 2007b).The project applicant shall submit to the City a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the hp rating, engine production year, and projected hours of use for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of heavy-duty off-road equipment, the project representative shall provide the City with the		projects				

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

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
anticipated construction timeline including start date and name and phone number of the project manager and onsite foreman. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed and the dates of each survey. SCAQMD staff and/or other officials may conduct periodic site inspections to determine compliance.							
<ul style="list-style-type: none"> If, at the time of construction, SCAQMD, CARB, or the EPA has adopted a regulation or new guidance applicable to construction emissions, compliance with the regulation or new guidance may completely or partially replace this mitigation if it is equal to or more effective than the mitigation contained herein, and if the City so permits. Such a determination must be supported by a project-level analysis and be approved by the City. 							
Mitigation Measure AQ-1(b) Prior to construction of each development phase of onsite land uses that are proposed within 1,500 feet of sensitive receptors, each project applicant shall perform a project-level CEQA analysis that includes a detailed LST analysis of construction-generated emissions of NO ₂ , CO, PM ₁₀ , and PM _{2.5} to assess the impact at nearby sensitive receptors. The LST analysis shall be performed in accordance with applicable SCAQMD guidance that is in place at the time the analysis is performed. The project-level analysis shall incorporate detailed parameters of the construction equipment and activities, including the year during which construction would be performed, as well as the proximity of potentially affected receptors, including receptors proposed by the project that exist at the time the construction activity would occur.	Review and approval of LST analysis for individual development projects	Prior to issuance of building permits	Once per individual development project	OCM			
Mitigation Measure AQ-2 Mitigation to reduce mobile source emissions due to implementation of the Plan	Review and approval of final building plans	Prior to issuance of building	Once per individual	OCM, LBDS			

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<p>addresses reducing the number of motor vehicle trips and reducing the emissions of individual vehicles under the control of the project applicant(s). The following measures shall be implemented by project applicant(s) unless it can be demonstrated to the City that the measures would not be feasible.</p> <ul style="list-style-type: none"> The project applicant(s) for all project phases shall require the commercial development operator(s) to operate, maintain, and promote a ride-share program for employees of the various businesses. The project applicant(s) for all project phases shall include one or more secure bicycle parking areas within the property and encourage bicycle riding for both employees and customers. The proposed structures shall be designed to meet current Title 24 + 20 percent energy efficiency standards and shall include photovoltaic cells on the rooftops to achieve an additional 25 percent reduction in electricity use on an average sunny day. The City shall ensure that all new commercial developments include or have access to convenient shower and locker facilities for employees to encourage bicycle, walking, and jogging as options for commuting. The project applicant(s) for all project phases shall require that all equipment operated by the businesses within the facility be electric or use non-diesel engines. All truck loading and unloading docks shall be equipped with one 110/208-volt power outlet for every two-dock door. Diesel trucks shall be prohibited from idling more than 5 minutes and must be required to connect to the 110/208-volt power to run any auxiliary equipment. Signs outlining the idling restrictions shall be provided. <p>If, at the time of construction, SCAQMD, CARB, or EPA has adopted a regulation or new guidance applicable to mobile- and area-source emissions, compliance with the regulation or new guidance may completely or partially</p>	for individual development projects	permits	development project				

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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.							
Mitigation Measure AQ-4(a) The following measures shall be implemented to reduce exposure of sensitive receptors to operational emissions of TACs:	<ul style="list-style-type: none"> • Proposed commercial land uses that have the potential to emit TACs or host TAC-generating activity (e.g., loading docks) shall be located away from existing and proposed onsite sensitive receptors such that they do not expose sensitive receptors to TAC emissions that exceed an incremental increase of 10 in 1 million for the cancer risk and/or a noncarcinogenic Hazard Index of 1.0. • Where necessary to reduce exposure of sensitive receptors to an incremental increase of 10 in 1 million for the cancer risk and/or a noncarcinogenic Hazard Index of 1.0, proposed commercial and industrial land uses that would host diesel trucks shall incorporate idle-reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off. • Signs shall be posted in at all loading docks and truck loading areas to indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises. This measure is consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by the California Office of Administrative Law in January 2005. • Proposed facilities that would require the long-term use of diesel equipment and heavy-duty trucks shall develop a plan to reduce emissions, which may include such measures as scheduling activities when the residential uses are the least occupied, requiring 	Review and approval of applicant-prepared health risk studies and, as necessary, plans to reduce hazards to below specified risk levels	Prior to issuance of building permits	Once per individual development project involving potential TAC hazards	OCM, LBDS		

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<p>equipment to be shut off when not in use, and prohibiting heavy trucks from idling.</p> <ul style="list-style-type: none"> When determining the exact type of facility that would occupy the proposed commercial space, the City shall take into consideration its toxic-producing potential. Commercial land uses that accommodate more than 100 trucks per day, or 40 trucks equipped with TRUs, within 1,000 feet of sensitive receptors (e.g., residences or schools) shall perform a site-specific project-level HRA in accordance with SCAQMD guidance for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles (SCAQMD 2003b). If the incremental increase in cancer risk determined by the HRA exceeds the threshold of significance recommended by SCAQMD or ARB at the time (if any), then all feasible mitigation measures shall be employed to minimize the impact. 							
Mitigation Measure AQ-4(b) The City shall verify that the following measures are implemented by new developments to reduce exposure of sensitive receptors to emissions of TACs from POLB and stationary sources in the vicinity of the Downtown Plan Project area: <ul style="list-style-type: none"> All proposed residences in the Downtown Plan Project area shall be equipped with filter systems with high Minimum Efficiency Reporting Value (MERV) for removal of small particles (such as 0.3 micron) at all air intake points to the home. All proposed residences shall be constructed with mechanical ventilation systems that would allow occupants to keep windows and doors closed and allow for the introduction of fresh outside air without the requirement of open windows. The heating, ventilation, and air conditioning (HVAC) systems shall be used to maintain all residential units under positive pressure at all times. An ongoing education and maintenance plan about the filtration systems associated with HVAC shall be developed and implemented for residences. 	Review and approval of applicant-prepared health risk studies and, as necessary, plans to reduce hazards to below specified risk levels	Prior to issuance of building permits	Once per individual development project involving potential health risks	OCM, LBDS			

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• To the extent feasible, sensitive receptors shall be located as far away from the POLB as possible.							
Mitigation Measure AQ-5 The following additional guidelines, which are recommended in ARB's <i>Land Use Handbook: A Community Health Perspective</i> (ARB 2005) shall be implemented. The guidelines are considered to be advisory and not regulatory: Sensitive receptors, such as residential units and daycare centers, shall not be located in the same building as dry-cleaning operations that use perchloroethylene. Dry-cleaning operations that use perchloroethylene shall not be located within 300 feet of any sensitive receptor. A setback of 500 feet shall be provided for operations with two or more machines.	Review of individual development projects for consistency with ARB guidelines	Prior to issuance of building permits	Once per individual development project	OCM, LBDS			
Mitigation Measure AQ-6 The following mitigation measures shall be implemented to control exposure of sensitive receptors to operational odorous emissions. The City shall ensure that all project applicant(s) implement the following measures: <ul style="list-style-type: none"> • The City shall consider the odor-producing potential of land uses when reviewing future development proposals and when the exact type of facility that would occupy areas zoned for commercial, industrial, or mixed-use land uses is determined. Facilities that have the potential to emit objectionable odors shall be located as far away as feasible from existing and proposed sensitive receptors. • Before the approval of building permits, odor-control devices shall be identified to mitigate the exposure of receptors to objectionable odors if a potential odor-producing source is to occupy an area zoned for commercial land use. The identified odor-control devices shall be installed before the issuance of certificates of occupancy for the potentially odor-producing use. The odor-producing potential of a source and control devices shall be determined in coordination with SCAQMD and based on the number 	Review and approval of final building plans and applicant-proposed odor control methods for individual development projects	Prior to issuance of building permits	Once per individual development project involving potential odor issues	OCM, LBDS			

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<p>of complaints associated with existing sources of the same nature.</p> <ul style="list-style-type: none"> Truck loading docks and delivery areas shall be located as far away as feasible from existing and proposed sensitive receptors. Signs shall be posted at all loading docks and truck loading areas to indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises in order to reduce idling emissions. This measure is consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by California's Office of Administrative Law in January 2005. (This measure is also required by Mitigation Measure AQ-4 to limit TAC emissions.) Proposed commercial and industrial land uses that have the potential to host diesel trucks shall incorporate idle-reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for TRUs to allow diesel engines to be completely turned off. (This measure is also required by Mitigation Measure AQ-4 to limit TAC emissions.) <p>In addition, mitigation measures identified under AQ-4(b) to reduce indoor exposure to TACs would also result in a reduction in the intensity of offensive odors from the surrounding odor sources.</p>							
CULTURAL RESOURCES							
Mitigation Measure CR-1(a) The City shall encourage the designation as local landmarks of 21 properties identified in Table 4.3-3 with the "Desired Outcome" of "Pursue Local Designation." The City will encourage the on-going maintenance and appropriate adaptive reuse of	Review and approval of final building plans involving potential historic resources	Prior to issuance of demolition permits	Once per individual development project with the potential to adversely affect historic	LBDS			

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all properties in Table 4.3-2 (existing landmarks), and Table 4.3-3 as historic resources.			resources				
<p>Mitigation Measure CR-1(b) The following procedures shall be followed prior to issuance of a demolition permit or a building permit for alteration of any property listed in the Historic Survey Report (ICF Jones & Stokes 2009) by Status Code 3S, 3CS, 5S1, or 5S3; designated as a Historic Landmark (City of Long Beach 2010a); listed in Tables 4.3-2 and 4.3-3 of this PEIR, or other property 45 years of age or older that was not previously determined by the Historic Survey Report to be ineligible for National Register, California Register, or Local Landmark (Status Code 6L and 6Z):</p> <p><u>Notification of Historic Preservation Staff</u> Historic Preservation staff in the City Development Services Department shall be notified upon receipt of any demolition permit or building permit for alteration of any property listed in the Historic Survey Report or other property 45 years of age or older that was not previously determined by the Historic Survey Report to be ineligible for National Register, California Register, or Local Landmark (Status Code 6L and 6Z)</p> <p><u>Determination of Need for Historic Property Survey</u> In consultation with Historic Preservation staff, the City Development Services Department shall determine whether a formal historic property survey is needed and may require that the owner or applicant provide photographs of the property, including each building façade, with details of windows, siding, eaves, and streetscape views, and copies of the County Assessor and City building records, in order to make this determination.</p> <p><u>Determination of Eligibility</u> If City Development Services Department staff determines that the property may be eligible for designation, the property shall be referred to the Cultural Heritage Commission, whose determination of eligibility shall be</p>	Verification that specified procedures have been followed for individual development projects involving historic properties and that appropriate mitigation has been undertaken	Prior to issuance of demolition permits	Once per individual development project with the potential to adversely affect historic resources	PWD, LBDS			

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<p>considered as part of the environmental determination for the project in accordance with CEQA.</p> <p><u>Documentation Program</u></p> <p>If the Cultural Heritage Commission determines that the property is eligible for historic listing, the City Development Services Department shall, in lieu of preservation, require that prior to demolition or alteration a Documentation Program be prepared to the satisfaction of the City Development Services Department, which shall include the following:</p> <p>A. Photo Documentation</p> <p>Documentation shall include professional quality photographs of the structure prior to demolition with 35 mm black and white photographs, 4" x 6" standard format, taken of all four elevations and with close-ups of select architectural elements, such as but not limited to, roof/wall junctions, window treatments, decorative hardware, any other elements of the building's exterior or interior, or other property features identified by the City Development Services Department to be documented. Photographs shall be of archival quality and easily reproducible.</p> <p>B. Required Drawings</p> <p>Measured drawings of the building's exterior elevations depicting existing conditions or other relevant features shall be produced from recorded, accurate measurements. If portions of the building are not accessible for measurement or cannot be reproduced from historic sources, they should not be drawn, but clearly labeled as not accessible. Drawings shall be produced in ink on translucent material or archivally stable material (blueprint drawings are acceptable). Standard drawing sizes are 19" x 24" or 24" x 36" and standard scale is 1/4" = 1 foot.</p> <p>C. Archival Storage</p>							

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Xerox copies or CD of the photographs and one set of the measured drawings shall be submitted for archival storage with the City Development Services Department; and one set of original photographs, negatives, and measured drawings shall be submitted for archival storage with such other historical repository identified by the City Development Services Department.							
Mitigation Measure CR-2(a) A qualified project archaeologist or archaeological monitor approved by the City in advance of any ground-disturbing activities shall be present during excavation into native sediments and shall have the authority to halt excavation for inspection and protection of cultural resources. The archaeological monitor shall be empowered to halt or redirect ground-disturbing activities to allow the find to be evaluated. If the archaeological monitor determines the find to be significant, the project applicant and the City shall be notified and an appropriate treatment plan for the resources shall be prepared. The treatment plan shall include notification of a Native American representative and shall consider whether the resource should be preserved in place or removed to an appropriate repository as identified by the City.	Verification that a qualified monitor has been retained for individual development projects involving excavation in native sediments; field verification of monitoring	Verification that a monitor has been retained prior to issuance of demolition permit; field verification during construction	Once for verification that a monitor has been retained; periodically throughout construction for field verification	LBDS, OCM			
Mitigation Measure CR-2(b) The project archaeologist shall prepare a final report of the find for review and approval by the City and shall include a description of the resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register of Historic Resources and the National Register of Historic Places. The report shall be filed with the California Historic Resources Information System South Central Coastal Information Center. If the resources are found to be significant, a separate report including the results of the recovery and evaluation process shall be prepared.	Review and approval of report (if required)	Prior to re-initiating work (if resources unearthed)	As needed throughout construction	LBDS, OCM			
Mitigation Measure CR-2(c) If human remains are encountered during excavation and grading activities,	Verification that County Coroner and/or	Prior to re-initiating work (if	As needed throughout	LBDS, OCM			

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State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the corner is to notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains. Preservation in place and project design alternatives shall be considered as possible courses of action by the project applicant, the City, and the Most Likely Descendent.	NAHC consultation has occurred (if human remains unearthed)	human remains unearthed	construction				
Mitigation Measure CR-3(a) A qualified paleontologist approved by the City in advance of any ground-disturbing activities shall be present during excavation into native sediments and shall have the authority to halt excavation for inspection and protection of paleontological resources. Monitoring shall consist of visually inspecting fresh exposures of rock for fossil remains and, where appropriate, collection of sediment samples for further analysis. The frequency of inspections shall be based on the rate of excavation and grading activities, the materials being excavated, the depth of excavation, and, if found, the abundance and type of fossils encountered.	Verification that a qualified paleontologist has been retained for individual development projects involving excavation of native sediments; field verification of monitoring	Verification that a monitor has been retained prior to issuance of demolition permit; field verification during construction	Once for verification that a monitor has been retained; periodically throughout construction for field verification	LBDS, OCM			
Mitigation Measure CR-3(b) If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect excavation and grading in the area of the exposed fossil to evaluate and, if necessary, salvage the find. All fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County and shall be accompanied by a report on the fossils collected and their significance, and notes, maps, and photographs of the salvage effort.	Verification that any paleontological resources identified during grading and construction of individual development projects have been appropriately salvaged	Prior to re-initiating work (if fossils unearthed)	As necessary throughout construction of individual development projects	LBDS, OCM			

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GEOLOGY AND SEISMICITY							
Mitigation Measure Geo-1 New construction or structural remodeling of buildings proposed within the Project area shall be engineered to withstand the expected ground acceleration that may occur at the project site. The calculated design base ground motion for each project site shall take into consideration the soil type, potential for liquefaction, and the most current and applicable seismic attenuation methods that are available. All onsite structures shall comply with applicable provisions of the most recent UBC adopted by the City of Long Beach.	Review and approval of final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	PWD, OCM			
Mitigation Measure Geo-2 Prior to issuance of a building permit for new structures, the City Department of Development Services shall determine, based on building height, depth, and location, whether a comprehensive geotechnical investigation and geo-engineering study shall be completed to adequately assess the liquefaction potential and compaction design of the soils underlying the proposed bottom grade of the structure. If a geotechnical investigation is required, borings shall be completed to at least 50 feet below the lowest proposed finished grade of the structure or 20 feet below the lowest caisson or footing (whichever is deeper). If these soils are confirmed to be prone to seismically induced liquefaction, appropriate techniques to minimize liquefaction potential shall be prescribed and implemented. All onsite structures shall comply with applicable methods of the UBC and California Building Code. Suitable measures to reduce liquefaction impacts could include specialized design of foundations by a structural engineer, removal or treatment of liquefiable soils to reduce the potential for liquefaction, drainage to lower the groundwater table to below the level of liquefiable soils, in-situ densification of soils, or other alterations to the sub-grade characteristics.	Review and approval of geotechnical investigations for individual development projects and verification that appropriate standards have been incorporated into final building plans	Geotechnical investigation and final building plan review prior to issuance of building permits	Once per individual development project	PWD, OCM			
Mitigation Measure Geo-3 Prior to issuance of a building permit for new structures, the City Department of Development Services shall determine the need for soil samples of final sub-grade areas and excavation sidewalls	Review and approval of final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	LBDS			

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to be collected and analyzed for their expansion index. For areas where the expansion index is found to be greater than 20, grading and foundation designs shall be engineered to withstand the existing conditions. The expansion testing may be omitted if the grading and foundations are engineered to withstand the presence of highly expansive soils.							
GREENHOUSE GAS EMISSIONS							
Mitigation Measure GHG-1(a) Implement Mitigation Measure AQ-1. Implementation of the mitigation measures described in Section 4.2, Air Quality, of this PEIR, which would reduce construction emissions of criteria air pollutants and precursors, would also act to reduce GHG emissions associated with implementation of the Project. The construction mitigation measures for exhaust emissions are relevant to the global climate change impact because both criteria air pollutant and GHG emissions are frequently associated with combustion byproducts.	Review and approval of final building plans to verify compliance with applicable measures	Prior to issuance of building permits	Once per individual development project	LBDS			
Mitigation Measure GHG-1(b) Implement Additional Measures to Control Construction-Generated GHG Emissions. To further reduce construction-generated GHG emissions, the project applicant(s) of all public and private developments shall implement all feasible measures for reducing GHG emissions associated with construction that are recommended by the City and/or SCAQMD at the time individual portions of the site undergo construction. Such measures may reduce GHG exhaust emissions from the use of onsite equipment, worker commute trips, and truck trips carrying materials and equipment to and from the project site, as well as GHG emissions embodied in the materials selected for construction (e.g., concrete). Other measures may pertain to the materials used in construction. Prior to the construction of each development phase, the project applicant(s) shall obtain the most current list of GHG-reduction measures that are recommended by the City and/or SCAQMD and stipulate that these measures be implemented during the	Verification that construction specifications include City and SCAQMD recommended measures; field verification of compliance	Construction specification review and approval prior to issuance of grading permits; field verification during construction	Once per individual development project for construction specification review/approval; field verification periodically throughout construction	LBDS, OCM			

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<p>appropriate construction phase. The project applicant(s) for any particular development phase may submit to the City a report that substantiates why specific measures are considered infeasible for construction of that particular development phase and/or at that point in time. The report, including the substantiation for not implementing particular GHG-reduction measures, shall be approved by the City.</p> <p>The City's recommended measures for reducing construction-related GHG emissions at the time of writing this PEIR are listed below and the project applicant(s) shall, at a minimum, be required to implement the following:</p> <ul style="list-style-type: none"> • Improve fuel efficiency from construction equipment: <ul style="list-style-type: none"> ○ reduce unnecessary idling (modify work practices, install auxiliary power for driver comfort), ○ perform equipment maintenance (inspections, detect failures early, corrections), ○ train equipment operators in proper use of equipment, ○ use the proper size of equipment for the job, and ○ use equipment with new technologies (repowered engines, electric drive trains). • Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power. • Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment (emissions of NOx from the use of low carbon fuel must be reviewed and increases mitigated). Additional information about low-carbon fuels is available from ARB's Low Carbon Fuel Standard Program (ARB 2010a). 							

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<ul style="list-style-type: none"> Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes. Reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones. Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75 percent by weight). Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk, and curb materials). Minimize the amount of concrete used for paved surfaces or use a low carbon concrete option. Produce concrete onsite if determined to be less emissive than transporting ready mix. Use EPA-certified SmartWay trucks for deliveries and equipment transport. Additional information about the SmartWay Transport Partnership Program is available from ARB's Heavy-Duty Vehicle GHG Measure (ARB 2010b) and EPA (EPA 2010). Develop a plan to efficiently use water for adequate dust control. This may consist of the use of non-potable water from a local source. 							
Mitigation Measure GHG-2(a) Implement Mitigation Measure AQ-3. Implementation of the mitigation measures described in Section 4.2, which would reduce operational emissions of criteria air pollutants and precursors, would also act to reduce GHG emissions associated with implementation of the Project. The operational mitigation measures for exhaust emissions are relevant to the global climate change impact because both criteria air pollutant and GHG emissions are frequently associated with combustion byproducts.	Verification that required measures have been incorporated into final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	LBDS			

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Mitigation Measure GHG-2(b) Implement Additional Measures to Reduce Operational GHG Emissions. For each increment of new development within the Project area requiring a discretionary approval (e.g., tentative subdivision map, conditional use permit, improvement plan), measures that reduce GHG emissions to the extent feasible and to the extent appropriate with respect to the state's progress at the time toward meeting GHG emissions reductions required by the California Global Warming Solutions Act of 2006 (AB 32) shall be imposed, as follows: <ul style="list-style-type: none"> • The project applicant shall incorporate feasible GHG reduction measures that, in combination with existing and future regulatory measures developed under AB 32, will reduce GHG emissions associated with the operation of future project development phases and supporting roadway and infrastructure improvements by an amount sufficient to achieve the goal of 6.6 CO₂e/SP/year, if it is feasible to do so. The feasibility of potential GHG reduction measures shall be evaluated by the City at the time each phase of development is proposed to allow for ongoing innovations in GHG reduction technologies and incentives created in the regulatory environment. • For each increment of new development, the project applicant shall obtain a list of potentially feasible GHG reduction measures to be considered in the development design from the City. The City's list of potentially feasible GHG reduction measures shall reflect the current state of the regulatory environment, which will continuously evolve under the mandate of AB 32. The project applicant(s) shall then submit to the City a mitigation report that contains an analysis demonstrating which GHG reduction measures are feasible for the associated reduction in GHG emissions, and the resulting CO₂e/SP/year metric. The report shall also demonstrate why measures not selected are 	Verification that required measures have been incorporated into final building plans for individual development projects	Prior to issuance of building permits	Once per individual development project	LBDS			

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<p>considered infeasible. The mitigation report must be reviewed and approved by the City for the project applicant(s) to receive the City's discretionary approval for the applicable increment of development. In determining what measures should appropriately be imposed by a local government under the circumstances, the following factors shall be considered:</p> <ul style="list-style-type: none"> ○ The extent to which rates of GHG emissions generated by motor vehicles traveling to, from, and within the Project site are projected to decrease over time as a result of regulations, policies, and/or plans that have already been adopted or may be adopted in the future by ARB or other public agency pursuant to AB 32, or by EPA; ○ The extent to which mobile-source GHG emissions, which at the time of writing this PEIR comprise a substantial portion of the state's GHG inventory, can also be reduced through design measures that result in trip reductions and reductions in trip length; ○ The extent to which GHG emissions emitted by the mix of power generation operated by SCE, the electrical utility that will serve the Project site, are projected to decrease pursuant to the Renewables Portfolio Standard required by SB 1078 and SB 107, as well as any future regulations, policies, and/or plans adopted by the federal and state governments that reduce GHG emissions from power generation; ○ The extent to which replacement of CCR Title 24 with the California Green Building Standards Code or other similar requirements will result in new buildings being more energy efficient and consequently more GHG efficient; ○ The extent to which any stationary sources of GHG emissions that would be operated on a proposed land use (e.g., industrial) are already subject to regulations, policies, and/or plans that reduce GHG 							

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<p>emissions, particularly any future regulations that will be developed as part of ARB's implementation of AB 32, or other pertinent regulations on stationary sources that have the indirect effect of reducing GHG emissions;</p> <ul style="list-style-type: none"> ○ The extent to which the feasibility of existing GHG reduction technologies may change in the future, and to which innovation in GHG reduction technologies will continue, effecting cost-benefit analyses that determine economic feasibility; and ○ Whether the total costs of proposed mitigation for GHG emissions, together with other mitigation measures required for the proposed development, are so great that a reasonably prudent property owner would not proceed with the project in the face of such costs. • In considering how much, and what kind, of mitigation is necessary in light of these factors, the following list of options shall be considered, though the list is not intended to be exhaustive, as GHG-emission reduction strategies and their respective feasibility are likely to evolve over time. These measures are derived from multiple sources including the Mitigation Measure Summary in Appendix B of the California Air Pollution Control Officer's Association (CAPCOA) white paper, <i>CEQA & Climate Change</i> (CAPCOA 2008); CAPCOA's <i>Model Policies for Greenhouse Gases in General Plans</i> (CAPCOA 2009); and the California Attorney General's Office publication, <i>The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level</i> (California Attorney General's Office 2010). <p>Energy Efficiency</p> <ul style="list-style-type: none"> ○ Include clean alternative energy features to promote energy self-sufficiency (e.g., photovoltaic cells, solar thermal electricity systems, small wind turbines). 							

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<ul style="list-style-type: none"> ○ Design buildings to meet CEC Tier II requirements (e.g., exceeding the requirements of Title 24 [as of 2007] by 20 percent). ○ Site buildings to take advantage of shade and prevailing winds and design landscaping and sun screens to reduce energy use. ○ Install efficient lighting in all buildings (including residential). Also install lighting control systems, where practical. Use daylight as an integral part of lighting systems in all buildings. ○ Install light-colored “cool” pavements, and strategically located shade trees along all bicycle and pedestrian routes. <p>Water Conservation and Efficiency</p> <ul style="list-style-type: none"> ○ With the exception of ornamental shade trees, use water-efficient landscapes with native, drought-resistant species in all public area and commercial landscaping. Use water-efficient turf in parks and other turf-dependent spaces. ○ Install the infrastructure to use reclaimed water for landscape irrigation and/or washing cars. ○ Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. ○ Design buildings and lots to be water efficient. Only install water-efficient fixtures and appliances. ○ Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. Prohibit businesses from using pressure washers for cleaning driveways, parking lots, sidewalks, and street surfaces. These restrictions should be included in the Covenants, Conditions, and Restrictions of the community. ○ Provide education about water conservation and available programs and incentives. 							

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<ul style="list-style-type: none"> ○ To reduce storm water runoff, which typically bogs down wastewater treatment systems and increases their energy consumption, construct driveways to single-family detached residences and parking lots and driveways of multi-family residential uses, with pervious surfaces. Possible designs include Hollywood drives (two concrete strips with vegetation or aggregate in between) and/or the use of porous concrete, porous asphalt, turf blocks, or pervious pavers. <p>Solid Waste Measures</p> <ul style="list-style-type: none"> ○ Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). ○ Provide interior and exterior storage areas for recyclables and green waste at all buildings. ○ Provide adequate recycling containers in public areas, including parks, school grounds, golf courses, and pedestrian zones in areas of mixed-use development. ○ Provide education and publicity about reducing waste and available recycling services. <p>Transportation and Motor Vehicles</p> <ul style="list-style-type: none"> ○ Promote ride-sharing programs and employment centers (e.g., by designating a certain percentage of parking spaces for ride-sharing vehicles, designating adequate passenger loading zones and waiting areas for ride-share vehicles, and providing a website or message board for coordinating ride-sharing). ○ Provide the necessary facilities and infrastructure in all land use types to encourage the use of low- or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations). 							

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○ At industrial and commercial land uses, all forklifts, "yard trucks," or vehicles that are predominately used onsite at non-residential land uses shall be electric-powered or powered by biofuels (such as biodiesel [B100]) that are produced from waste products, or shall use other technologies that do not rely on direct fossil fuel consumption.							
HAZARDS AND HAZARDOUS MATERIALS							
Mitigation Measure Haz-1(a) Prior to issuance of a demolition or renovation permit, a lead-based paint and asbestos survey shall be performed by a licensed sampling company. The lead-based paint survey shall be prepared for any structures pre-dating 1982; an asbestos survey shall be performed for asbestos-containing insulation for any structure pre-dating 1986; and an asbestos survey shall be performed for asbestos-containing drywall for all structures for which drywall is to be removed. All testing procedures shall follow California and federal protocol. The lead-based paint and asbestos survey report shall quantify the areas of lead-based paint and asbestos-containing materials pursuant to California and federal standards.	Review and approval of survey findings for individual development projects involving demolition of a pre-1986 structure; verification that abatement has been conducted	Prior to issuance of demolition permits	Once per individual development project involving demolition of a pre-1986 structure	LBDS			
Mitigation Measure Haz-1(b) Prior to any demolition or renovation, onsite structures that contain asbestos must have the asbestos-containing material removed according to proper abatement procedures recommended by the asbestos consultant. All abatement activities shall be in compliance with California and federal OSHA and SCAQMD requirements. Only asbestos trained and certified abatement personnel shall be allowed to perform asbestos abatement. All asbestos-containing material removed from onsite structures shall be hauled to a licensed receiving facility and disposed of under proper manifest by a transportation company certified to handle asbestos. Following completion of the asbestos abatement, the asbestos consultant shall provide a report documenting the abatement procedures used, the volume of asbestos-containing material removed, where the	Review and approval of survey findings for individual development projects involving demolition of a pre-1986 structure; verification that abatement has been conducted	Prior to issuance of demolition permits	Once per individual development project involving demolition of a pre-1986 structure	LBDS			

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material was moved to, and transportation and disposal manifests or dump tickets. The abatement report shall be prepared for the property owner or other responsible party and a copy shall be submitted to the City of Long Beach prior to issuance of a demolition or construction permit.							
Mitigation Measure Haz-1(c) Prior to the issuance of a permit for the renovation or demolition of any structure, a licensed lead-based paint consultant shall be contracted to evaluate the structure for lead-based paint. If lead-based paint is discovered, it shall be removed according to proper abatement procedures recommended by the consultant. All abatement activities shall be in compliance with California and federal OSHA and SCAQMD requirements. Only lead-based paint trained and certified abatement personnel shall be allowed to perform abatement activities. All lead-based paint removed from these structures shall be hauled and disposed of by a transportation company licensed to transport this type of material. In addition, the material shall be taken to a landfill or receiving facility licensed to accept the waste. Following completion of the lead-based paint abatement, the lead-based paint consultant shall provide a report documenting the abatement procedures used, the volume of lead-based paint removed, where the material was moved to, and transportation and disposal manifests or dump tickets. The abatement report shall be prepared for the property owner or other responsible party, with a copy submitted to the City of Long Beach prior to issuance of a demolition or construction permit.	Review and approval of survey findings for individual development projects involving demolition of a pre-1982 structure; verification that abatement has been conducted	Prior to issuance of demolition permit	Once per individual development project involving demolition of a pre-1982 structure	LBDS, OCM			
Mitigation Measure Haz-3(a) All excavation and demolition projects conducted within the Project area shall be required to prepare a contingency plan to identify appropriate measures to be followed if contaminants are found or suspected or if structural features that could be associated with contaminants or hazardous materials are suspected or discovered. The contingency plan shall identify personnel to be notified, emergency contacts, and a sampling protocol to be implemented. The excavation and demolition contractors shall be made aware of the	Review and approval of Contingency Plan prior to issuance of grading permits for individual development projects	Prior to issuance of grading permits	Once per individual development project	LBDS, OCM			

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possibility of encountering unknown hazardous materials and shall be provided with appropriate contact and notification information. The contingency plan shall include a provision stating under what circumstances it would be safe to continue with the excavation or demolition, and shall identify the person authorized to make that determination.							
Mitigation Measure Haz-3(b) If contaminants are detected, the results of the soil sampling shall be forwarded to the local regulatory agency (Long Beach/Signal Hill Certified Unified Program Agency [CUPA], LARWQCB, or the state DTSC). Prior to any other ground disturbing activities at the site, the regulatory agency shall have reviewed the data and signed off on the property or such additional investigation or remedial activities that are deemed necessary have been completed and regulatory agency approval has been received. Groundwater is subject to pre-treatment during de-watering activities to meet National Pollutant Discharge Elimination System (NPDES) Construction Dewatering permit limits. The construction activities shall conform to the NPDES requirements. The RWQCB requires the water to be tested for possible pollutants. The developer shall collect groundwater samples from existing site wells to determine pre-treatment system requirements for extracted groundwater. A water treatment system shall be designed and installed for treatment of extracted groundwater removed during dewatering activities so that such water complies with the applicable RWQCB and NPDES permit standards before disposal.	Verification that a RWQCB de-water and discharge permit has been obtained for individual development projects (if necessary)	Prior to issuance of demolition permits	As necessary for individual development projects	LBDS			
Mitigation Measure Haz-3(c) If concentrations of contaminants warrant site remediation, contaminated materials shall be remediated either prior to construction of structures or concurrent with construction. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall	Verification that remediation has occurred for individual development projects (if necessary)	Prior to issuance of grading permits	As necessary for individual development projects	LBDS			

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also be approved by a regulatory oversight agency (Long Beach/Signal Hill CUPA, LARWQCB, or the state DTSC). All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, the analytical results after completion of the remediation, and all waste disposal or treatment manifests.							
Mitigation Measure Haz-3(d) If during the soil sampling, groundwater contamination is suspected or soil contamination is detected at depths at which groundwater could be encountered during demolition or construction, a groundwater sampling assessment shall be performed. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, or if the contaminants exceed health risk standards such as Preliminary Remediation Goals, 1 in 1 million cancer risk, or a health risk index above 1, the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (Long Beach/Signal Hill CUPA, LARWQCB, or the State DTSC). Prior to any other ground-disturbing activities at the site, the regulatory agency shall have reviewed the data and signed off on the property or such additional investigation or remedial activities that are deemed necessary have been completed and regulatory agency approval has been received.	Verification that site closure has been obtained from the applicable regulatory body for individual development projects	Review prior to issuance of demolition permit; field verification during construction	Review; as needed throughout construction for field verification	LBDS			
HYDROLOGY AND WATER QUALITY							
Mitigation Measure Hydro-1 Prior to issuance of a grading permit, the City Department of Development Services shall determine the need for the developer to prepare a SWPPP for the site. If required, the SWPPP shall be submitted for review and approval by the Department of Development Services prior to the issuance of any grading or building permits. The SWPPP shall fully comply with City and LARWQCB requirements and shall contain specific BMPs to be implemented during project	Review and approval of final grading and construction plans for individual development projects to verify compliance with applicable SWPPP requirements	Prior to issuance of grading permits	Once per individual development project for which an SWPPP is required	LBDS, OCM			

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<p>construction to reduce erosion and sedimentation to the maximum extent practicable. The following BMPs or equivalent measures to control pollutant runoff shall be included within the project's grading and construction plans, if applicable:</p> <p><u>Pollutant Escape: Deterrence</u></p> <ul style="list-style-type: none"> • Cover all storage areas, including soil piles, fuel and chemical depots. Protect from rain and wind with plastic sheets and temporary roofs. • Implement tracking controls to reduce the tracking of sediment and debris from the construction site. At a minimum, entrances and exits shall be inspected daily and controls implemented as needed. • Implement street sweeping and vacuuming as needed and as required. <p><u>Pollutant Containment Areas</u></p> <ul style="list-style-type: none"> • Locate all construction-related equipment and related processes that contain or generate pollutants (i.e., fuel, lubricants, solvents, cement dust, and slurry) in isolated areas with proper protection from escape. • Locate construction-related equipment and processes that contain or generate pollutants in secure areas, away from storm drains and gutters. • Place construction-related equipment and processes that contain or generate pollutants in bermed and plastic-lined depressions to contain all materials within that site in the event of accidental release or spill. • Park, fuel, and clean all vehicles and equipment in one designated, contained area. <p><u>Pollutant Detainment Methods</u></p> <ul style="list-style-type: none"> • Protect downstream drainages from escaping pollutants by capturing materials carried in runoff and preventing transport from the site. Examples of detention methods that retard movement of water and separate 							

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sediment and other contaminants are silt fences, hay bales, sand bags, berms, and silt and debris basins. <u>Recycling/Disposal</u> <ul style="list-style-type: none">• Develop a protocol for maintaining a clean site. This includes proper recycling of construction-related materials and equipment fluids (i.e., concrete dust, cutting slurry, motor oil, and lubricants).• Provide disposal facilities. Develop a protocol for cleanup and disposal of small construction wastes (i.e., dry concrete). <u>Hazardous Materials Identification and Response</u> <ul style="list-style-type: none">• Develop a protocol for identifying risk operations and materials. Include protocol for identifying source and distribution of spilled materials.• Provide a protocol for proper clean-up of equipment and construction materials, and disposal of spilled substances and associated cleanup materials.• Provide an emergency response plan that includes contingencies for assembling response teams and immediately notifying appropriate agencies.							
Mitigation Measure Hydro-2 Prior to issuance of a building permit, the Department of Development Services shall determine the need for the developer to prepare a SUSMP for the site. If required, the SUSMP shall be submitted for review and approval by the Department of Development Services prior to the issuance of any building permits. The City's review shall include a determination of whether installation of pollutant removal technology in existing or proposed storm drains adjacent to the project site should be required. The City's review is required to confirm that the SUSMP is consistent with the City's NPDES Permit No. CAS 004003 or a subsequently issued NPDES permit applicable at the time of project construction. A SUSMP consistent with the City's NPDES permit shall be incorporated into the project design plans prior to issuance of any building permits.	Review and approval of SUSMP for individual development projects for which an SUSMP is required	prior to issuance of grading permits	Once per individual development project for which an SUSMP is required	LBDS			

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Mitigation Measure Hydro-3 Prior to issuance of a building permit, the City Stormwater Management Division shall determine the need for the developer to conduct an analysis of the existing stormwater drainage system and to identify improvements needed to accommodate any projected increased runoff that would result from the proposed Project. The evaluation conducted by the developer shall include a determination of whether Low Impact Development (LID) practices and strategies should be incorporated into the project to reduce post-development peak stormwater runoff discharge rates to not exceed the estimated pre-development discharge rates.	Verification that required review of storm drain systems has been conducted for individual development projects and that needed improvements have been incorporated	Prior to issuance of building permits	Once per individual development project	LBDS, PWD			
NOISE							
Mitigation Measure Noise-1(a) The following measures shall be applied to proposed construction projects that are determined to have potential noise impacts from removal of existing pavement and structures, site grading and excavation, pile driving, building framing, and concrete pours and paving:	Verification that construction specifications for individual development projects incorporate applicable requirements; field verification of compliance	Construction specification review prior to issuance of demolition permits; field verification during construction	Once per individual development project for construction specification review; field verification periodically throughout construction of individual development projects	LBDS, OCM			
<ul style="list-style-type: none"> • All internal combustion-engine-driven equipment shall be equipped with mufflers that are in good operating condition and appropriate for the equipment. • “Quiet” models of air compressors and other stationary construction equipment shall be employed where such technology exists. • Stationary noise-generating equipment shall be located as far as reasonable from sensitive receptors when sensitive receptors adjoin or are within 150 feet of a construction site. • Unnecessary idling of internal combustion engines (i.e., in excess of 5 minutes) shall be prohibited. • Foundation pile holes shall be predrilled, as feasible based on geologic conditions, to minimize the number of impacts required to seat the pile. 							

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<ul style="list-style-type: none"> Construction-related traffic shall be routed along major roadways and away from noise-sensitive receptors. Construction activities, including the loading and unloading of materials and truck movements, shall be limited to the hours specified in the City Noise Ordinance (Section 8.80.202). Businesses, residences, and noise-sensitive land uses within 150 feet of construction sites shall be notified of the construction. The notification shall describe the activities anticipated, provide dates and hours, and provide contact information with a description of the complaint and response procedure. Each project implemented as part of the Plan shall designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A telephone number for the liaison shall be conspicuously posted at the construction site. If a noise complaint(s) is registered, the liaison, or project representative, shall retain a City-approved noise consultant to conduct noise measurements at the location that registered the complaint. The noise measurements shall be conducted for a minimum of 1 hour and shall include 1-minute intervals. The consultant shall prepare a letter report summarizing the measurements and potential measures to reduce noise levels to the maximum extent feasible. The letter report shall include all measurement and calculation data used in determining impacts and resolutions. The letter report shall be provided to code enforcement for determining the adequacy and if the recommendations are adequate. 							
Mitigation Measure Noise-1(b) The City will require the following measures, where applicable based on noise	Verification that construction	Construction specification	Once per individual	LBDS, OCM			

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<p>level of source, proximity of receptors, and presence of intervening structures, to be incorporated into contract specifications for construction projects within 150 feet of existing residential uses implemented under the proposed Plan:</p> <ul style="list-style-type: none"> Temporary noise barriers shall be constructed around construction sites adjacent to, or within 150 feet of, operational business, residences, or other noise-sensitive land uses. Temporary noise barriers shall be constructed of material with a minimum weight of 4 pounds per square foot with no gaps or perforations. Noise barriers may be constructed of, but are not limited to, 5/8-inch plywood, 5/8-inch oriented strand board, or hay bales. <p>If a project-specific noise analysis determines that the barriers described above would not be sufficient to avoid a significant construction noise impact, a temporary sound control blanket barrier, shall be erected along building façades facing construction sites. This mitigation would only be necessary if conflicts occurred that were irresolvable by proper scheduling and other means of noise control were unavailable. The sound blankets are required to have a minimum breaking and tear strength of 120 pounds and 30 pounds, respectively. The sound blankets shall have a minimum sound transmission classification of 27 and noise reduction coefficient of 0.70. The sound blankets shall be of sufficient length to extend from the top of the building and drape on the ground or be sealed at the ground. The sound blankets shall have a minimum overlap of 2 inches.</p>	specifications for individual development projects within 150 feet of noise sensitive uses incorporate applicable requirements; field verification of compliance	review prior to issuance of demolition permits; field verification during construction	development project for construction specification review; field verification periodically throughout construction of individual development projects				
Mitigation Measure Noise-2 The City shall review all construction projects for potential vibration-generating activities from demolition, excavation, pile– driving, and construction within 100 feet of existing structures and shall require site-specific vibration studies to be conducted to determine the area of impact and to identify appropriate	Verification that vibration analysis and monitoring/contingency plans have been prepared for individual development projects; verification, including	Verification that vibration analysis and plan prepared prior to issuance of demolition/grading permits; verification that	Once per individual development project for vibration analysis/plan; once post-construction	LBDS, OCM			

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mitigation measures. The studies shall, at a minimum, include the following:	field verification, that post-construction surveys have been conducted and any vibration-related damage has been repaired	post-construction survey conducted prior to issuance of occupancy permits	survey				
<ul style="list-style-type: none"> • Identification of the project's vibration compaction activities, pile driving, and other vibration-generating activities that have the potential to generate ground-borne vibration; and the sensitivity of nearby structures to ground-borne vibration. This task should be conducted by a qualified structural engineer. • A vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted; establish a vibration monitoring schedule; define structure-specific vibration limits; and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for actions to be taken when vibration levels approached the defined vibration limits. • Maintain a monitoring log of vibrations during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for a more or less intensive measurement schedule. • Vibration levels limits for suspension of construction activities and implementation of contingencies to either lower vibration levels or secure the affected structures. • Post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. 							
Mitigation Measure Noise-5 In areas where new residential development would be exposed than L_{dn} of greater than 65 dBA, the City will require site-specific noise studies prior to issuance of building permits to determine the area of impact and to present appropriate mitigation measures, which may include, but are not limited to the following:	Review and approval of acoustical analysis for individual residential development projects; verification that final building plans incorporate recommended noise	Prior to issuance of building permits	Once per individual residential development project	LBDS, OCM			
<ul style="list-style-type: none"> • Utilize site planning to minimize noise in shared residential outdoor activity areas by locating the areas 							

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<p>behind the buildings or in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible.</p> <ul style="list-style-type: none"> Provide mechanical ventilation in all residential units proposed along roadways or in areas where noise levels could exceed 65 dBA L_{dB} so that windows can remain closed at the choice of the occupants to maintain interior noise levels below 45 dBA L_{dB}. <p>Install sound-rated windows and construction methods to provide the requisite noise control for residential units proposed along roadways or in areas where noise levels could exceed 70 dBA L_{dB}.</p>	reduction techniques						
Mitigation Measure Noise-6 In areas where new residential development would be located adjacent to commercial uses, the City will require site-specific noise studies prior to issuance of building permits to determine the area of impact and to present appropriate mitigation measures, which may include, but are not limited to the following: <ul style="list-style-type: none"> Require the placement of loading and unloading areas so that commercial buildings shield nearby residential land uses from noise generated by loading dock and delivery activities. If necessary, additional sound barriers shall be constructed on the commercial sites to protect nearby noise sensitive uses. Require the placement of all commercial HVAC machinery to be placed within mechanical equipment rooms wherever possible. <p>Require the provision of localized noise barriers or rooftop parapets around HVAC, cooling towers, and mechanical equipment so that line-of-sight to the noise source from the property line of the noise sensitive receptors is blocked.</p>	Review and approval of acoustical analysis for individual residential development projects; verification that final building plans incorporate recommended noise reduction techniques	Prior to issuance of building permits	Once per individual residential development project	LBDS, OCM			
Traffic and Circulation							
Mitigation Measure Traf-1(a) As the system's capacity is reached, it will become important to manage the street system in a more efficient and coordinated manner.	Review of the traffic impacts of individual development projects	Prior to issuance of occupancy permits	Once per individual development	PWD, LBDS			

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Improvements to the Project area transportation system are proposed as part of the overall Downtown development, including improvements that have been required of other area projects previously approved by the City. Therefore, the mitigation focuses on improvements that would not require significant additional rights-of-way and are achievable within the life of the Plan. There are five proposed mitigation measures for the Downtown Plan, as follows:	to determine whether listed improvements are needed at that time; implementation of planned improvements as necessary		project				
<p>1. Implement traffic control system improvements in Downtown on selected arterials.</p> <p>2. Improve the Alamitos Avenue corridor via removal of selected parking spaces and the implementation of additional travel lanes plus bike lanes in each direction.</p> <p>3. Reconfigure the 6th Street and 7th Street intersections with Martin Luther King Avenue and Alamitos Avenue for safety and traffic flow enhancements.</p> <p>4. Enhance freeway access to I-710 to and from Downtown Long Beach.</p> <p>5. Implement transit facilities and programs to encourage public transit usage and Transportation Demand Management Policies.</p>							
Mitigation Measure Traf-1(b) A series of traffic signal system improvements are recommended in Downtown to accommodate the anticipated growth in travel. The following traffic signal system improvements are recommended as part of this mitigation measure:	Review of the traffic impacts of individual development projects to determine whether listed improvements are needed at that time; implementation of planned improvements as necessary	Prior to issuance of occupancy permits	Once per individual development project	PWD, LBDS			
<p>1. Implement Adaptive Traffic Signal Control System (ATCS) improvements throughout Downtown consistent with currently planned improvements on Ocean Boulevard and Atlantic Avenue. Streets that are proposed to be included in the ATCS as a mitigation measure for the Downtown Long Beach Strategic Plan include the following:</p> <ul style="list-style-type: none"> • Alamitos Avenue north of Ocean Boulevard • Pine Avenue north of Ocean Boulevard 							

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<ul style="list-style-type: none"> • Pacific Avenue north of Ocean Boulevard • 7th Street from I-710 to Alamitos Avenue • 6th Street from I-710 to Alamitos Avenue • Broadway from I-710 to Alamitos Avenue • Ocean Boulevard from Shoreline to Alamitos Avenue (to join the proposed system starting at Alamitos Avenue) • Others as needed, to be determined by the City Traffic Engineer and Public Works Director <p>2. Implement pan/tilt/zoom Closed Circuit Television Camera (CCTV) surveillance and communications with power and control capability to the Department of Public Works to monitor real-time traffic operations from rooftops of selected new buildings as needed and to be determined based on the location of appropriate new high-rise structures along the Alamitos Avenue, Shoreline Drive, and Ocean Boulevard corridors.</p> <p>3. Implement transit signal priority for Long Beach Boulevard and upgrade traffic signal system equipment and operations along the Blue Line light rail route.</p> <p>4. Upgrade and improve traffic signal equipment throughout Downtown for safety and operational enhancements.</p>							
Mitigation Measure Traf-1(c) As part of this mitigation measure, a number of intersections would receive major or minor signal modifications, depending on their current status. In addition to the enhancements listed, other potential improvements that can be included are:	Review of the traffic impacts of individual development projects to determine whether listed improvements are needed at that time; implementation of planned improvements as necessary	Prior to issuance of building permits	Once per individual development project	PWD, LBDS			

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

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<ul style="list-style-type: none"> Adaptive pedestrian clearance (increasing the flashing DON'T WALK time based on location of pedestrians in the crosswalk) Enhanced signal equipment including mast arms, poles, signal heads, and other necessary enhancements for safety and operations <p>Communications enhancements as needed to tie the system together with the Traffic Control Center in City Hall</p>							
Mitigation Measure Traf-1(d) Traffic Calming and Pedestrian Amenities. Appropriate traffic calming and pedestrian amenities shall be provided in conjunction with development projects. Potential improvements include corner curb extensions, enhanced paving of crosswalks, and pedestrian-activated signals at mid-block crossings to make it easier for pedestrians to cross the street and to make them more visible to motorists. Other potential improvements include wider sidewalks in locations where the existing sidewalks are less than 10 feet wide, pedestrian-scale street lights, and street furniture (City of Long Beach 2005).	Review and approval of improvement plans for individual development projects to verify compliance with City requirements	Prior to issuance of building permits	Once per individual development project	PWD			
Traf-1(e) Currently, due to on-street parking, there is only one lane of travel on Alamitos Avenue in the southbound direction between 3rd Street and Broadway. Parking spaces on the west side of Alamitos Avenue will be removed, the street will be restriped and reconstructed, a bike lane will be added in each direction of travel, and the street will provide for two travel lanes in each direction plus exclusive left turn lanes from 7th Street to Ocean Boulevard. Traffic signal enhancements to implement the Alamitos Avenue improvements shall also be implemented as needed.	Review of the traffic impacts of individual development projects to determine whether listed improvements are needed at that time; implementation of planned improvements as necessary	Prior to issuance of building permits	Once per individual development project	PWD, LBDS			
Traf-1(f) Developments in the project area will be required to coordinate with area transit providers to accommodate and encourage transit use by residents and patrons. For non-residential sites, appropriate programs and facilities will be included to encourage car and van pooling, provide information on transportation alternatives, and encourage trip reduction strategies in accordance with the City's TDM	Review and approval of improvement plans for individual development projects to verify compliance with City requirements	Prior to issuance of building permits	Once per individual development project	PWD, LBDS			

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policies for non-residential development.							
UTILITIES/SERVICE SYSTEMS							
Mitigation Measure Utilities-3(a) All construction related to Project implementation shall include verification by the construction contractor that all companies providing waste disposal services recycle all demolition and construction-related wastes. The contract specifying recycled waste service shall be submitted to the City Building Official prior to approval of the certificate of occupancy	Verification that construction specifications for individual development projects include use of a waste disposal company that recycles demolition and construction wastes	Prior to issuance of demolition or building permits	Once per individual development project	LBDS			
Mitigation Measure Utilities-3(b) In order to facilitate onsite separation and recycling of construction related wastes, all construction contractors shall provide temporary waste separation bins onsite during demolition and construction.	Review and approval of construction waste management plan for individual development projects; field verification of compliance	Review and approval of construction waste management plan prior to issuance of demolition permit; field verification during construction	Once per individual development project for plan review; periodically throughout construction	LBDS, OCM			
Mitigation Measure Utilities-3(c) All future developments in the Project area shall include recycling bins at appropriate locations to promote recycling of paper, metal, glass, and all other recyclable materials. Materials from these bins shall be collected on a regular basis consistent with the City's refuse disposal program.	Review and approval of final building plans for individual development projects; field verification of compliance	Building plan review and approval prior to issuance of building permit; field verification prior to issuance of occupancy permits	Once per individual development project for building plan review and approval; once for field verification	LBDS			
Mitigation Measure Utilities-3(d) All Project area residents and commercial tenants shall be provided with educational materials on the proper management and disposal of household hazardous waste, in accordance with educational materials made available by the Los	Verification that educational materials are made available to project occupants of individual development	Prior to issuance of occupancy permits	Once per individual development project	LBDS			

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					Initial	Date	Comments
Angeles County Department of Public Works.	projects						

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