OFFICE OF THE CITY ATTORNEY
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RESOLUTION NO. RES-08-0128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH RECERTIFYING THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COLORADO LAGOON RESTORATION PROJECT (STATE CLEARINGHOUSE NO. 2007111034) HAS BEEN COMPLETED IN ACCORDANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL GUIDELINES AND MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATIVE THERETO; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (MMRP); AND A STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the City of Long Beach has proposed a project ("Project") that would upgrade the Colorado Lagoon (Lagoon) water body and adjacent habitat and recreation areas. The proposed project would implement: (1) water quality and sediment quality improvements, (2) habitat improvements; and (3) recreation improvements. The purpose of the Project is to restore the Lagoon's ecosystem, improve estuarine habitat, provide enhanced recreation facilities, improve water and sediment quality, and manage storm water. Said Project is more fully described in the Draft Environmental Impact Report (DEIR), a copy of which DEIR and the Project Description is incorporated herein by this reference as though set forth in full, word for word;

WHEREAS, discretionary Project approvals include a Local Coastal Program Amendment to update the existing and proposed conditions at the Lagoon; a Zoning Code Amendment to refine the description of "passive park"; a California Coastal Development Permit for improvements in the Coastal Zone; a Local Coastal

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Development Permit for improvements in the Local Coastal Zone; a Site Plan Review of the proposed improvements; a Stormwater Pollution Prevention Plan (SWPPP); a Standard Urban Stormwater Mitigation Plan (SUSMP); a City Water Department Permit for the diversion of water to the sewer system; and Certification of the Environmental Impact Report;

WHEREAS, the City began an evaluation of the proposed project on November 7, 2007, by issuing a Notice of Preparation (NOP) followed by a thirty (30) day comment period, together with a public scoping meeting held on November 14, 2007, Planning Commission and Parks and Recreation Commission Study Session held on June 19, 2008, and circulation of the DEIR between May 28, 2008 and July 11, 2008;

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

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

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

WHEREAS, the Planning Commission reviewed and considered the information in and the comments to the DEIR and the responses thereto, and the Final Environmental Impact Report ("FEIR") at a duly noticed Planning Commission meeting held on September 4, 2008, at which time evidence, both written and oral, was presented to and considered by the Planning Commission;

WHEREAS, the Planning Commission read and considered all environmental documentation comprising the FEIR, including the DEIR, comments and the responses to comments, and errata included in the FEIR, and did determine that the FEIR considered all potentially significant environmental impacts of the Project and was

complete and adequate and fully complied with all requirements of CEQA;

WHEREAS, prior to certifying on March 15, 2007 that the FEIR was complete and adequate under CEQA, the Planning Commission evaluated and considered all significant impacts, mitigation measures, and project alternatives identified in the FEIR;

WHEREAS, CEQA and the State CEQA Guidelines require that where the decision of a public agency allows the occurrence of significant environmental effects that are identified in the EIR, but are not mitigated to a level of insignificance, that the public agency state in writing the reasons to support its action based on the EIR and/or other information in the record; and

WHEREAS, it is the policy of the City, in accordance with the provisions of CEQA and the State CEQA Guidelines, not to approve a project unless (i) all significant environmental impacts have been avoided or substantially lessened to the extent feasible, and (ii) any remaining unavoidable significant impacts are outweighed by specific economic, legal, social, technological, or other benefits of the project, and therefore considered "acceptable" under State CEQA Guidelines section 15093.

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

Section 1. All of the above recitals are true and correct and are incorporated herein as though fully set forth in full, word for word.

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

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

Section 4. Pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15091, the City Council has reviewed and hereby adopts the

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CEQA Findings and Facts in Support of Findings for the Colorado Lagoon Restoration Project as shown on the attached Exhibit "A", which document is incorporated herein by reference as though set forth in full, word for word.

Section 5. The Planning Commission found and the City Council concurs that on balance, there are specific considerations associated with the proposed Project that serve to override and outweigh those Project impacts that cannot be mitigated to a level of insignificance, and the City Council hereby adopts that certain document, and the contents thereof, entitled "Statement of Overriding Considerations" for the Colorado Lagoon Restoration Project, a copy of which document is attached hereto as Exhibit "B" and incorporated herein by this reference as though set forth in full, word for word.

Section 6. Although the FEIR identifies certain significant environmental effects that would result if the Project is approved, most environmental effects can feasibly be avoided or mitigated and will be avoided or mitigated by the imposition of mitigation measures included with the FEIR. Pursuant to Public Resources Code section 21081.6, the City Council has reviewed and hereby adopts the Mitigation Monitoring and Reporting Program ("MMRP") as shown as on Exhibit "C," which document is incorporated herein by reference as though set forth in full, word for word, together with any adopted corrections or modifications thereto, and further finds that the mitigation measures identified in the FEIR are feasible, and specifically makes each mitigation measure a condition of project approval.

Section 7. Pursuant to State CEQA Guidelines section 15091(e), the record of proceedings relating to this matter has been made available to the public at, among other places, the Department of Development Services, 333 West Ocean Boulevard, 5th Floor, Long Beach, California, and is, and has been, available for review during normal business hours.

Section 8. The information provided in the various staff reports submitted in connection with the Project, the corrections and modifications to the DEIR, and FEIR made in response to comments and any errata which were not previously recirculated,

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and the evidence presented in written and oral testimony at the public hearing, *do not* represent significant new information so as to require re-circulation of the DEIR pursuant to the Public Resources Code.

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

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of October 14, 2008 by the following vote:

| | | |
|---|---|---|
| Ayes: | Councilmembers: | B. Lowenthal, S. Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Lerch. |
| Noes: | Councilmembers: | None. |
| Absent: | Councilmembers: | None. |
| Abstain: | Councilmembers: | Gabelich. |

City Clerk

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# EXHIBIT A

# FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR THE COLORADO LAGOON RESTORATION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

## CITY OF LONG BEACH

## (STATE CLEARINGHOUSE # 2007111034)

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# SECTION 1: INTRODUCTION

## 1.1 Statutory Requirements for Findings

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the State CEQA Guidelines (14 Cal. Code of Regs. Section 15091) require that a public agency consider the environmental impacts of a project before a project is approved, and make specific findings. State CEQA Guidelines Section 15091 and Public Resources Code, Section 21081, provide that:

(a) No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final Environmental Impact Report (EIR).

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

## 1.2 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Long Beach City Council's decision on the proposed project consists of: (1) matters of common knowledge to the City Council, including but not limited to federal, State, and local laws and regulations; and (2) the following documents that are in the custody of the City of Long Beach (City):

- Notice of Preparation, Notice of Availability, and Notice of Completion, which were issued by the City in conjunction with the proposed project (see the Final EIR for the Notice of Preparation, Notice of Availability, and Notice of Completion)
- The Final EIR, dated August 2008, which includes all written comments submitted by agencies or members of the public during the public comment period on the Draft EIR and responses to those comments and all of the documents referenced therein
- The Mitigation Monitoring and Reporting Program
- All findings, statements of overriding consideration, and resolutions adopted by the City in connection with the proposed project, and all documents cited or referred to therein
- All final reports, studies, memorandums, maps, correspondence, and all planning documents prepared by the City, or the consultants or responsible or trustee agencies, with respect to: (1) the City's compliance with CEQA; (2) development of the project site; or (3) the City's action on the proposed project
- All documents submitted to the City by agencies or members of the public in connection with development of the proposed project
- All documents compiled by the City in connection with the study of the proposed project and the alternatives
- The testimony and evidence presented at the public scoping meeting on November 14, 2007, the Colorado Lagoon Public Outreach Meeting on June 18, 2008, the Long Beach Parks and Recreation Commission Meeting on June 19, 2008, and the Long Beach Planning Commission Meeting on June 19, 2008.

## 1.3 Organization/Format of Findings

Section 2 of these findings contains a summary description of the proposed project, sets forth the objectives of the proposed project, and provides related background facts. Section 3 identifies the potentially significant effects of the proposed project that will be mitigated to a less than significant level. All mitigation measures referenced in this document can be found in the Final EIR. Section 4 identifies the significant impacts that cannot be mitigated to a less than significant level. Section 5 identifies the proposed project's potential environmental effects that were determined to be less than significant and therefore did not require mitigation measures. Section 6 discusses the feasibility of proposed project alternatives. Section 7 includes general findings.

# SECTION 2: COLORADO LAGOON RESTORATION PROJECT (PROPOSED PROJECT)

## 2.1 Project Objectives

The Lagoon Restoration Project is a comprehensive plan for enhancement of the Lagoon, which is owned and maintained by the City Department of Parks, Recreation, and Marine. The City is committed to preserving and improving the open space, recreational resource, and biodiversity that this area provides. The primary goals of the proposed project are to: (1) create habitat that can successfully establish and support native plant and animal communities in the long term, (2) implement long-term water quality control measures, and (3) enhance the Lagoon's value as a recreational resource. The proposed project provides a framework to coordinate these various and potentially competing interests.

Specifically, the objectives of the proposed project are to:

- Reduce and treat storm and dry weather runoff to minimize contamination of water and sediment in the Lagoon.
- Improve water quality by increasing the Lagoon's circulation and enhancing the tidal connection with Marine Stadium.
- Improve water quality by removing contaminated sediments.
- Restore and maintain the estuarine habitats.
- Balance flood control, water quality, and the recreation demands of the Lagoon.
- Enhance public enjoyment of the Lagoon.

The project objectives listed above are intended to implement the following goals, objectives, and policies of the City's Open Space and Recreation Element of the General Plan and the Long Beach Department of Parks, Recreation, and Marine Strategic Plan:

- Develop well-managed, viable ecosystems that support the preservation and enhancement of natural and wildlife habitats (Open Space and Recreation Element, Goals/Objectives 1.1).
- Preserve, keep clean, and upgrade beaches, bluffs, water bodies and natural habitats (Open Space and Recreation Element, Goals/Objectives 1.2).
- Design and manage natural habitats to achieve environmental sustainability (Open Space and Recreation Element, Goals/Objectives 1.4).
- Promote the creation of new and reestablished natural habitats and ecological preserves, including wetlands, woodlands, native plant communities, and artificial reefs (Open Space and Recreation Element, Policy 1.1).
- Protect and improve the community's natural resources, amenities, and scenic values, including nature centers, beaches, bluffs, wetlands, and water bodies (Open Space and Recreation Element, Policy 1.2).
- Promote and assist with the remediation of contaminated sites (Open Space and Recreation Element, Policy 1.4).
- Restore Lagoon to serve as both a productive wetland habitat and recreational resource by reducing pollutant discharges into the water, increasing water circulation with Alamitos Bay,

and/or restocking or planting appropriate biological species (Open Space and Recreation Element, Program 1.6).

- Maintain a sufficient quantity and quality of open space in the City to produce and manage natural resources (Open Space and Recreation Element, Goals/Objectives 2.1).
- Preserve, enhance, and manage open areas to sustain and support marine life habitats (Open Space and Recreation Element, Policy 2.4).
- Make all recreation resources environmentally friendly and socially and economically sustainable (Open Space and Recreation Element, Goals/Objectives 4.5).
- Establish lifetime use opportunities. Recreation programs and facilities will be designed to develop and serve a lifetime user through active, passive, and educational experiences (Department of Parks, Recreation, and Marine Strategic Plan, Strategy 9, page 62).
- The Department of Parks, Recreation, and Marine should be a steward for preserving the environmental, cultural, and historical resources in the City (Department of Parks, Recreation, and Marine Strategic Plan, Strategy 11, page 63).
- Support efforts to improve the water quality and cleanliness of City beach areas (Department of Parks, Recreation, and Marine Strategic Plan, Strategy 13, page 66).

## 2.2 Summary of Project Description

The Colorado Lagoon (Lagoon) is an approximately 11.7-acre (ac) tidal water body that is connected to Alamitos Bay and the Pacific Ocean through an underground tidal culvert to Marine Stadium. The Lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage. The deteriorated ecological health of the Lagoon has been established for the past several decades. The purpose of the proposed project is to restore the site's ecosystem, improve the estuarine habitat, provide enhanced recreation facilities, improve water and sediment quality, and manage storm water.

The proposed project would be implemented in two phases. Phase 1 includes improvements to the Lagoon through cleaning of the culvert and removal of structural impedances at the culvert (a near-term project component); dredging areas of the Lagoon; implementing storm drain upgrades; removal of the north parking lot, access road, and the restroom on the north shore of the Lagoon; recontouring side slopes; developing Bird Island; revegetating land areas; planting eelgrass in the Lagoon water body; and developing the walking trail and viewing platform at the Lagoon.

Phase 2 of the proposed project includes improvements to Marina Vista Park, including: the long-term project component of building an open channel between the Lagoon and Marine Stadium; constructing two roadway bridges spanning the open channel at East Colorado Street and East Eliot Street; demolishing and replacing two public restrooms in Marina Vista Park; reconfiguring the baseball and youth overlay soccer fields; and developing a walking trail on the eastern side of the open channel and vegetation buffers on both sides of the channel.

Once restored, the Lagoon will have improved water and sediment quality, which would enhance recreational opportunities at the Lagoon, potentially lead to a more diverse invertebrate and fish community, and increase the potential for the Lagoon to support a variety of plant and animal species.

Additionally, the Colorado Lagoon Restoration project would provide a walking trail that extends through areas that currently provide no public access.

## SECTION 3: EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

The Final EIR identified certain potentially significant effects that could result from the proposed project. However, the City finds for each of the significant or potentially significant impacts identified in this section, Section 3, based upon substantial evidence in the record, that changes or alterations have been required or incorporated into the proposed project that avoid or substantially lessen the significant effects as identified in the Final EIR.[1] As a result, adoption of the mitigation measures set forth below will reduce the identified significant effects to a less than significant level.

### Aesthetics

**Impact: Substantial Degradation of Existing Visual Character or Quality of the Site and its Surroundings.** Views of the project site from the residential areas and adjacent park and open space areas would be temporarily impacted during construction activities associated with Phase I and 2 of the proposed project. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

**AES-1** Prior to issuance of a grading permit, the City of Long Beach Director of Development Services designee shall require the construction contractor to provide screened construction fencing around construction area boundaries to temporarily screen views of construction activities.

**Finding:** The City hereby finds that impacts related to the existing visual character and quality of the site and its surroundings will be reduced to a less than significant level with implementation of Mitigation Measure AES-1.

**Impact: Creation of a New Source of Substantial Light or Glare.** Phase 2 of the proposed project would result in a slight increase in lighting on the restroom structures compared to existing conditions. However, the overall increase in light intensity would be negligible compared to the lights on the surrounding street network. Nevertheless, as a precautionary measure, Mitigation Measure AES-2 is proposed to reduce impacts from light and glare. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

**AES-2** Prior to the issuance of a building permit for a restroom, an Exterior Lighting Plan for the proposed restroom structures shall be prepared. The Lighting Plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting

[1] CEQA Guidelines, Section 15091.

Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property. The Lighting Plan shall be subject to review and approval by the City of Long Beach Director of Development Services.

**Finding:** The City hereby finds that impacts related to light and glare will be reduced to a less than significant level with implementation of Mitigation Measure AES-2.

**Cumulative Aesthetic Impacts.** Construction of the proposed project, when considered in conjunction with other existing and planned developments in proximity to the project, will lessen the impact of infill urban development within the City due to the reduction of permeable development and the beautification of the open space.

Of the planned future projects listed above, only the Termino Avenue Drain Project (TADP) is also within the viewshed of the proposed project. The proposed project together with the TADP outfall would result in a significant change to the existing appearance of the north end of Marine Stadium. The existing TADP and culvert outfall structures will be replaced with an open channel as part of the proposed project, and a new double box culvert outfall opening will be added as a result of the TADP. The changes are consistent with the surrounding urban environment and therefore are not considered adverse. In addition, because of the design of the open channel, the proposed open channel could potentially increase the aesthetic quality of the Marine Stadium side of the channel. Therefore, the proposed project, when considered in conjunction with the TADP, would not have a significant cumulative impact on the visual environment.

The proposed project will not generate significant adverse effects on adjacent land uses. The proposed improvements are compatible in character with the surrounding area. There are no known visual incompatibilities between the proposed project and planned future projects located in the surrounding area. Project lighting will be minimized with the implementation of Mitigation Measure AES-2 and, within the existing urban context, will not contribute to a significant cumulative impact to lighting. Therefore, the contribution of the proposed project to potential cumulative visual/aesthetic impacts in the study area is considered less than significant.

**Finding:** The City hereby finds that cumulative project impacts related to aesthetics are less than significant with implementation of Mitigation Measure AES-2.

**Biological Resources**

**Impact: Candidate, sensitive, or special interest species.** Estuary sea-blite is listed as a CNPS List 1B.2 plant and is considered a Special Plant by the CDFG, and appeared in the literature search for the project area. This species has been observed in the project area and is located along the edge of the Lagoon in the southeast portion of the project area. Recontouring of the slopes of the north arm would impact this plant and avoidance and/or propagation would be necessary.

If construction is proposed during the bat breeding season (February 1 through August 31), the project could result in adverse impacts to breeding bats, which are listed as California Species of Concern.

Disturbance to the subtidal environment through wet dredging and fill activities may indirectly contribute to the propagation of the invasive seaweed *Caulerpa* (*Caulerpa taxifolia*).

Dredge and fill activities may also result in a temporary loss of eelgrass and/or subtidal eelgrass habitat.

Foraging marine mammals and sea turtles have the potential to occur in the neighboring Marine Stadium and may be impacted by construction activities in the Lagoon.

The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

**BIO-1** The Director of Parks, Recreation, and Marine shall ensure that the project biologist work with the contractor to preserve the one specimen of estuary sea-blite on site, if feasible. If the original plant cannot be preserved, then cuttings and/or any other propagules of the plant shall be collected from this specimen or a close genetic source (e.g., Seal Beach National Wildlife Refuge) prior to the removal of the specimen. These cuttings and/or propagules shall be used in the revegetation process for the project.

**BIO-2** The Director of Parks, Recreation, and Marine shall ensure that the presence or absence of Western yellow bats is investigated by a qualified biologist prior to the removal of any palms or cottonwoods from the project area. If bats are present, a memo shall be submitted to the California Department of Fish and Game (CDFG) to determine appropriate action.

**BIO-3** The Director of Parks, Recreation, and Marine shall ensure that a field survey to investigate the presence of the invasive algae *Caulerpa taxifolia* is conducted 30 to 60 days prior to commencement of construction, by qualified divers certified by the CDFG and National Marine Fisheries Service (NMFS) to conduct such surveys. The pre-construction *Caulerpa* surveys will be conducted according to the accepted criteria of the Southern California *Caulerpa* Action Team (SCCAT) for conducting surveys for the invasive algae and in accordance with the NMFS and CDFG *Caulerpa* survey protocols. In accordance with the recommendations of the SCCAT and according to the NMFS *Caulerpa* Control Protocol (Version 3, adopted March 12, 2007 [NMFS 2007]), a survey must be conducted in harbor areas that may be disturbed. In areas that are expected to be free of *Caulerpa,* such as Colorado Lagoon, a 20 percent visual Surveillance Level survey is required to prior to any dredging. The survey will also identify any other marine vegetation in the proposed construction area, including eelgrass. The Director of Parks, Recreation, and Marine, or his/her designee, will transmit the survey results via *Caulerpa* Survey Reporting Form to NMFS and the CDFG within 48 hours of completion of the survey. If *Caulerpa* is identified in the project area, the City of Long Beach, NMFS, and the CDFG will be notified within 24 hours of completion of the survey. In the event that *Caulerpa* is detected, disturbance shall not be conducted until such time as the infestation has been isolated, treated, or the

risk of spread from the proposed Disturbing Activity is eliminated in accordance with Section F of the *Caulerpa* Control Protocol.

**BIO-4** The Director of Parks, Recreation, and Marine shall ensure that a pre-construction eelgrass survey is conducted of the entire Lagoon and within 100 feet from the opening of the culvert into Marine Stadium during the period of March through October. The survey is considered valid by NMFS for a period of no more than 60 days, with the exception that surveys conducted in August through October will be valid until the following March 1. Preconstruction survey results will be provided by the Director of Parks, Recreation, and Marine to NMFS and the CDFG in an appropriate data format for the information to be mapped on the project drawings.

**BIO-5** The Director of Parks, Recreation, and Marine shall ensure that a postconstruction survey is conducted within 30 days of the cessation of construction activities to determine the actual area of eelgrass affected for mitigation purposes. If loss of eelgrass is noted in the postdredge survey, the City of Long Beach will be required to mitigate the loss of eelgrass in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP). As per the SCEMP Revision 11 (NMFS 1991), the loss of eelgrass habitat must be mitigated at a minimum 1.2:1 ratio.

**BIO-6** The Director of Parks, Recreation, and Marine shall ensure that eelgrass mitigation be initiated within 135 days of project inception; projects requiring more than 135 days to complete may result in additional mitigation. A mitigation plan with a schedule is required 30 days prior to any construction or dredge activities. The amount of mitigation necessary will be determined by the difference between a preconstruction and postconstruction survey.

**BIO-7** The Director of Parks, Recreation, and Marine shall ensure that an eelgrass transplant report is completed following construction (Initial Report) and monitoring reports conducted at 6, 12, 24, 36, 48, and 60 months posttransplant. The Director of Parks, Recreation, and Marine shall ensure that project achievement of specific milestones and criteria for success, as directed in the SCEMP along with guidelines for remedial actions, are documented. If the success criteria are not met, construction of a Supplementary Transplant Area and monitoring, for an additional five years may be required by NMFS.

**BIO-8** A qualified biologist shall be on site during the construction period to monitor the presence of sea turtles and marine mammals. The onsite biological monitor shall have the authority to halt construction operations if it is determined that sea turtles or marine mammals are present and may be adversely affected, and shall determine when construction operations can proceed.

**BIO-9** Construction crews and work vessel crews shall be briefed on the potential for marine mammal and sea turtle species to be present, the legal protection of these species, and will be provided with identification characteristics of these animals.

**BIO-10** In the event that a sea turtle is sighted within 500 meters of the construction zone, all construction activity shall be temporarily stopped until the sea turtle(s) is safely outside the

500-meter buffer zone. In the event that a marine mammal is sighted within 500 meters of the construction zone, all construction activity shall be temporarily stopped until the marine mammal(s) is safely outside the 500-meter buffer zone. The onsite biological monitor shall have the authority to halt construction operation and shall determine when construction operations can proceed.

**BIO-11** The biological monitor shall prepare an incident report of any marine mammal or sea turtle activity in the project area and shall advise the construction manager to have his crews be aware of the potential for additional sightings. The report shall be provided within 24 hours to the CDFG and the NMFS.

**Finding:** The City hereby finds that implementation of Mitigation Measures BIO-1 through BIO-12 will reduce project impacts related to the estuary sea-blite, breeding bats, invasive seaweed *Caulerpa*, eelgrass and/or subtidal eelgrass habitat, and foraging marine mammals and sea turtles to a less than significant level.

**Impact: Wildlife Movement and Nursery Sites.** The project area currently does not function as a high quality wildlife movement corridor. No substantial adverse changes in this condition will occur as a result of project implementation. Therefore impacts are less than significant.

Eelgrass beds provide nursery habitat for some species of invertebrates and fish. Eelgrass within the Lagoon or Marine Stadium may be impacted during construction, recontouring and removal of sediment.

Avian species, including raptors, may nest in suitable trees and shrubs throughout the Lagoon and adjacent habitat. The Cooper's hawk pair that was observed nesting in an ornamental tree on the northeast corner of the project site is not expected to be significantly adversely affected, unless construction activity occurs near the nest or the nest is removed during the breeding season. There is a large quantity of available mature trees in the surrounding park and urban landscape that can provide suitable alternative nest sites for the pair. Therefore, if construction is proposed during the nesting season (February 1 through August 31), the project could result in adverse impacts to nesting birds. Impacts that result in nest failure (either directly through nest removal or indirectly due to disruption from human-induced activities) are potentially significant.

See Mitigation Measures BIO-4 through BIO-7 and BIO-11 above, and BIO-12 below.

**BIO-12** The Director of Parks, Recreation, and Marine will endeavor to conduct vegetation clearing and grading outside of the nesting season. If construction is proposed between February 1 and August 31 the Director of Parks, Recreation, and Marine shall ensure that a qualified biologist familiar with local avian species and the requirements of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code shall conduct a preconstruction survey for nesting birds no more than one week prior to construction. The survey will include the area of impact and suitable habitat up to 300 feet from the area of impact (as appropriate, given the anticipated nature of project impacts). The results of the survey will

be recorded in a memo and submitted to the City of Long Beach within 48 hours. If the survey is positive, and the nesting species are subject to the MBTA or California Fish and Game Code, the memo shall be submitted to the CDFG to determine appropriate action. If the survey is negative or inconclusive, either due to ambiguous behavior by birds or overly dense vegetation, a qualified biologist shall be retained to monitor the site during initial vegetation clearing and grading, as well as during other activities that would have the potential to disrupt nesting behavior. The monitor shall be empowered by the City to halt construction work in the vicinity of the nesting birds if the monitor believes the nest is at risk of failure or the birds are excessively disturbed.

**Finding:** The City hereby finds that potential impacts related to wildlife movement and wildlife nursery sites are less than significant with implementation of Mitigation Measures BIO-4 through BIO-7 and BIO-12.

**Impact: Conflict with Local Policies or Ordinances Protecting Biological Resources.** The City of Long Beach Municipal Code (Ordinance C-7642) requires that a permit be obtained from the Director of Public Works prior to removal of trees from City-owned property. The City also requires that the trees be identified, mapped, and measured prior to removal. The project will remove existing trees, including, but not limited to, the Mexican Fan Palm (*Washingtonia robusta*) along the access road on the west side of the northern arm of the Lagoon as well as others in the Lagoon, Marina Vista Park, and Marine Stadium. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

**BIO-13** The Director of Parks, Recreation and Marine shall ensure that the Project Arborist identifies, maps, and measures all trees that will be removed as a result of project activities. Ornamental trees removed as a result of open channel construction and reconfiguring of the sports fields within Marina Vista Park will be replaced on a 1:1 basis with California (or western) sycamores (*Platanus racemosa*). The replacement trees to be installed will be incorporated into the areas used as native upland restoration areas for the overall project improvements. The Director of Parks, Recreation and Marine will obtain the services of a qualified arborist to monitor and document the mitigation effort. Over the 5-year period following tree installation, the following performance standards shall be included in the compensatory habitat maintenance plan for the Colorado Lagoon Restoration project, which will be prepared concurrent with permit applications and subject to agency approval:

- Increase in height by a minimum of 24 inches per year for the first 5 years.
- Trees determined to be in good health annually by an ISO Certified arborist for the first 5 years following installation.

**Finding:** City hereby finds that implementation of Mitigation Measure BIO-13 will reduce project conflicts with policies protecting biological resources to a less than significant level.

## Cultural and Paleontological Resources

**Impact: Archaeological Resources.** The proposed project components are within previous dredge and/or fill areas and depths. Therefore, implementation of the proposed project would not disturb sensitive archaeological soils, and an adverse change in the significance of an archaeological resource pursuant to Section 15064.5 would not occur. However, precautionary mitigation measures have been included in the event that unanticipated archaeological resources are discovered. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

**CULT-1** In conjunction with the submittal of applications for rough grading permits, the Director of Development Services, shall verify that a Los Angeles County certified archaeologist has been retained, shall be present at the pregrading conference, and shall establish procedures for temporarily halting or redirecting work if unrecorded archaeological resources are discovered during grading to permit the sampling, identification, and evaluation of archaeological materials as appropriate. If archaeological materials are identified during construction, standard professional archaeological practices shall be initiated to characterize the resources and mitigate any impacts to those resources. Included within this approach will be the development of a curation agreement for the permanent care of materials collected from the project. This agreement would be negotiated with a suitable repository.

**CULT-3** In accordance with the recommendations of the Gabrielino Tongva Indians of California Tribal Council and the Gabrielino/Tongva San Gabriel Band of Mission Indians, monitoring by a qualified Native American from either one or both of these groups shall take place when, and if, ground-disturbing activities occur in undisturbed native soil. The project archaeologist will notify the Director of Development Services immediately upon exposure of native soils, so that a qualified Native American monitor can be retained to monitor further excavation and/or grading.

**Finding:** The City hereby finds that project impacts to unknown archeological resources are less than significant level with implementation of Mitigation Measures CULT-1 and CULT-3.

**Impact: Disturb Human Remains Outside Formal Cemeteries.** The project site has undergone extensive ground disturbance associated with dredge and fill and the project site has been used continually as a public park since the fill activities. As a result, the proposed project is not anticipated to disturb any human remains, including those outside of formal cemeteries. However, precautionary mitigation measures have been included in the event that unanticipated human remains are discovered. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

**CULT-2** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination

of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

**Findings:** The City hereby finds that implementation of Mitigation Measure CULT-2 reduces potential impacts related to the disturbance of unknown buried human remains to a less than significant level.

**Geology and Soils**

**Impact: Seismic Ground Shaking and Seismic-Related Ground Failure.** The project site is located 4 mi from the Newport-Inglewood Structural Zone; therefore, significant ground shaking or secondary seismic ground deformation effects would occur at the project site should a major seismic event occur along the Newport-Inglewood Structural Zone. Hence, strong seismic ground shaking would be considered a potentially significant impact to the proposed project unless appropriate mitigation measures are implemented. Implementation of Mitigation Measures GEO-1 and GEO-2 will reduce potential impacts related to seismic ground shaking to a less than significant level. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

**GEO-1** Prior to issuance of building permits for the structural components of the proposed project, such as channel and bridge development and slope recontouring, the City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works are required to review and approve final design plans to ensure that geotechnical hazard-resistant designs have been incorporated into the final engineering drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.

**GEO-2** A project geotechnical report shall be submitted to the City of Long Beach Building Official prior to the issuance of permits to construct the proposed bridges and open channel. The geotechnical recommendations shall be incorporated into the design plans to the satisfaction of the Building Official and Director of Public Works.

**Finding:** The City hereby finds that impacts related to seismic ground shaking will be reduced to a less than significant level with implementation of Mitigation Measures GEO-1 and GEO-2.

**Impact: On-Site or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse.** Due to the presence of loose, unconsolidated silty sands underlain by sandy silts and a shallow groundwater table (groundwater levels are 5 ft at Marine Stadium), potential subsidence and liquefaction risks are considered moderate to high. According to the California Department of Conservation's Seismic Hazard Zones Map for the *Long Beach* quadrangle, the site is located within an area where liquefiable materials are mapped and/or where liquefaction has occurred in the past. A potential result of soil liquefaction on site is lateral spreading, which is the differential movement of the ground surface due to open face excavations. The project area is surrounded by developed areas, and site topography is relatively level; therefore, the possibility of a seismically induced landslide is remote. Implementation of Mitigation Measures GEO-1 and GEO-2 will reduce and minimize the potential impacts related to subsidence and liquefaction. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

See Mitigation Measures GEO-1 and GEO-2 above.

**Finding:** The City hereby finds that impacts related to subsidence and liquefaction will be reduced to a less than significant level with implementation of Mitigation Measures GEO-1 and GEO-2.

**Impact: Expansive Soils.** The soils testing on the project site indicate a lot of variation with no consistent pattern of stratification among sites. The soil sample core logs, however, do indicate that clays and sandy clays are abundant in this area, which indicate a potential for volume changes. However, because groundwater levels are approximately 5 ft at Marine Stadium, the soils are anticipated to remain relatively wet and are not anticipated to experience cycles of wetting and drying or volume changes, which would reduce the potential effects of the expansive soils on site.

Adherence to all applicable seismic codes and requirements during project implementation would reduce impacts related to expansive soils that could result from the proposed project components to a less than significant level. Mitigation Measure GEO-1 also reduces potential landslide impacts to a less than significant level. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

See Mitigation Measure GEO-1 above.

**Finding:** The City hereby finds that impacts related to expansive soils will be reduced to a less than significant level with implementation of Mitigation Measure GEO-1.

## Hazards and Hazardous Materials

**Impact: Hazard through the Routine Transport, Use, Disposal, or Accidental Release of Hazardous Materials.** As part of the proposed project, three existing restrooms located on the North Shore of the Lagoon, in Marina Vista Park, and Marine Stadium will be demolished. Due to the age

of the existing restroom structures, there is a potential for lead-based paints (LBPs) and/or PCBs to be present within the structure.

The proposed project will also include the removal of the north parking lot and the creation of an East 6th Street access road. Proposed grading activities are anticipated as part of the proposed project and may require the removal or relocation of existing PCB-containing transformers. During the proposed project activities, all soil surrounding existing transformers should be sampled prior to disturbance.

Based on sampling performed for the Lagoon sediments, sediments excavated from the Lagoon may be potentially impacted. All dredging, transport, and disposal of Lagoon sediments will be in compliance with the Health and Safety Plan. In order to ensure that all materials being stored on site would not be accidentally released into the environment, the Soil Management Plan will be implemented. Further, implementation of Mitigation Measures HAZ-1 through HAZ-4 will reduce potential impacts related to disposal of hazardous materials to a less than significant level. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

**HAZ-1** **Pre-Demolition Surveys:** Prior to issuance of any demolition, grading, or street work permits for the project, a pre-demolition survey for polychlorinated biphenyls (PCBs) and lead-based paints (LBPs) will be performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (e.g., ASTM E 1527-00, and 40 CFR, Subchapter R, Toxic Substances Control Act [TSCA], Part 716). All identified PCBs and LBPs shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, 763). Air monitoring shall be completed by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations and to provide safety to workers and the adjacent community (e.g., South Coast Air Quality Management District [SCAQMD]). The City of Long Beach Public Works Department shall provide documentation (including all required waste manifests, sampling and air monitoring analytical results, etc.) to the Department of Human and Health Services that abatement of any LBPs has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, 795).

**HAZ-2** The City of Long Beach or their designated consultant will ensure that all utility pole-mounted transformers or pad mounted transformers within the project area will be inspected for leaks prior to disturbance or removal. Leaking transformers should be considered a potential for PCB hazard, unless tested, and should be handled accordingly.

**HAZ-3** Health and Safety Plan: Prior to issuance of any demolition, grading, or street work permits for the project, a Health and Safety Plan shall be prepared by the designated contractor and reviewed by the City of Long Beach or their designated consultant to ensure that all workers are in compliance with federal, State, and local regulations during construction. The Health and Safety Plan shall include:

- A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures.
- The identification of a Site Health and Safety Officer.
- Methods of contact and the phone number, office location, and responsibilities of the Site Health and Safety Officer.
- Specification that the Site Health and Safety Officer shall be contacted immediately by the contractor should any potentially toxic chemical, other than the chemicals already disclosed, be detected above the exposure limits or if evidence of undocumented soil contamination is encountered during site preparation and construction.
- Any potentially contaminated groundwater encountered during construction activities must be properly characterized and removed in accordance to all applicable State and federal policies.

The Health and Safety Plan is to be provided to all contractors on the project site. The Health and Safety Plan is required to be amended as needed if different site conditions are encountered by the Site Health and Safety Officer.

**HAZ-4** Soil Management Plan: The Office of Environmental Health Hazard Assessment (OEHHA) shall review the removal workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the OEHHA for compliance with local, State, and federal regulations. Any additional sampling or contaminant material removal shall be subject to these same regulations. As part of the soil management plan, all disposal material will be characterized prior to disposal at a State landfill site. All hazardous waste will be disposed of in a Class I landfill. All other soils or solid waste will be disposed of at an unclassified landfill. In addition, during construction activities of the potentially impacted soils on site, monitoring will be required by the SCAQMD. This on-site monitoring will be performed in conformance with the SCAQMD Site Specific Rule 1166 Permit obtained by the City of Long Beach prior to commencement of grading activities. Typically a field instrument such as an organic vapor analyzer (OVA) will be used to record the concentrations of volatile organic compounds (VOCs) detected in potentially impacted soils while these soils are being excavated and/or treated on site. A daily log of the OVA readings, in addition to a copy of the Site-Specific Rule 1166 Permit, will be kept on site by the construction team for the duration of the work performed with these potentially impacted soils.

The Site Health and Safety Officer shall contact the City of Long Beach if evidence of potential soil contamination is encountered during site preparation, demolition, or construction activities. Evidence of potential soil contamination may include discolored soils, soils that behave differently when compacted, and/or soils with an odor.

After inspection by personnel from the City of Long Beach, these potentially impacted soils may be segregated. Soil samples collected and submitted for appropriate analyses and the soils may either be transported off site for appropriate disposal or may be treated on site with appropriate regulatory agency oversight.

If excavation of potentially impacted soils is necessary, the excavated sediments/soil will be passed through a sieve to ensure that debris 4-inches circumference and greater is removed form the material. During the sieving process a mixture of Simple Green and water (10:1) will be lightly applied to the excavated sediments/soils. The excavated sediments/soils will be evenly spread to facilitate the efforts of workers as they manually pick through the material to remove any debris 4-inches circumference and greater that managed to pass through the sieve. Upon completion of debris removal this material will be stockpiled and covered with plastic sheeting to comply with the Rule 1166 permit, if warranted, i.e., if the volatile organic compound (VOC) monitoring of the excavation, sieving process and stockpiles exceeds 50 milligrams per kilogram (mg/kg).

**Findings:** The City hereby finds that implementation of Mitigation Measures HAZ-1 through HAZ-4 will reduce potentially significant impacts related disposal of hazardous materials to a less than significant level.

**Impact: Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste within 0.25 mi of an Existing or Proposed School.** Rogers Middle School is located within 0.15 mile from the project site. In addition, the Colorado Lagoon Playgroup Preschool, which is a private program for 3- to 5-year-old children is located on the south side of the Lagoon. Implementation of the proposed project, specifically construction activities, has the potential to affect the sensitive receptors at the school locations. All hazardous materials, substances or waste will be handled in accordance with local, state, and federal regulations, and in accordance with Mitigation Measures HAZ-1 through HAZ-4. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

See Mitigation Measure HAZ-1 through HAZ-4 above.

**Finding:** The City hereby finds that implementation of Mitigation Measures HAZ-1 through HAZ-4 reduces potential impacts related to hazardous materials to a less than significant level.

## Water Quality and Hydrology

**Impact: Water Quality (Construction).** Temporary impacts to water quality will occur as the result of construction of the physical improvements to the Lagoon. These project components include the culvert cleaning/removal of tidal gates/structural impedances, construction of the open channel and two bridges, removal of contaminated sediments, storm drain upgrades, replacement of local hard drain outlets with bioswales, removal of north parking lot and access road, side slope recontouring, habitat restoration, and Marina Vista Park and Marine Stadium improvements. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

**WQ-1** During demolition, grading, and construction, the construction contractor shall ensure that the project complies with the requirements of the State General Construction Activity

National Pollution Discharge Elimination System (NPDES) Permit. Prior to issuance of demolition and grading permits, the construction contractor shall demonstrate to the City that coverage has been obtained under the State General Construction Activity NPDES Permit by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board (SWRCB) and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) number or other proof of filing to the City Building Official.

**WQ-2** Prior to issuance of a grading permit, the City of Long Beach Building Official shall ensure that construction plans for the project include features meeting the applicable construction activity best management practices (BMPs) and erosion and sediment control BMPs published in the *California Storm water BMP Handbook–Construction Activity* or equivalent. The construction contractor shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and will be reviewed and approved by the City Building Official prior to the issuance of any grading or building permits. The SWPPP shall reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the project site.

The construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. The construction contractor shall inspect BMP facilities before and after every rainfall event predicted to produce observable runoff and at 24-hour intervals during extended rainfall events, except on days when no ongoing site activity takes place. Prestorm activities will include inspection of the major storm drain grate inlets and examination of other on-site surface flow channels and swales, including the removal of any debris that blocks the flow path. Poststorm activities will include inspection of the grate inlets for evidence of unpermitted discharges. The construction contractor shall implement corrective actions specified by the City Building Official, as necessary, at the direction of the City Director of Public Works. Inspection records and compliance certification reports shall be submitted to the City Director of Public Works on a monthly basis and shall be maintained for a period of three years. Inspections shall be scheduled monthly during the dry season and weekly during the wet season for the duration of project construction or until all areas are revegetated.

**WQ-3** The Construction Contractor shall ensure, and the Director of Development Services shall verify, that during cleaning/clearing of the culvert, the culvert shall be opened once every 2 weeks during the period of the greatest tidal fluctuations for 2 to 3 consecutive days to allow for maximum tidal exchange between Marine Stadium and Colorado Lagoon. The tidal exchange will occur during spring tides, if feasible, to allow for exchange during the period of greatest tidal fluctuation to achieve maximum water quality benefit. If, for erosion, flooding, or other engineering reasons, the Project Engineer determines that tidal exchange during spring tides is not feasible, an alternative tidal exchange regime will be implemented subject to approval by the Directors of Development Services and Parks, Recreation, and Marine Services. In addition to coordination with the tidal regime, two subsurface aeration systems shall be installed and utilized during construction activities that

close off the tidal flow of the culvert. The use of silt screen around each end of the culvert shall be implemented during culvert flushing to minimize sediment/turbidity impacts to the adjacent receiving waters.

**WQ-4** The Director of Director of Health and Human Services shall continue to monitor bacteria levels in the Colorado Lagoon on a daily basis during cleaning of the culvert and during construction of the open channel in order to ensure the integrity of the water is maintained for swimming in Colorado Lagoon during construction activities associated with the culvert and open channel. If water quality exceeds the water contact recreational beneficial use water quality standards, the Directors of the Health and Human Services, Recreation and Marine Services, shall post the site and close the beach, if necessary.

**WQ-5** Prior to commencement of grading activities, the construction contractor shall determine, and report to the Director of Development Services and Public Works, whether dewatering of groundwater will be necessary during project construction and whether dewatering activities will require discharge to the storm drain system or surface waters. Discharge of dewatered groundwater to the storm drain system or surface waters will require compliance with the *Waste Discharge Requirement for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties* (Order No. R4-2003-0111, NPDES No. CAG994004), or subsequent permit. This will include submission of a Report of Waste Discharge (ROWD) and an application for coverage under the permit to the Los Angeles Regional Water Quality Control Board at least 45 days prior to the start of dewatering and compliance with all applicable provisions in the permit, including water sampling, analysis, and reporting of dewatering-related discharges.

**WQ-6** During dredging, the City Director of Development Services shall require that the contractor employs measures to control dispersion of contaminated sediments. Equipment used for dredging shall be modified or specifically designed to control the dispersion of sediments. In addition, the City shall require that contractor to implement specific measures as required by the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and other regulatory agencies during the permitting process. The operations could include the use automatic rather than manual monitoring of the dredging operations, which would allow continuous data logging with automatic interpretation and automatic adjustments to the dredging operations for real-time feedback for the dredge operator. Automatic systems could also be used to monitor turbidity and other water quality conditions in the vicinity of the dredging operations and allow real-time adjustments by the dredging operators to control temporary water quality effects. The specific measures to be implemented would be subject to approval by the Corps, RWQCB, and other regulatory agencies during the permitting process.

**WQ-7** Prior to the issuance of any construction permits, the City Director of Development Services shall verify that Best Management Practices (BMPs) for all dredging activities, such as a silt curtain, have been incorporated into project plans in order to reduce impacts to water quality to the maximum extent practicable. The construction contractor shall be responsible for performing and documenting the application of the BMPs.

**WQ-8** Prior to the issuance of any construction permits, the Director of Development Services shall demonstrate in the record that silt curtains for all construction activities involving excavation and grading directly adjacent to or within the Lagoon waters, have been incorporated into project plans in order to reduce impacts to water quality to the maximum extent practicable. The construction contractor shall be responsible for performing and documenting the application of BMPs, such as the silt curtain, identified in this document.

**WQ-9** The Director of Health and Human Services shall continue to monitor bacteria levels in the Colorado Lagoon on a weekly basis. If water quality exceeds the water contact recreational beneficial use water quality standards, the Directors of the Health and Human Services, and Parks, Recreation and Marine Services, shall post the site and close the beach, if necessary. In addition, the Directors of the Department of Health and Parks, Recreation and Marine Services, and Development Services shall review the monitoring data on an annual basis and evaluate the water contact recreational beneficial use of the Lagoon.

**Finding:** The City hereby finds that implementation of Mitigation Measures WQ-1 through WQ-9 will reduce potential construction related water quality impacts to less than significant levels.

## Public Services and Utilities

**Impact: Generate Demand for Lifeguard Services.** The project does not include residential units, public facility buildings, or other structures that would increase the existing fire hazards on site. Therefore, the project is not anticipated to result in an increase in calls for emergency fire services. Development of an open channel with tidal flows would create an area with potential safety concerns that could result in the need for a reallocation of lifeguard services. Therefore, as required by Mitigation Measure PSU-1, upon completion of construction of the open channel, the Long Beach Fire Department and the City Department of Parks, Recreation, and Marine will monitor lifeguard services in the project area to ensure adequate staffing. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

**PSU-1** Upon completion of construction of the open channel within Marina Vista Park, the Long Beach Fire Department and the Long Beach Department of Parks, Recreation, and Marine shall assess and monitor lifeguard services, and reallocate staff as warranted, at the Lagoon and Marina Vista Park, to ensure adequate staffing.

**Finding:** The City hereby finds that implementation of Mitigation Measure PSU-1 requiring the assessment of lifeguard services reduces possible impacts to lifeguard services and personnel to a less than significant level.

**Impact: Generate Demand for Irrigation Water.** The City of Long Beach Water Department (LBWD) has stated that intermittent nighttime water pressure decreases currently occur within the reclaimed water system in the project vicinity. Because the main use of the reclaimed water is for landscape irrigation, most users irrigate at night, which results in times of decreased water pressure.

However, the LBWD has stated that no water pressure decreases occur during the daytime or non-peak irrigation hours. Because intermittent nighttime water pressure declines are an existing condition, Mitigation Measure PSU-2, which requires coordination with LBWD to schedule temporary irrigation at the Lagoon to occur during non-peak water usage times, has been included to ensure that the proposed project does not exacerbate the existing intermittent nighttime water pressure declines. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

**PSU-2** During the irrigation and establishment of newly vegetated areas at the Lagoon, the Long Beach Department of Parks, Recreation, and Marine shall coordinate with the LBWD to develop a schedule for the use of reclaimed water for temporary irrigation purposes at the Colorado Lagoon. The temporary irrigation of Lagoon areas shall occur during non-peak water usage times so as to ensure that the proposed project does not exacerbate the existing intermittent nighttime reclaimed water pressure decreases.

**Finding:** The City hereby finds that implementation of Mitigation Measure PSU-2 requiring coordination with the LBWD to schedule irrigation of the project area reduces possible impacts to water demand and water pressure to a less than significant level.

**Impact: Compliance With Federal, State, And Local Statutes And Regulations Related To Solid Waste.** Construction of the project would result in solid waste that would need to be disposed of in off-site facilities. The types of solid waste that would be generated include: dredge material, excavation soils, asphalt, concrete, rock, marine growth, and building materials. AB 939 requires that every city and county in California implement programs to recycle, reduce refuse at the source, and compost waste to achieve a 50 percent reduction in solid waste being taken to landfills. In order to assist in meeting this goal, the proposed project will be required to incorporate the collection of recyclable materials into project design and to require contractors to reuse construction supplies, including landscape containers, where practicable or applicable to the extent feasible. Mitigation Measure PSU-3 will assist the City in its effort to meet its waste reduction goals by facilitating recycling on site during construction and operation of the proposed project. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

**PSU-3** A solid waste management plan for the proposed project shall be developed by the City of Long Beach Department of Parks, Recreation, and Marine, and submitted to the City of Long Beach Environmental Services Bureau for review and approval prior to issuance of permits. The plan shall identify methods to promote recycling and reuse of construction materials as well as safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods of incorporating source reduction and recycling techniques into project construction and operation in compliance with State and local requirements such as those described in Chapter 14 of the California Code of Regulations and AB 939.

**Finding:** The City hereby finds that Mitigation Measure PSU-3 will assist the City in its effort to meet its waste reduction goals. Project impacts related to compliance with federal, State, and local statutes and regulations for solid waste and impacts related to landfill capacity are less than significant.

**Impact: Cumulative Solid Waste Impacts.** Development associated with future projects in the City of Long Beach will contribute to increased demand for landfill capacity for solid waste from construction activities and operations. There is insufficient capacity within the existing system serving Los Angeles County to provide for long-term nonhazardous solid waste disposal needs. Additional capacity will be available through the expansion of local landfills and the use of waste-by-rail disposal at Eagle Mountain Landfill in Riverside County and the Mesquite Regional Landfill in Imperial County. The Mesquite Regional Landfill is under construction, and expected to be ready for landfill operations in 2009 and waste-by-rail operations in 2011/12. With operation of the Mesquite Regional Landfill, the LACSD would be able to meet the projected landfill needs. Therefore, the project's contribution when coupled with solid waste generated by future projects would not result in cumulatively significant impacts to solid waste disposal capacity. In addition, as previously stated, Mitigation Measure PSU-2 will reduce project impacts to regional waste disposal capacity to the extent feasible. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

See Mitigation Measure PSU-2 above.

**Finding:** The City hereby finds that cumulative project impacts related to solid waste services are less than significant with implementation of Mitigation Measure PSU-2.

## Recreation

Impact: Construction impacts to recreation opportunities. Short-term construction-related effects will result from development of the proposed improvements. Use of the project area for recreational activities would be adversely impacted during the construction phases of the project. The following mitigation measures indicate that this potential impact will be mitigated below a level of significance.

**REC-1** The City of Long Beach Director of Parks, Recreation, and Marine will ensure that during construction activities affecting Colorado Lagoon (Lagoon) (e.g., dredging, recontouring the Lagoon side slopes, revegetation, storm drain improvements, and development of the walking trail and viewing platform), City Department of Parks, Recreation, and Marine staff will provide local residents and neighborhood groups with information regarding the availability of other nearby City parks and facilities that offer swimming, picnicking, and other passive recreation opportunities enjoyed at the Lagoon. Information regarding Lagoon closures will also be made available on the City's Web site, through outreach to the neighborhood groups, and other means as appropriate.

**REC-2** The City of Long Beach Director of Parks, Recreation, and Marine will ensure that during construction activities affecting Marina Vista Park (such as culvert improvements, channel

construction, and activities affecting the sports fields), City Department of Parks, Recreation, and Marine staff will determine what specific neighborhood groups and/or league uses of Marina Vista Park will be temporarily affected by construction activity, and will coordinate with these groups and local residents to identify other nearby available City parks and other facilities to meet the temporarily displaced recreation uses, including the Summer Concert Series. City staff also will provide information to City residents when swimming is closed at the Lagoon as a result of project construction activities on the City's Web site, through outreach with neighborhood groups, and other means as appropriate.

**Finding:** The City hereby finds that Mitigation Measure REC-1 and REC-2, requiring coordination of available recreation facilities and information regarding construction activity reduces potential impacts related to recreation to a less than significant level.

### Traffic and Circulation

**Impact: Construction Related Traffic Impacts.** Construction activity is anticipated to add approximately 90 daily passenger car equivalent (PCE) trips, 28 a.m. peak-hour PCE trips, and 30 p.m. peak-hour PCE trips in Phase 1, and 34 daily PCE trips, 4 a.m. peak-hour PCE trips, and 14 p.m. peak-hour PCE trips in Phase 2. All of the truck trips would travel on East 7th Street. The addition of up to 32 p.m. peak-hour, construction-related, short-term trips would add less than one-half of 1 percent of the capacity of the roadway during the peak hour. In addition, most truck trips would occur during the day, when ambient traffic is less. Therefore, construction of the proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load of the street system. In addition, construction traffic effects are temporary during the period of construction, and the number of construction workers and truck trips would vary depending on the specific construction activities.

During construction of the two at-grade bridges spanning the open channel (Phase 2), East Colorado Street will be closed between East Eliot Street and Panama Avenue during construction of the Colorado Street Bridge, and East Eliot Street (which contains a Class I bikeway) will be closed between East Colorado Street and Boathouse Lane during construction of the Eliot Street Bridge. Construction of the bridges would occur one at a time so as to provide adequate circulation during construction. Construction is anticipated to take approximately 6 months for each bridge. When East Colorado Street is closed, East Eliot Street would serve as an alternate route. Similarly, when East Eliot Street is closed, East Colorado Street would be the alternate route. Likewise, when the East Eliot Street bikeway is closed, the existing bikeways on East Appian Way would serve as alternate routes. the closure of either East Colorado Street or East Eliot Street for a temporary period (6 months for each road consecutively) during construction of the open channel and bridges is not anticipated to adversely affect traffic. However, to ensure that impacts related to construction traffic are less than significant, implementation of a construction management plan would be required to minimize traffic impacts to the local circulation system in the area.

The intersection of East 7th Street and PCH has an existing LOS of F in the a.m. and p.m. peak hours (which is below the City's established threshold of LOS D as the minimum operating level for roadway segments and intersections) and is located in the project vicinity and along the haul route. To ensure the proposed project does not further impacts the intersection of East 7th Street and PCH,

Mitigation Measure TR-1, has been included to reduce the impact of construction traffic on the local circulation system. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

**TR-1** Prior to the issuance of a grading permit for each of the two construction phases, the City of Long Beach shall, under the direction of the City of Long Beach Traffic Engineer, design and implement a construction area traffic management plan. The plan shall be designed by a registered Traffic Engineer and shall address traffic control for any street closure, detour, or other disruption to traffic circulation and public transit routes. The plan shall identify the routes that construction vehicles will use to access the site, the hours of construction traffic, traffic controls and detours, and off-site vehicle staging areas. The plan shall also require the City to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt.

**Finding:** The City hereby finds that Mitigation Measure TR-1 reduced potential project impacts related to construction traffic to a less than significant level.

**Impact: Cumulative Construction Related Traffic Impacts.** Cumulative construction impacts could occur if the County of Los Angeles Termino Avenue Drain Project (TADP) and the Colorado Lagoon Restoration project construction occur concurrently. The following mitigation measure indicates that this potential impact will be mitigated below a level of significance.

**TR-2** Prior to the issuance of a grading permit for each of the two construction phases, the City of Long Beach shall, under the direction of the City of Long Beach Traffic Engineer, address the truck route and circulation effects of TADP construction, should the TADP be under construction in the vicinity of the project site during either Phase 1 or Phase 2 construction of the Colorado Lagoon Restoration project. The coordination shall identify the construction routes, the hours of construction traffic, traffic controls and detours, and off-site vehicle staging areas, and address traffic control for any street closure, detour, or other disruption to traffic circulation and public transit routes.

**Finding:** The City hereby finds that Mitigation Measure TR-2 reduced potential project impacts related to cumulative construction traffic to a less than significant level.

## SECTION 4: SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

As previously stated, the Final EIR identified certain potentially significant effects that could result from the proposed project. The City finds for each of the significant or potentially significant impacts identified in this section, Section 4, based upon substantial evidence in the record, that changes or alterations have been required or incorporated into the proposed project that substantially lessen the

significant effects as identified in the Final EIR,[2] however, even with adoption of the mitigation measures set forth below, project impacts are not reduced below a level of significant.

## Air Quality

**Impact: Construction Emissions**. Air quality impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Major sources of emissions during demolition, excavation, and sediment removal include exhaust emissions from construction vehicles and equipment and fugitive dust generated by construction vehicles and equipment traveling over exposed surfaces and demolition activities, as well as by soil disturbances from excavation activities. Construction impacts related to air quality include the following:

- Construction equipment/vehicle emissions would exceed the South Coast Air Quality Management District (SCAQMD) established daily and quarterly thresholds for nitrogen oxides ($NO_x$). $NO_X$ is a precursor to ozone ($O_3$); therefore, construction emissions will contribute to the existing nonattainment status.
- Heavy-duty equipment in the project area during construction would emit odors. These odors would be limited to the time that construction equipment is operating during the construction period for the project. Mitigation Measures AQ-2, AQ-3, and AQ-6 reduce impacts; however, given the duration of construction activity and the proximity of the sensitive receptors, these impacts may still be considered significant after mitigation.

Mitigation Measure AQ-1 will reduce fugitive dust and therefore emissions of $PM_{10}$.

**AQ-1** Prior to issuance of a grading permit, the City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works shall review and approve final grading plans and contractor agreements to ensure that the following dust suppression measures are incorporated. The following dust suppression measures in the South Coast Air Quality Management District (SCAQMD) CEQA Air Quality Handbook are included to further reduce the likelihood of air quality impacts:

- Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour (mph).
- Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
- Install wheel washers or steel plate rumble strips where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site.
- Pave, water, or chemically stabilize all on-site roads as soon as feasible.
- Minimize at all time the area disturbed by clearing, grading, earthmoving, or excavation operations.

[2] CEQA Guidelines, Section 15091.

- All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches.
- Limit on-site vehicle speeds (on unpaved roads) to 15 mph.

Mitigation Measures AQ-2 through AQ-6 will reduce $NO_X$ emissions.

**AQ-2** Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that the construction equipment to be used on site is based on low-emission factors and high energy efficiency. The City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works shall ensure that the grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.

**AQ-3** During construction and as noted on construction plans, the Construction Contractor shall ensure that construction equipment is shut off when not in use and idle for more than five minutes.

**AQ-4** Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that the Construction Contractor will time the construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through traffic lanes adjacent to the site. If necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

**AQ-5** Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that the Construction Contractor will support and encourage ridesharing and transit incentives for the construction crew.

**AQ-6** During construction and as noted on construction plans, the Construction Contractor shall ensure that on-road construction trucks and other vehicles greater than 10,000 pounds shall be shut off when not in use and shall not idle for more than 5 minutes.

**AQ-7** Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that on-site sensitive land uses, such as the on-site preschool center and the beaches, shall be closed or relocated when construction activities occur within 250 feet.

**Finding:** The City hereby finds that the proposed project would have significant unavoidable short-term construction air quality impacts after implementation of all feasible mitigation measures. Implementation of Mitigation Measures AQ-1 through AQ-7 will minimize construction emissions generated during project site preparation, sediment removal, and construction; however, even with implementation of the mitigation measures, construction equipment/vehicle emissions during demolition and dredging/grading periods would exceed the SCAQMD established daily thresholds for $NO_X$,. Therefore, short-term construction impacts related to $NO_X$ emissions will be a significant unavoidable adverse impact. The City finds that this impact is acceptable based on the inclusion of

mitigation, the overall inability to mitigate the cumulative impacts despite inclusion of mitigation, the construction requirements of the proposed project, benefits of the improvements associated with the proposed project, the objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

**Impact: Odor Impacts.** During the dredging phases of the proposed project, the dredged materials will be spread out on site to reduce moisture content before being hauled off site. It is anticipated that the dredged sediment will contain organic materials and that the decomposition of the organic matter when exposed to air may generate unpleasant odors. Therefore, the dredged material may result in odor impacts at the adjacent and nearby sensitive land uses. Implementation of Mitigation Measure HAZ-4 in Section 4.6 requires the application of a mixture of Simple Green and water to the excavated sediment as part of an overall Soil Management Plan. Simple Green accelerates the decomposition process and will have the overall result of shortening the duration of odor emissions. In addition, Mitigation Measure AQ-8 directs that the temporary storage/drying area for the sediment be located as far as possible from sensitive receptors.

**HAZ-4** Soil Management Plan: The Office of Environmental Health Hazard Assessment (OEHHA) shall review the removal workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the OEHHA for compliance with local, State, and federal regulations. Any additional sampling or contaminant material removal shall be subject to these same regulations. As part of the soil management plan, all disposal material will be characterized prior to disposal at a State landfill site. All hazardous waste will be disposed of in a Class I landfill. All other soils or solid waste will be disposed of at an unclassified landfill. In addition, during construction activities of the potentially impacted soils on site, monitoring will be required by the SCAQMD. This on-site monitoring will be performed in conformance with the SCAQMD Site Specific Rule 1166 Permit obtained by the City of Long Beach prior to commencement of grading activities. Typically a field instrument such as an organic vapor analyzer (OVA) will be used to record the concentrations of volatile organic compounds (VOCs) detected in potentially impacted soils while these soils are being excavated and/or treated on site. A daily log of the OVA readings, in addition to a copy of the Site-Specific Rule 1166 Permit, will be kept on site by the construction team for the duration of the work performed with these potentially impacted soils.

The Site Health and Safety Officer shall contact the City of Long Beach if evidence of potential soil contamination is encountered during site preparation, demolition, or construction activities. Evidence of potential soil contamination may include discolored soils, soils that behave differently when compacted, and/or soils with an odor.

After inspection by personnel from the City of Long Beach, these potentially impacted soils may be segregated. Soil samples collected and submitted for appropriate analyses and the soils may either be transported off site for appropriate disposal or may be treated on site with appropriate regulatory agency oversight.

If excavation of potentially impacted soils is necessary, the excavated sediments/soil will be passed through a sieve to ensure that debris 4-inches circumference and greater is removed form the material. During the sieving process a mixture of Simple Green and water (10:1) will be lightly applied to the excavated sediments/soils. The excavated sediments/soils will be evenly spread to facilitate the efforts of workers as they manually pick through the material to remove any debris 4-inches circumference and greater that managed to pass through the sieve. Upon completion of debris removal this material will be stockpiled and covered with plastic sheeting to comply with the Rule 1166 permit, if warranted, i.e., if the volatile organic compound (VOC) monitoring of the excavation, sieving process and stockpiles exceeds 50 milligrams per kilogram (mg/kg).

**AQ-8** Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that dredged material that shall be dried on site shall be located as far as feasible from the residential, school, and daycare land uses within the project area.

**Finding:** The City hereby find that potential odors resulting from project construction activities remain significant unavoidable adverse. Mitigation Measure AQ-8 reduces project impacts but not below a level of significance, since actual odors that may result from dredging of the Lagoon and culvert improvements are unknown. It is not feasible to reduce the construction emissions below the significance thresholds. All reasonable and feasible measures have been included in the Draft EIR. To reduce peak construction emissions by extending the construction period is not reasonable because it would extend the time period during which nearby sensitive receptors would be exposed to construction air quality and noise effects. The City finds that this impact is acceptable based on the inclusion of mitigation, the overall inability to mitigate the short term impacts despite inclusion of mitigation, benefits associated with the proposed project, the objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

**Cumulative Air Quality Impacts.** Construction of the project would contribute cumulatively to the local and regional air pollutants, together with other projects under construction. The project would result in significant construction-related air quality impacts pertaining to $NO_X$ emissions. Thus, it is anticipated that these additional $NO_X$ emissions would result in significant cumulative air quality impacts.

The proposed project would also contribute to adverse cumulative air quality impacts because construction activity would result in additional emissions of pollutants, which may exacerbate ambient levels currently in excess of applicable national ambient air quality standards (NAAQS) or California ambient air quality standards (CAAQS) for $O_3$. Therefore, the project-level and cumulative short-term construction impacts of the proposed project would remain significant and unavoidable.

**Finding:** The City hereby find that potential cumulative air quality impacts resulting from construction-related $NO_X$ emissions remain significant unavoidable adverse. It is not feasible to reduce the cumulative effects from construction emissions below the significance thresholds. All

reasonable and feasible measures have been included in the Draft EIR. To reduce peak construction emissions by extending the construction period is not reasonable because it would extend the time period during which nearby sensitive receptors would be exposed to construction air quality and noise effects. The City finds that this impact is acceptable based on the inclusion of mitigation, the overall inability to mitigate the short term impacts despite inclusion of mitigation, benefits associated with the proposed project, the objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

## Noise

**Impact: Construction Noise Impacts.** Construction of the proposed project improvements would result in a temporary periodic increase in existing ambient noise levels in the project area, which would be in excess of the City of Long Beach's daytime exterior noise standards. Due to the proximity between construction activities and the existing sensitive receptors, project-related construction activities would result in a significant noise impact that would be intermittent and temporary after implementation of the following mitigation measures. The sensitive receptors that are significantly impacted include Rogers Middle School, in addition to, the on-site preschool and beaches, Recreation Park golf course, Marina Vista Park, and residences.

**NOI-1** The City of Long Beach Noise Control Officer shall ensure that the construction contractor limits construction activity, which produces loud or unusual noise that annoys or disturbs a reasonable person of normal sensitivity to between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturdays and no construction activities on Sundays and federal holidays in accordance with City standards.

**NOI-2** During all site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards, as documented in construction plans and verified by the City Building Official.

**NOI-3** The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, as documented in construction plans and verified by the City Building Official.

**NOI-4** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction, as documented in construction plans and verified by the City Building Official.

**NOI-5** Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that on-site sensitive land uses, such as the on-site preschool and the beaches, shall be closed or relocated when construction activities occur within 315 feet or pile driving occurs within 706 feet.

**NOI-6** Prior to issuance of a grading permit, the Director of Parks, Recreation, and Marine shall hold a community pre-construction meeting, in concert with the Construction Contractor, to

provide information regarding the construction schedule. The construction schedule information shall include the duration of each construction activity and the specific location, days, frequency, and duration of the pile driving that will occur during both Phase 1 and Phase 2 of the project construction. Public notification of this meeting shall be done in the same manner as the Notice of Availability mailings for this Draft Environmental Impact Report (EIR).

**Finding:** Implementation of Mitigation Measures NOI-1 through NOI-6 will reduce construction related noise impacts; however, it is infeasible to completely avoid this significant effect because short-term construction noise is inherent in the construction of the project, and the location of the near-by sensitive receptors is fixed. While some adjustments to the construction schedule may be feasible in order to minimize effects of pile driving, the need to conduct construction outside of the wet season does not allow for a full avoidance of the school year, nor of the summer months when park use, recreation program, and preschool activities are typically underway. Due to the location of existing sensitive receptors, significant unavoidable adverse impacts will remain.

The City finds that the construction related noise impacts that will result from implementation of the proposed project are acceptable based on the City's inclusion of mitigation for project impacts, the overall inability to mitigate the impacts despite inclusion of mitigation, benefits of the improvements associated with the project; recreational, water quality, and habitat benefits to the community, the objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

**Cumulative Noise Impacts.** The County of Los Angeles Termino Avenue Drain Project (TADP), is the only anticipated project located adjacent to the proposed project. Construction of the TADP project that would occur adjacent to the Colorado Lagoon project area would occur along East Appian Way, which is adjacent to the south shore of the Lagoon. The existing sensitive receptors within this area are residential land uses located on the south side of East Appian Way.

The construction activity for the proposed project and construction of the TADP in the vicinity of and at the project site may occur at the same time. These projects, when combined, have the potential to contribute to short-term construction noise impacts, which could be cumulatively significant, even with implementation of Mitigation Measures NOI-1 through NOI-6 and the mitigation measures in the TADP EIR.

**Finding:** Implementation of Mitigation Measures NOI-1 through NOI-6 will reduce construction related noise impacts; however, it is infeasible to completely avoid this significant effect because short-term construction noise is inherent in the construction of the project, and the location of the near-by sensitive receptors is fixed. In addition, the TADP is a County of Los Angeles project being constructed in the City of Long Beach. The timing of the TADP is outside the control of the City. Due to the location of existing sensitive receptors, and possibility that the TADP project construction could occur at the same time as the proposed project construction, significant unavoidable adverse cumulative impacts may occur.

The City finds that the short-term construction related cumulative noise impacts that may result from implementation of the proposed project are acceptable based on the City's inclusion of mitigation for project impacts, the overall inability to mitigate the impacts despite inclusion of mitigation, benefits of the improvements associated with the project; recreational, water quality, and habitat benefits to the community, the objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

## SECTION 5: EFFECTS DETERMINED TO BE NOT SIGNIFICANT OR LESS THAN SIGNIFICANT

The analysis in the Final EIR determined that the following effects of the proposed project are not significant and changes or alterations to the proposed project are not required. The following facts indicate that these potential impacts are not significant.

### Aesthetics

**Impact: Adverse Effect on a Viewshed from a Public Viewing Area.** Implementation of Phases 1 and 2 of the proposed project will not disrupt existing scenic vistas or viewsheds visible on or from the project site, and will result in the creation of a new scenic vista from the north arm of the Lagoon facing south. There are no scenic vistas located on site or in the surrounding vicinity that have been designated by the City or other agency in an adopted policy or plan. Therefore, the effect of the proposed project on a scenic vista is not considered adverse.

**Impact: Substantial Damage to Scenic Resources, Including, but not Limited to, Trees, Rock Outcroppings, and Historic Buildings within a State Scenic Highway.** There are no designated scenic resources on the project site pertaining to rock outcroppings, scenic highways, or historic buildings. There are many mature nonnative trees located throughout the project area. Implementation of the various project components would result in the removal of approximately 100 mature nonnative trees of various species, several of which are unhealthy and dying. Although implementation of the various project components would result in the removal of approximately 100 nonnative trees of various species (including palms and other species from both the Lagoon and Marina Vista Park), implementation of the proposed project would result in an improved healthy native habitat area. While the existing trees provide an aesthetically appealing environment, the removal of trees and the replanting of native habitat will provide an aesthetically appealing environment that is native to Southern California.

### Air Quality

**Impact: Conflict with the Applicable Air Quality Plan.** The proposed project would not result in any population growth and is consistent with the City's General Plan designation for the site. In addition, the proposed project is not expected to result in any increase in long-term regional air quality emissions. Therefore, the project will not conflict with the AQMP.

**Impact: Greenhouse Gas Impacts.** The project will generate emissions of Greenhouse Gases (GHGs), primarily in the form of vehicle exhaust, during construction. As shown in Table 4.2.F, the construction activities will generate up to 34,818 lbs/day of $CO_2$. There are no federal, State, or local emissions thresholds established for GHGs such as $CO_2$. As a comparison, the entire State generated approximately 2.2 billion (2,197,992,329) lbs/day of $CO_2$ in 2004.

The allowable emissions from on-road and off-road vehicle and equipment exhaust are controlled by the State and federal government agencies and are outside the control of this project. The proposed project would not result in any long-term on-site stationary sources and would have little to no change in the off-site vehicle trips. Therefore, the proposed project would not generate any additional long-term GHG emissions.

Greenhouse gas emissions are considered for their potential to contribute to Global Climate Change. The proposed project will result in short-term emissions associated with the use of construction equipment. There will be no ongoing increase in contribution to global warming because there are no on-site stationary sources, and there is essentially no increase in the number of vehicular trips coming to and from the project site. Therefore, the proposed project's contribution to Global Climate Change in the form of GHG emissions is limited to construction equipment/vehicle emissions. The project will not result in a new, ongoing source of GHG emissions; therefore, the project's contribution to cumulative GHG emissions and Global Climate Change is less than significant.

**Biological Resources**

**Impact: Riparian Habitat or Other Sensitive Natural Community.** Recontouring the Lagoon during the Habitat Improvements project component will result in impacts to southern coastal salt marsh and mudflat habitat Therefore, because the net increase of salt marsh and mudflat habitat is proposed as a project component, there are no permanent adverse impacts to native vegetation communities. Additionally, a long-term maintenance plan will be prepared to ensure success of the native habitat through removal of invasive and exotic species. Therefore, impacts are considered less than significant.

Dredging, excavating, recontouring and filling will all result in a temporary loss of subtidal benthic habitat. Recruits from other areas of the Lagoon or the Marine Stadium will rapidly recolonize the benthic habitat after completion of sediment modifications. The community is expected to be colonized by a similar suite of species that is currently found in the area and construction will not result in a permanent loss. Therefore impacts are considered to be less than significant.

**Impact: Federally Protected Wetlands.** All impacts to Jurisdictional Areas are considered less than significant due to the temporary nature and the net increase in jurisdictional areas that will result from the project implementation.

**Conflict with the Provisions of an Adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other Approved Local, Regional, or State Habitat Conservation Plan.** There is no adopted HCP, NCCP, or other habitat conservation plan in the City of Long Beach; therefore, the project will not conflict with any such plans.

**Degrade the Quality of the Environment.** Culvert cleaning, demolition of the existing concrete culvert, and construction of the open channel could eliminate the tidal connection during those activities. Extended interruption of the tidal connection could lead to stagnation and water quality problems that could affect recreation, habitat, fish and wildlife. To maintain water quality in the Lagoon during construction, the culvert will be opened once every two weeks of construction during the period of the greatest tidal fluctuations, if feasible, for two (2) to three (3) days to allow for tidal exchange. In addition, two lake aerators will be installed and utilized during construction that closes off the culvert. Opening of the culvert and installation of aerators would reduce the potential for stagnation to occur.

**Impact: Cumulative Impacts to Biological Resources.** The study area taken into account for cumulative impacts considers seven projects in the vicinity of the Lagoon. The projects that are most likely to contribute to cumulative impacts to biological resources include the Alamitos Bay Marina Rehabilitation project and the TADP. The remaining projects are unlikely to affect biological resources in a way that would result in cumulative impacts with the proposed project.

The City of Long Beach is preparing to renovate the Alamitos Bay Marina dock system and conduct dredging in the Alamitos Bay marina basins. Alamitos Bay is adjacent to the Lagoon and contains 7 mi of inland waterways for recreational water-related uses, private dock and slip facilities, guest slips, a fuel dock, and federal anchorage areas. Impacts due to construction-related turbidity will be mitigated to a less than significant level, and no special-interest species or communities will be significantly impacted by the renovation. Because BMPs and mitigation measures are being incorporated for both the Alamitos Bay project and the Colorado Lagoon Restoration project, no cumulatively considerable adverse impacts to biological resources are expected to result from the restoration efforts at the Lagoon.

The Los Angeles County Department of Public Works is proposing to replace and reroute the Termino Avenue Drain that currently drains to the Lagoon. The proposed TADP would contain two key components: the storm drain to Marine Stadium and the diversion system to the County Sanitation District sewer line. The combined effects of the TADP and proposed Lagoon project would benefit water quality within the Lagoon. The additional measures included within this proposed project would provide long-term benefits to water quality, habitat restoration, and recreation. Potential impacts to biological resources resulting from the construction phase of the TADP have associated mitigation measures to reduce the impacts to a level below significance, and the combined effects of the TADP and the Colorado Lagoon Restoration project are not anticipated to exceed any significance threshold. The TADP recirculated Draft EIR (County of Los Angeles 2008) has determined that the TADP will not have any cumulative impacts associated with biological resources. Therefore, cumulatively, the projects will not have a significant impact on biological resources.

The project's impacts to disturbed ruderal and ornamental vegetation are not cumulatively considerable, although other projects in the area may result in similar impacts, because these habitats are common, not regionally sensitive, and do not support special-interest species. The proposed project's impact to salt marsh and mudflat habitats is small, incremental, and temporary, and the

project results in a net gain of these habitats. Because the net result of the project will be an increase in sensitive natural communities, it is not expected to result in cumulative adverse impacts.

Impacts to wildlife and plant species will not result in significant contributions to cumulative impacts on any species. Impacts to all species and habitats as a result of project construction and grading will be temporary, and the net result of the project will be to increase and improve habitat for these species. Mitigation for eelgrass impacts is required (see Mitigation Measures BIO-2 through BIO-5). The mitigation measures to address impacts to eelgrass habitat will provide a contribution in addition to other mitigation sites in Alamitos Bay for eelgrass restoration efforts as part of the Alamitos Bay Marina Rehabilitation project. Therefore, overall adverse impacts to eelgrass communities will not be cumulatively significant. Rather, the combined restoration efforts for projects with impacts to eelgrass will benefit the species in the long term. The overall effect will be beneficial to natural habitats and the special-interest species they support within the Lagoon itself and for neighboring Alamitos Bay and Marine Stadium. Additionally, the cumulative effects of restoration in Alamitos Bay and the Lagoon, as well as improvements to the Termino Avenue Drain, will be beneficial to residents in the vicinity and those that use the areas for recreation.

## Cultural Resources

**Impact: Impacts to Historic Resources.** Marine Stadium has been identified as a historical resource and is listed on the California Register, the CHL (as No. 1014), and the PHI (as No. 19-186115), and is determined to be a significant Point of Historical Interest. The proposed project would not detract from the integrity of any historical, structural, or operational elements of Marine Stadium that contribute to its being a historic resource. Therefore, no substantial adverse change in the significance of a historic resource as defined in Section 15064.5 would occur.

**Impact: Impacts to Paleontological Resources.** The proposed project components are within previous dredge and/or fill areas and depths. Therefore, implementation of the proposed project would not disturb sensitive paleontological soils. Hence, the proposed project would not directly or indirectly destroy a unique paleontological resource, site or unique geologic feature.

**Impact: Cumulative Impacts to Cultural Resources.** The proposed project would not adversely affect any cultural resources. Likewise, the cumulative effects of the proposed project are less than significant as no resources exist on the project site, and the proposed project will not contribute to the cumulative effects of other past, present, or reasonably foreseeable future projects related to undiscovered archaeological and paleontological resources.

## Geology and Soils

**Soil Erosion or the Loss of Topsoil.** After the completion of construction activity and establishment of the landscaped areas, erosion potential will be minimal. All soils used in the project would be properly compacted in accordance with City of Long Beach (City) specifications. The project design incorporates the use of riprap, erosion control blankets, and other erosion controls to reduce erosion and scour through the open channel. The project would also be subject to Storm Water Pollution

Prevention Plan (SWPPP) requirements for erosion and sedimentation control during construction . Best management practices (BMPs) would be undertaken to control runoff and erosion from earth-moving activities such as excavation, recontouring, and compaction. All trenching and recontouring activities would be performed under the observation of a qualified engineer. The project would be required to adhere to all applicable construction standards with regard to erosion control. With implementation of these standard control measures, soil erosion potential will be reduced to less than significant levels.

**Septic Tanks or Alternative Wastewater Disposal Systems.** The proposed project would utilize the existing sewer system. The project does not include the use of septic tanks or alternative methods for disposal of wastewater into the subsurface soils.

**Cumulative Geology and Soils Impacts.** The analysis indicated that there would be no significant cumulative impact of the proposed project related to geology and soils. This conclusion is based on the following:

- There are no rare or special geological features or soil types on the project site that would be affected by project activities.
- There are no other known activities or projects with activities that affect the geology and soils of this site.

## Hazards and Hazardous Materials

**Cumulative Hazards and Hazardous Waste Impacts.** With mitigation, the project site does not currently pose any health and safety hazards. Other properties within the City with known hazardous waste contamination are required to remediate their contamination in accordance with federal and State regulations. Since the proposed project does not include uses that would generate or use substantial amounts of hazardous waste, and since construction activities or site operation will not cause additional short-term or long-term health risks related to hazards and hazardous waste (after implementation of the measures identified in this section), the project does not contribute to potential cumulative hazards and hazardous materials impacts. Cumulative hazards and hazardous waste impacts are less than significant.

## Hydrology and Water Quality

**Groundwater.** The project site is not located within a groundwater recharge basin, and there are no production wells within the vicinity. Therefore, there would be no impact to groundwater supply with implementation of the proposed project. Due to the variable depth of groundwater at the project site, groundwater dewatering may be required during construction dredging activities. Dewatering activities would be temporary and the volume of groundwater that may be removed would not be substantial. Based on the proposed project (restoration project), groundwater withdrawal would not be required during operation of the project. Therefore, impacts to groundwater would not be significant.

**Result in Substantial Erosion, Siltation, or Flooding On or Off Site.** The culvert cleaning would increase tidal flushing but would not generate flow speeds as to cause erosion at each end, as the culvert was designed to function at this capacity. Therefore, impacts from the culvert cleaning related to erosion are less than significant.

The storm drain upgrades would redirect low flows to the sanitary sewer system, but would not alter the drainage pattern of the site. Low flows will continue to flow toward the Lagoon but would be diverted to the sanitary sewer instead of entering the Lagoon. Therefore, the drainage pattern would not change from existing conditions, and the rate or amount of dry weather surface runoff discharging into the Lagoon would be less than existing conditions due to the dry weather runoff diversion to the sanitary sewer.

Implementation of the TADP would result in a diversion of approximately 55 percent of the storm water volume currently entering the Lagoon. Therefore, implementation of the TADP will decrease flood elevations within the Lagoon to elevations below the lowest perimeter elevations surrounding the Lagoon, thereby confining flood waters to the Lagoon. Therefore, storm flows from the remaining storm drains into the Lagoon will have enough freeboard to protect against flooding near East Eliot Street, where historical flooding problems have existed. Therefore, the proposed project would not increase the rate or amount of surface runoff in a manner that would result in flooding on or off site, and no mitigation is required.

Flows from the four local storm drains that are not diverted to the wet well would flow into vegetated bioswales. The proposed bioswales would not alter the overall drainage pattern of the site. The bioswale would promote infiltration and reduce the flow velocity of storm water runoff. Therefore, impacts associated with drainage and runoff volume are considered less than significant.

The drainage pattern or the rate or amount of surface runoff would not change from existing conditions as a result of the proposed open channel and bridges. The use of erosion-control blankets and riprap within the proposed open channel will reduce potential erosion impacts to less than significant levels.

Removal of the north parking lot, access road, and restroom structure would result in the decrease of approximately 2.26 ac of impervious surface. Therefore, this component would result in a potential decrease in the surface runoff from the site and would have a positive impact on the site.

Bird Island would be created by removing a portion of the existing bank by excavating soils on the inland portion of the island until an island is created. To prevent soil erosion over time, the island would be graded with appropriate slopes to prevent erosion, and an erosion control blanket would be installed on the newly graded slopes. With proper implementation of construction BMPs and proper design of the island (i.e., graded slopes and use of erosion control blankets), impacts related to the erosion of Bird Island would be less than significant.

**Place Housing within a 100-Year Flood Hazard Area.** No housing is proposed as part of the proposed project.

**Place within a 100-Year Flood Hazard Area Structures that would Impede or Redirect Flood Flows.** The project site is located in Flood Zone X and Flood Zone AE on the Flood Insurance Rate Map (FEMA FIRM Panel No. 0601360025C). Combined with the reduction of low flow and storm flow entering the Lagoon due to the TADP, the proposed project components would enhance the existing flood conveyance facilities and increase flood protection over existing conditions. Therefore, the proposed project is expected to result in a beneficial effect related to flood protection.

**Flooding as a Result of the Failure of a Levee or Dam.** The proposed project is not within an inundation for the failure of a levee or dam. Therefore, flooding as a result of the failure of a levee or dam in considered less than significant.

**Seiche, Tsunami, or Mudflow.** The proposed project is within a seiche and tsunami influence area. The proposed project would not change or worsen this existing condition, and there is an established warning system in place that would provide early notification of an advancing tsunami that would allow for evacuation. Los Angeles County uses the Emergency Alert System (EAS) and Emergency News Network (ENN) to warn the public about an anticipated tsunami.

Because the site is not located in a hilly area, it is not considered to be at a high risk for inundation by mudflow. Therefore, the impacts of the proposed project related to potential inundation of the Lagoon are considered less than significant.

**Cumulative Hydrology and Water Quality Impacts.** Implementation of the proposed project will result in the enhancement of the Lagoon. The project would significantly improve the water quality for swimming and add additional recreation amenities while maintaining all the existing uses on site.

Only two planned future projects contribute runoff directly to the Lagoon watershed, the TAD Project and the 4200 East Anaheim 29 Unit Condominium Project. There are no known incompatibilities between the proposed project and planned future projects that would result in adverse cumulative hydrology and water quality impacts to the Lagoon. Implementation of the County TADP cumulatively affects the proposed Colorado Lagoon Restoration project because it would divert approximately 50 percent of the storm flow, and thus COC, from the Lagoon to Marine Stadium. In addition, the project diverts a large percentage of dry weather flow from the Lagoon to the sanitary sewer. The TADP EIR concluded that the TADP would not contribute to long-term cumulative impacts due its limited maintenance and operational requirements in conjunction with the Colorado Lagoon Restoration project. The hydrology model evaluated the TAD project's impacts to the entire Alamitos Bay system, and it was determined that it would not contribute to cumulative hydrology and water quality impacts outside of a 1-mile radius.

The RWQCB is currently conducting a TMDL study to further characterize the condition of the Lagoon and to provide effluent limitations on the discharge of pollutants of concern into the Lagoon for future development projects. The establishment of TMDLs would result in an improved quality of runoff water entering the Lagoon. The proposed project in conjunction with TADP and TMDL study would improve storm water runoff quality and flooding conditions in the project area, thereby

improving the existing water quality and hydrologic conditions in the Lagoon. Other projects in the watershed would be required to comply with water quality and waste discharge requirements to ensure that no impacts to groundwater or surface water quality would occur. No cumulative hydrology impacts would occur as a result of the proposed project. Therefore, the related projects, when considered together with the proposed project, would reduce impacts to hydrology and water quality.

Therefore, no adverse cumulative impacts related to hydrology and water quality would result from the proposed project when it is combined with other foreseeable projects that are planned or expected to occur in the Lagoon watershed or the San Gabriel watershed.

## Land Use

**Physically Divide an Established Community.** The proposed project would not change the existing uses within or adjacent to the project site. The Lagoon and Marina Vista Park are existing neighborhood parkland/open space uses, which would continue with implementation of the proposed project. Therefore, the proposed project would not divide an established community or disrupt the existing physical arrangement of the surrounding area.

**Conflict with any Applicable Land Use Plan, Policy, or Regulation.** The proposed project would make long-term improvements to the existing land uses on the project site. These improvements would enhance the value of the site's existing uses, and no conflict with any applicable land use plan, policy, or regulation would occur.

**Conflict with Existing On-Site or Adjacent Land Uses.** The proposed project would make long-term improvements to the existing land uses on the project site. These improvements would enhance the value of the site's existing uses, and no conflict with existing on-site or adjacent land uses would occur.

**Conflict with any Applicable Habitat Conservation Plan or Natural Community Conservation Plan.** There are no adopted HCPs or NCCPs applicable to the project site. Therefore, the proposed project would not result in effects to an adopted HCP or NCCP.

**Cumulative Land Use Impacts.** The proposed project would not change the existing uses on the project site or result in off-site land use changes. Likewise, the project is consistent with all applicable plans and policies related to land uses and the quality of uses on site. The proposed project would not have a significant cumulative impact on land use. The proposed project would result in an enhancement of the existing features and uses within the project area, which are consistent with the surrounding area. The planned future land use projects are generally improvements to existing facilities, infill residential projects, or new commercial development. There are no incompatibilities between the proposed project and planned future land use projects. Therefore, the contribution of the proposed project to potential cumulative land use compatibility impacts in the project area is considered less than significant.

## Noise

**Ground-borne Vibration or Ground-borne Noise Levels.** The primary source of vibration during construction would be generated by the proposed pile driving. The vibration level at the residential uses in the project vicinity would not exceed the impact threshold and there is virtually no risk of resulting in architectural damage to normal buildings.

**Permanent Increase in Ambient Noise Levels.** The proposed project would retain the existing recreation and open space uses of the project site, and would not result in additional noise sources. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity.

## Public Services

**Result in Substantial Adverse Physical Impacts Associated with the Provision of New or Physically Altered Governmental Facilities or the Need for New or Physically Altered Governmental Facilities.**

- **Police Protection.** The proposed project is not anticipated to result in an increase in calls for police services or require additional personnel to maintain acceptable service ratios, response times, or other performance objectives. Similarly, the project will not require new or expanded police facilities.
- **Fire Services.** The project does not include residential units, public facility buildings, or other structures that would increase the existing fire hazards on site. Therefore, the project is not anticipated to result in an increase in calls for emergency fire services.
- **Schools.** The proposed project will not increase demand or negatively impact capacity in the LBUSD. Specifically, the available capacity of the schools in the vicinity of the proposed project will not be affected by the project. Therefore, the proposed project would not create a need to expand or construct new school facilities to maintain acceptable service levels.
- **Libraries.** The proposed project will not result in an increase of population in the project area that would result in increased demands on the existing library facilities.

**Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB).** The proposed project would not exceed wastewater treatment requirements of the RWQCB.

**Require or Result in the Construction of New Water or Wastewater Treatment Facilities or Expansion of Existing Facilities.** The proposed project includes demolishing the restroom on the north shore of the Lagoon and two restrooms in Marina Vista Park near the end of the proposed open channel. The restrooms in Marina Vista Park and Marine Stadium will be replaced in similar locations (but outside of the open channel alignment) with new facilities that are the preferred design

of the LBPD. The new restrooms will be equipped with low-flow faucets and toilets (pursuant to Title 24 of the California Administrative Code) that would reduce the amount of water consumed by the fixtures, thereby also reducing the amount of wastewater generated when compared to existing conditions. Therefore, due to the use of low-flow facilities, the restroom component of the project would result in a small reduction of wastewater generation. Hence, the restroom component of the proposed project would not require new or expanded wastewater treatment capacity.

The proposed project includes construction of a system that would divert dry weather runoff and most storm first-flush discharges from three major storm water drain lines to a wet well that would discharge into the LACSD sanitary sewer system. Based on the 5-hour-per-day allowed pumping period (midnight to 5:00 a.m.), the diversion flows from the wet well are estimated to average 110,000 gallons per day (gpd), which would equate to approximately 367 gallons per minute (gpm) into the sewer line. The additional wastewater flows that would result from operation of the storm water diversion system would not require expansion of the sewer system or the JWPCP in order to accommodate the additional flows.

**Require or Result in the Construction of Stormwater Drainage Facilities or Expansion of Existing Facilities.** The proposed project would construct storm water drainage facilities, which could result in significant environmental effects. Potential impacts related to the construction of the storm water drainage facilities are evaluated along with other potential construction-related impacts within the following Sections: Aesthetics; Air Quality; Cultural and Paleontological Resources; Geology and Soils; Hydrology and Water Quality; Land Use; Noise; Recreation; and Transportation and Circulation

**Require New or Expanded Water Entitlements to have Sufficient Water Supplies Available to Serve the Project.** The proposed project includes demolishing the restroom on the north shore of the Lagoon and two restrooms near the Marine Stadium end of the proposed open channel (one in Marina Vista Park and one south of East Eliot Street at Marine Stadium). The new restrooms will be equipped with low-flow faucets and toilets (pursuant to Title 24 of the California Administrative Code) that would reduce the amount of potable water consumed by the fixtures compared to existing conditions. Therefore, due to the use of low-flow facilities and the reduction from three restrooms to two, the restroom component of the project would result in a small reduction of potable water use compared to existing conditions. Hence, the proposed project would not require new or expanded potable water entitlements in order to have sufficient potable water supplies to serve the project.

The proposed project includes revegetation of various areas at the Lagoon. Revegetation of the nontidal areas at the Lagoon would include installing a temporary irrigation system (using reclaimed water) that would be utilized to irrigate the new vegetation until it becomes fully established. The proposed project would result in a temporary (approximately 3 years) increase of 10,177 gpd of reclaimed water use. This increase in reclaimed water demand is equal to 0.15 percent of the City's unused reclaimed water supply. As ample reclaimed water supplies exist, this temporary increase would not result in a significant impact to reclaimed water supplies. In addition, since reclaimed water supply lines are in place and currently serving the area, no extension of supply infrastructure (other than the temporary on-site irrigation system) are required to serve the project.

**Result in a Determination by the Wastewater Treatment Provider that Serves or May Serve the Project that it has Inadequate Capacity to Serve Projected Demand in Addition to the Provider's Existing Commitments.** Project-generated wastewater will not exceed the existing capacity of the sewer delivery system and will not require the construction of new sewer delivery facilities other than those to be constructed on site for the storm water diversion system. In addition, based on the anticipated flows and existing available capacity of the JWPCP, the proposed project would not exceed wastewater treatment requirements of the Los Angeles RWQCB or require the construction or expansion of the JWPCP facilities. Likewise, the proposed project is not anticipated to result in a determination by the LACSD that inadequate capacity exists to serve the project in addition to existing commitments.

**Cumulative Public Service Impacts.**

- **Police Protection.** The proposed project would retain the existing open space and recreation uses on the project site. Any changes in park attendance and/or patterns of use are expected to be negligible as a result of project implementation. Due to this, the project would not result in additional calls for police services or have any other significant impacts on law enforcement services. The planned future land use projects, as listed in the DEIR, are generally improvements to existing facilities, infill residential projects, or new commercial developments. These future projects will likely include specific features designed to reduce impacts on police protection services and may be assessed additional mitigation measures specific to the given project's impacts. The need for additional police protection services associated with cumulative growth will be addressed by the City through the annual budgeting process when budget adjustments may be made to meet changes in service demand. Therefore, the combined cumulative impact associated with the project's incremental effect and the effects of other projects in the area is considered less than significant.
- **Fire Protection.** The proposed project would retain the existing open space and recreation uses on the project site. Any changes in park attendance and/or patterns of use are expected to be negligible as a result of project implementation. Due to this, the project would not result in increased demand for fire, lifeguard, or emergency medical services or have any other significant impacts on fire protection services. The planned future land use projects, as listed in the DEIR, are generally improvements to existing facilities, infill residential projects, or new commercial developments. These future projects will likely include specific features designed to reduce impacts on fire protection services and may be assessed additional mitigation measures specific to the given project's impacts. The need for additional fire, lifeguard, and emergency medical services associated with cumulative growth will be addressed by the City through the annual budgeting process when budget adjustments may be made to meet changes in service demand. Therefore, the proposed project will not generate a significant cumulative increase in demand for fire protection, emergency medical, or lifeguard services.
- **Schools.** The proposed project would retain the existing recreation and open space uses of the project site. The proposed project does not involve the construction of residential units or include components that would create additional jobs in the project area. As such, the proposed project will not increase demand or negatively impact capacity in the LBUSD. Likewise, the project will not contribute to an adverse direct or cumulative impact to schools.

- **Libraries.** The proposed project will not result in population or jobs growth in the City, and therefore is not expected to have a significant impact on the provision of library services in the City of Long Beach or the area surrounding the project site. Any increase that does result from implementation of the proposed project would be incidental and not cumulatively considerable because library services would not be adversely impacted by the habitat and recreation improvements that would be provided by the proposed project.
- **Water.** The project includes short-term requirements for additional reclaimed and construction water supplies. The LBWD currently has sufficient supplies of reclaimed water to serve the project and future planned development. Therefore, no significant cumulative impacts to the distribution or supply of reclaimed water are expected.

  The proposed project would not increase long-term demand for potable water. Therefore, no significant cumulative impacts on potable water services are expected to occur as a result of project implementation.
- **Sewer.** The LACSD uses SCAG forecasts for future population and employment growth to project needed capacity. Because the LACSD projects that its existing and programmed wastewater treatment capacity will be sufficient to accommodate the growth forecasted by SCAG within its service area, development that is generally consistent with this forecast can be adequately served by LACSD facilities. The proposed project is consistent with SCAG projections for the City of Long Beach and the County of Los Angeles. Therefore, the proposed project will not contribute to a significant cumulative impact to wastewater services.

## Recreation

**Increased Demand for Parks and Recreation Facilities and Services.** The proposed project does not include residential development or other factors that will increase demand on City Department of Parks, Recreation, and Marine services and facilities beyond its capacity. In addition, the proposed project will not preclude the use of any existing recreation facilities in the project vicinity. The project will provide additions/enhancements to the existing recreational facilities on the project site. Therefore, there are no adverse impacts related to increased demand on existing parks and recreation facilities.

**Construction or Expansion of Recreational Facilities.** The proposed project would make improvements to the recreational amenities at the Lagoon. These improvements would enhance the existing recreational uses on site. Therefore, the proposed project would not result in any long-term adverse impacts related to recreation at the Lagoon.

The development of Bird Island, would utilize some of the land area that is currently golf course. Additionally, the storm drain diversion system would involve the installation of an underground wet well and pump station on the golf course at the corner of East 6th Street and Park Avenue. These improvements will result in the use of a small portion of the golf course. However, the locations of Bird Island and the pump station would not impede the golf course uses, specifically the long and short tees of the 7th hole. Therefore, the proposed project would not result in significant adverse impacts related to recreation at the Recreation Park 9-hole golf course.

The proposed project would make changes to the recreation amenities within Marina Vista Park. Development of the open channel would result in a conversion of 2.02 ac of parkland from an active recreation use to a passive recreation use. Although there will be a change to the use of approximately 2.02 ac of Marina Vista Park as a result of the open channel, there would be no loss of City parkland and no conversion from parkland to non-parkland use. The proposed project would not result in any long-term adverse impacts related to recreation within Marina Vista Park.

The proposed open channel component would make long-term changes within the 0.28 ac area at Marine Stadium. The construction of the open channel over a portion of the 0.28 ac triangle will not preclude the continued use of the remaining land area for passive and active recreation uses. Therefore, the proposed project would not result in significant adverse impacts related to recreation at Marine Stadium.

**Cumulative Recreation Impacts.** Implementation of the proposed project will result in the enhancement of the existing public recreation space and amenities within the project area. The project would significantly improve the water quality for swimming and add additional recreation amenities while maintaining all the existing uses on the project site. The project would result in an increase in the quality of the recreation uses on site.

The planned future projects, as listed in the DEIR, are generally improvements to existing developments or facilities, residential projects, or commercial development. There are no known incompatibilities between the proposed project and planned future projects that would result in adverse cumulative recreation impacts. Conversely, three of the planned future projects involve improvements to recreation and open space lands that would result in a cumulative benefit or overall enhancement of existing recreation facilities.

Therefore, the proposed project would not contribute to adverse cumulative impacts related to recreation when it is combined with other foreseeable projects that are planned or expected to occur in Long Beach or the region.

## Traffic and Circulation

**Results in Inadequate Parking Capacity.** The west parking lot provides 56 parking spaces, which is adequate to accommodate the parking demand while providing 18 surplus parking spaces. In addition, on-street parking will remain available on East Colorado Street and East 6th Street. In addition, it is assumed that parking will continue to be available at the off-site parking lot to the south; however, the City does not control, nor guarantee, parking for Lagoon use at this off-site location. Even without availability of the off-site parking lot, the parking surveys and zoning code requirements demonstrate that removal of the north shore parking lot will not cause a parking deficiency or overcrowding of the remaining parking areas.

# SECTION 6: FEASIBILITY OF PROJECT ALTERNATIVES

## Project Alternatives

CEQA requires that an EIR describe a reasonable range of alternatives to the proposed project or to its location that could feasibly attain most of the basic project objectives, but would avoid or substantially lessen any of the significant effects, and that it evaluate the comparative merits of each of the alternatives. Section 15126.6(b) of the State CEQA Guidelines states that the ". . . discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." The following section discusses the project alternatives that were considered and analyzed in the EIR and summarizes the consistency of these alternatives with the objectives of the proposed project.

**Alternative 1: No Project/No Development.** Consistent with Section 15126.6(e) of the CEQA Guidelines, the No Project/No Development Alternative is the existing condition of the project site at the time the NOP was published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved. This alternative will evaluate circumstances under which the project does not proceed. This alternative includes cleaning the existing culvert and removing the tide gates, sills, and other impedances as these are considered reasonably foreseeable maintenance activities to existing infrastructure.

**Consistency with Project Objectives.** The No Project/No Development Alternative would not achieve the project objectives. Sediment quality would not be improved because the sediment would remain in place. Water quality would not be improved because the Lagoon's circulation and tidal connection to Marine Stadium would be minimally improved with cleaning of the culvert but not substantially increased. Existing estuarine habitats would not be enhanced because there would be no creation of new upland and intertidal habitat at the Lagoon, and the overall environmental and recreational improvements associated with the project would not be realized. Moreover, the objectives contained in the City's Open Space and Recreation Element in the Department of Parks, Recreation, and Marine's Departmental Strategic Plan would not be furthered. For example, new and reestablished natural habitats would not be created, water quality within the Lagoon would not be substantially improved, and enhanced opportunities for educational experiences through the creation and availability of an enhanced marine life habitat would not be realized.

**Feasibility/Finding.** This alternative would not result in any substantial physical environmental effects and would avoid significant project-related impacts to short-term air quality and to construction noise in the project vicinity. However, the project objectives would not be achieved, and none of the project benefits would be realized.

**Alternative 2: Reduced Project Alternative.** This alternative does not include an open channel between Colorado Lagoon and Marine Stadium. This alternative involves cleaning the existing culvert and removing the tide gates, sills, and other impedances, and the project improvements to the

Lagoon with no changes to Marina Vista Park. Specifically, the improvements at the Lagoon include the following: removal of the contaminated sediments within the western arm of the Lagoon; removal of sediments within the central Lagoon; recontouring of the Lagoon side slopes; installation of storm drain upgrades and bioswales; removal of the north shore restroom building, parking lot and access road; implementing Bird Island; habitat and recreational improvements; and operational components at the Lagoon. This alternative would not require the reconfiguration of uses and facilities within Marina Vista Park.

**Consistency with Project Objectives.** The Reduced Project Alternative meets the project objectives, but not to the same extent as the proposed project. The Reduced Project Alternative would treat storm water drainage to minimize contamination of water and sediment in the Lagoon and remove contaminated sediments in the western arm of the Lagoon. However, under the Reduced Project Alternative, the Lagoon's circulation and tidal connection to Marine Stadium would not be substantially increased, which would inhibit the maximum tidal flows and therefore restrict the improvement of estuarine habitats at the Lagoon. Similarly, under the Reduced Project Alternative, the goals, objectives, and policies contained in the City's Open Space and Recreation Element, the Department of Parks, Recreation, and Marine's Departmental Strategic Plan, and the Long Beach Strategic Plan 2010 would be furthered, but not to the same degree that would occur under the proposed project. For example, many of the goals, objectives, and policies are to preserve and enhance the natural habitat. The Reduced Project Alternative would help to preserve and enhance the natural habitat, but not to the same extent as the proposed project.

**Feasibility/Finding.** The Reduced Project Alternative meets the project objectives, but not to the same extent as the proposed project. The recreation goals, objectives, and policies contained in the City's Open Space and Recreation Element, the Department of Parks, Recreation, and Marine's Departmental Strategic Plan, and the Long Beach Strategic Plan 2010 would be furthered, but not to the degree that would occur under the proposed project.

The Reduced Project Alternative does not include an open channel connection between Marine Stadium and the Lagoon. Therefore, this alternative would not realize the water quality benefits associated with improved tidal exchange and flushing, and the short-term impacts of an open channel also would not occur (including the air quality and noise effects associated with construction of a channel and bridges). There would be no long-term impacts to recreation uses at Marina Vista Park with this alternative. Short-term impacts and long-term effects at the Lagoon, including biological resource benefits, would be comparable to those with the proposed project.

The Reduced Project Alternative would result in significant and unavoidable impacts related to construction-related air quality and noise impacts. However, these significant unavoidable effects would be reduced compared to those of the proposed project because there would be no Phase 2 construction activity. A reduction in effects related to cultural resources, geology and soils, hazards, public services, recreation, and traffic would occur because improvements in Marina Vista Park would not be implemented. Conversely, without the Marina Vista Park improvements, the water quality and biological benefits of the project are reduced in comparison to the proposed project.

**Alternative 3: Recreation Alternative (No Open Channel/Develop a Parallel Culvert).** This alternative does not include an open channel between the Lagoon and Marine Stadium. The existing culvert would be cleaned and the tidal gates, sills, and other impedances would be removed in the short term. A second culvert will be developed parallel to the existing culvert in the long term. The parallel culvert would be the same size as the existing culvert. These improvements would result in an increase in the tidal range and tidal flushing over existing conditions, resulting in increased water circulation and an improvement in water quality. This alternative would not require the long-term reconfiguration of uses and facilities within Marina Vista Park. In addition, this alternative includes dredging the Lagoon, development of the walking trail around the Lagoon, and retention of the existing north parking lot, access road, and restroom on the north shore of the Lagoon. Also, Bird Island would not be developed under this alternative. It should be noted that continued existence of the north parking lot and access road would limit habitat restoration area along the north shore of the Lagoon.

**Consistency with Project Objectives.** The Recreation Alternative (No Open Channel/Develop a Parallel Culvert) meets the project objectives, but not to the same degree as the proposed project. This alternative would treat storm water drainage to minimize contamination of water and sediment in the Lagoon and remove contaminated sediments in the western arm of the Lagoon. However, under the Recreation Alternative, the Lagoon's circulation and tidal connection to Marine Stadium would be increased but to a lesser degree than what would occur under the proposed project, which would provide reduced beneficial improvements to water quality and biological resources at the Lagoon. Likewise, this alternative would retain the existing north shore restroom, parking lot, and access road to East 6th Street, which would reduce the area available for development of native habitats and biological resources. Under this alternative, the goals, objectives, and policies contained in the City's Open Space and Recreation Element, the Department of Parks, Recreation, and Marine's Departmental Strategic Plan, and the Long Beach Strategic Plan 2010 would be furthered, but not to the degree that would occur under the proposed project. For example, many of the goals, objectives, and policies are to preserve and enhance the natural habitat and improve water quality. The Recreation Alternative would help to preserve and enhance the natural habitat and improve water quality, but not to the same extent that the proposed project would enhance the natural habitat and improve water quality.

**Feasibility/Finding.** The Recreation Alternative (No Open Channel/Develop a Parallel Culvert) meets the project objectives, but not to the same degree that would occur under the proposed project. The recreation goals, objectives, and policies contained in the City's Open Space and Recreation Element, the Department of Parks, Recreation, and Marine's Departmental Strategic Plan, and the Long Beach Strategic Plan 2010 would be furthered, but not to the same degree that would occur under the proposed project.

The Recreation Alternative includes a parallel culvert to improve tidal exchange between Marine Stadium and the Lagoon. The parallel culvert would result in water quality improvements compared to existing conditions, but would not realize the same level of benefits as an open channel in either the proposed project configuration or the alternative channel alignment configuration. There would be no long-term impacts to recreation uses at Marina Vista Park with

this alternative. Short-term impacts and long-term effects at the Lagoon, including biological resource benefits, would be comparable to those with the proposed project.

The Recreation Alternative would result in similar significant and unavoidable impacts associated with the proposed project with regard to construction-related air quality and noise impacts. Although, the significant unavoidable effects would be reduced somewhat compared to the proposed project because there would be less construction activity due to the reduction of Phase 2 construction activities (i.e., bridge structures and restroom structure). However, the Recreation Alternative would not result in the same water quality and biological resource improvements in comparison to the proposed project.

**Alternative 4: Alternative Channel Alignment.** Similar to the proposed project, this alternative includes cleaning the existing culvert and removing the tide gates, sills, and other impedances in the short term, and dredging the Lagoon and developing an open channel in the long term. However, the channel under this alternative would be a curved alignment that would run from the Lagoon through Marina Vista Park to Marine Stadium, curving eastward toward the center of the park as shown on Figure 5.1. This alternative would not require the reconfiguration of the baseball diamond and would still provide for adult and youth overlay soccer fields within Marina Vista Park. This alternative would require the replacement of the restroom structures at Marina Vista Park and Marine Stadium. This open channel alignment would also improve tidal flushing by reducing tide level muting, resulting in a corresponding improvement in water and habitat quality, and would provide improved flood flow conveyance.

**Consistency with Project Objectives.** The Alternative Channel Alignment Alternative meets all of the project objectives to the same extent as the proposed project. The objectives contained in the City's Open Space and Recreation Element, the Department of Parks, Recreation, and Marine's Departmental Strategic Plan, and the Long Beach Strategic Plan 2010 would be furthered in the same manner as the proposed project.

**Feasibility/Finding.** The Alternative Channel Alignment Alternative will meet all of the project objectives. This alternative would implement the same components of the proposed project, except that the open channel alignment within Marina Vista Park would be different. This alternative channel alignment would not have an effect on the attainment of objectives. The recreation objectives contained in the City's Open Space and Recreation Element, the Department of Parks, Recreation, and Marine's Departmental Strategic Plan, and the Long Beach Strategic Plan 2010 would be furthered in the same manner as the proposed project.

The Alternative Channel Alignment Alternative would result in the same significant and unavoidable impacts associated with the proposed project with regard to construction-related air quality and noise impacts. Similarly, this alternative would result in the same type and level of impacts to all other topic areas, including aesthetics, biological resources, cultural resources, geology and soils, hazardous materials, land use, public services, and traffic. However, construction impacts to hydrology and water quality would be less than the proposed project because the Alternative Channel Alignment Alternative would allow the culvert to be open during

most of the construction period for the alternative alignment open channel. With the improved tidal connection during construction compared to the proposed project, it is expected that the short-term effect to water quality in the Lagoon would be minimized and that the Lagoon would not need to be closed for swimming during the channel construction. Operationally, the Alternative Channel Alignment Alternative would not affect the existing baseball and youth overlay soccer fields at Marian Vista Park. The improved tidal exchange achieved with implementation of the Alternative Channel Alignment results in long-term water quality improvements (expressed as improved water residence time); however, the benefit would not be as great as that achieved with the proposed project. In addition, under the Alternative Channel Alignment Alternative, none of the existing sports fields in Marina Vista Park would need to be reconfigured, which would result in fewer impacts to recreation resources compared to the proposed project. This alternative would also result in water quality and biological resource improvements that are similar in comparison to those of the proposed project.

## Findings Regarding Alternatives

**Environmentally Superior Alternative.** The No Project/No Development Alternative would be environmentally superior to the proposed project on the basis of the physical impacts that would occur with the No Project/No Development Alternative. If there were no changes to the existing conditions on the site, with the exception of reasonably foreseeable culvert maintenance activities, there would be minimal increases in construction traffic, noise, or air emissions.

The CEQA Guidelines require that if the environmentally superior alternative is the No Project Alternative, "the EIR also identify an environmentally superior alternative among the other alternatives" (CEQA Guidelines Section 15126.6(e)(2)). The Environmentally Superior Alternative, in terms of avoiding, reducing or minimizing direct physical effects on the environment, is the Reduced Project Alternative.

The Reduced Project Alternative does not include an open channel between the Lagoon and Marine Stadium or any other improvements within Marina Vista Park. This alternative would only implement improvements (which are the same as the proposed project) at the Lagoon and to the existing culvert connection to Marine Stadium. The Reduced Project Alternative would eliminate Phase 2 of the construction operations planned for the proposed project, thereby reducing the duration of the construction operations and eliminating the pile driving required for the construction of the open channel and bridges.

The Reduced Project Alternative meets the project objectives, but not to the same extent as the proposed project. The Reduced Project Alternative does not include an open channel connection between Marine Stadium and the Lagoon. Therefore, this alternative would not realize the water quality benefits associated with improved tidal exchange and water circulation, and the associated benefits for recreation activities and biological resources. These benefits would not be realized with the Reduced Project Alternative.

Although the Reduced Project Alternative would reduce the duration of the project construction emissions, it would still result in significant construction-related air quality emission impacts. Also, due to the existing locations of sensitive receptors and type of construction, the Reduced Project Alternative would still result in significant and unavoidable construction noise impacts. Therefore, the

Reduced Project Alternative results in reduced significant, unavoidable adverse effects compared to the proposed project. The Reduced Project Alternative would also result in reduced overall construction impacts for traffic, water quality, hazardous materials, and recreation compared with the proposed project because improvements within Marina Vista Park would not occur with this alternative. However, impacts related to these topics would still result in less than significant impacts, as would the proposed project.

**Findings Regarding Rejection of the Environmentally Superior Alternative.** The City finds that the Reduced Project Alternative meets the project objectives, but not to the same extent as the proposed project. The Reduced Project Alternative does not include an open channel connection between Marine Stadium and the Lagoon. Therefore, this alternative would not realize the water quality benefits associated with improved tidal exchange and water circulation, and the associated benefits for recreation activities and biological resources. These benefits would not be realized with the Reduced Project Alternative.

The Reduced Project Alternative would eliminate Phase 2 of the construction operations planned for the proposed project, thereby reducing the duration of the project construction impacts, such as pollutant emissions. However, the Reduced Project Alternative would still result in significant construction-related air quality emission impacts. Also, due to the existing locations of sensitive receptors and type of construction, the Reduced Project Alternative would still result in significant and unavoidable construction noise impacts. Therefore, the Reduced Project Alternative results in reduced significant, unavoidable adverse effects compared to the proposed project. The Reduced Project Alternative would also result in reduced overall construction impacts for traffic, water quality, hazardous materials, and recreation compared with the proposed project because improvements within Marina Vista Park would not occur with this alternative. However, impacts related to these topics would still result in less than significant impacts, as would the proposed project.

The City has considered all of the mitigation measures recommended in the Final EIR for the proposed project and the EIR's conclusion that the No Project/No Development and the Reduced Project Alternative are environmentally superior to the proposed project. However, for the reasons set forth in the Statement of Overriding Considerations, the City finds that the benefits of the proposed project outweigh the adverse effects of the proposed project and that these benefits justify the adoption of the proposed project even though there are significant unavoidable adverse impacts associated with its implementation. The overriding benefits that justify approval of the proposed project in light of anticipated significant environmental effects are discussed in the Statement of Overriding Considerations.

## SECTION 7: GENERAL FINDINGS

1. The plans for the project have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes.

2. Comments regarding the Draft EIR received during the public review period have been adequately responded to in written Responses to Comments attached to the Final EIR.

3. To the degree that any impacts described in the Final EIR are perceived to have a less than significant effect on the environment or that such impacts appear ambiguous as to their effect on the environment as discussed in the Draft EIR, the City has responded to key environmental issues and has incorporated mitigation measures to reduce or minimize potential environmental effects of the proposed project to the maximum extent feasible.

# EXHIBIT B

# STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE COLORADO LAGOOON RESTORATION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

## CITY OF LONG BEACH

## (STATE CLEARINGHOUSE # 2007111034)

# STATEMENT OF OVERRIDING CONSIDERATIONS

## INTRODUCTION

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its unavoidable, adverse environmental impacts in determining whether to approve the project.

Section 15093 of the State CEQA Guidelines provides the following:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final Environmental Impact Report (FEIR) but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the FEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to section 15091.

## PROJECT SIGNIFICANT IMPACTS

As discussed in the Findings of Fact (Exhibit A), the project will result in significant unavoidable impacts related to construction air quality, cumulative air quality, odor impacts, construction noise, and cumulative noise impacts.

### Air Quality

**Impact: Construction Emissions**. Air quality impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Major sources of emissions during demolition, excavation, and sediment removal include exhaust emissions from construction vehicles and equipment and fugitive dust generated by construction vehicles and equipment traveling over exposed surfaces and demolition activities, as well as by soil disturbances from excavation activities. Construction impacts related to air quality include the following:

- Construction equipment/vehicle emissions would exceed the South Coast Air Quality Management District (SCAQMD) established daily and quarterly thresholds for nitrogen oxides ($NO_x$). $NO_X$ is a precursor to ozone ($O_3$); therefore, construction emissions will contribute to the existing nonattainment status.
- Heavy-duty equipment in the project area during construction would emit odors. These odors would be limited to the time that construction equipment is operating during the construction period for the project. Mitigation Measures AQ-2, AQ-3, and AQ-6 reduce impacts; however, given the duration of construction activity and the proximity of the sensitive receptors, these impacts may still be considered significant after mitigation.

**Impact: Odor Impacts.** During the dredging phases of the proposed project, the dredged materials will be spread out on site to reduce moisture content before being hauled off site. It is anticipated that the dredged sediment will contain organic materials and that the decomposition of the organic matter when exposed to air may generate unpleasant odors. Therefore, the dredged material may result in odor impacts at the adjacent and nearby sensitive land uses. Implementation of Mitigation Measure HAZ-4 in Section 4.6 requires the application of a mixture of Simple Green and water to the excavated sediment as part of an overall Soil Management Plan. Simple Green accelerates the decomposition process and will have the overall result of shortening the duration of odor emissions. In addition, Mitigation Measure AQ-8 directs that the temporary storage/drying area for the sediment be located as far as possible from sensitive receptors.

Mitigation Measures HAZ-4 and AQ-8 reduce project impacts, but not below a level of significance, since actual odors that may result from dredging of the Lagoon and culvert improvements are unknown. It is not feasible to reduce the construction emissions below the significance thresholds. All reasonable and feasible measures have been included in the Draft EIR. To reduce peak construction emissions by extending the construction period is not reasonable because it would extend the time period during which nearby sensitive receptors would be exposed to construction air quality and noise effects.

**Cumulative Air Quality Impacts.** Construction of the project would contribute cumulatively to the local and regional air pollutants, together with other projects under construction. The project would result in significant construction-related air quality impacts pertaining to $NO_X$ emissions. Thus, it is anticipated that these additional $NO_X$ emissions would result in significant cumulative air quality impacts.

The proposed project would also contribute to adverse cumulative air quality impacts because construction activity would result in additional emissions of pollutants, which may exacerbate ambient levels currently in excess of applicable national ambient air quality standards (NAAQS) or California ambient air quality standards (CAAQS) for $O_3$. Therefore, the project-level and cumulative short-term construction impacts of the proposed project would remain significant and unavoidable.

### Noise

**Impact: Construction Noise Impacts.** Construction of the proposed project improvements would result in a temporary periodic increase in existing ambient noise levels in the project area, which would be in excess of the City of Long Beach's daytime exterior noise standards. Due to the proximity between construction activities and the existing sensitive receptors, project-related construction activities would result in a significant noise impact that would be intermittent and temporary after implementation of the following mitigation measures. The sensitive receptors that are significantly impacted include Rogers Middle School, in addition to, the on-site preschool and beaches, Recreation Park golf course, Marina Vista Park, and residences.

**Cumulative Noise Impacts.** The County of Los Angeles Termino Avenue Drain Project (TADP), is the only anticipated project located adjacent to the proposed project. Construction of the TADP project that would occur adjacent to the Colorado Lagoon project area would occur along East Appian Way, which is adjacent to the south shore of the Lagoon. The existing sensitive receptors within this area are residential land uses located on the south side of East Appian Way.

The construction activity for the proposed project and construction of the TADP in the vicinity of and at the project site may occur at the same time. These projects, when combined, have the potential to contribute to short-term construction noise impacts, which could be cumulatively significant, even with implementation of Mitigation Measures NOI-1 through NOI-6 and the mitigation measures in the TADP EIR.

## OVERRIDING CONSIDERATIONS

The City of Long Beach (City) finds that notwithstanding the disclosure of the above significant unavoidable impacts, there are specific overriding environmental, social, and other reasons for approving the proposed project. Those reasons are as follows:

1. The proposed project would reduce and treat storm and dry weather runoff to minimize contamination of water and sediment in the Lagoon.
2. The proposed project would improve water quality by increasing the Lagoon's circulation and enhancing the tidal connection with Marine Stadium.
3. The proposed project would improve water quality by removing contaminated sediments.
4. The proposed project would restore and maintain the estuarine habitats.
5. The proposed project would balance flood control, water quality, and the recreation demands of the Lagoon.
6. The proposed project would enhance public enjoyment of the Lagoon
7. The proposed project would improve and enhance the environment and recreation amenities within the project area, and would also implement many goals, objectives, and policies of the City's Open Space and Recreation Element of the General Plan and the Long Beach Department of Parks, Recreation, and Marine Strategic Plan.

8. Significant and unavoidable air quality and noise impacts resulting from construction of the proposed project would be limited to the temporary construction phase of the proposed project. Construction (short-term) air quality and noise impacts will be substantially reduced with implementation of the mitigation measures.

On balance, the City finds that there are specific considerations associated with the proposed project that serve to override and outweigh the project's significant environmental impacts and the existence of an environmentally superior alternative that meets some of the project objectives. Therefore, the significant unavoidable environmental impacts associated with the proposed project and the City's decision not to adopt the environmentally superior project alternative are considered acceptable.

# EXHIBIT C

# MITIGATION MONITORING AND REPORTING PROGRAM

# MITIGATION MONITORING AND REPORTING PROGRAM

## MITIGATION MONITORING REQUIREMENTS

Public Resources Code Section 21081.6 (enacted by the passage of Assembly Bill 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

I. The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

II. The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

III. A public agency shall provide the measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

IV. Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit that authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

## MITIGATION MONITORING PROCEDURES

The mitigation monitoring and reporting program has been prepared in compliance with Public Resources Code Section 21081.6. It describes the requirements and procedures to be followed by the City of Long Beach to ensure that all mitigation measures adopted as part of the proposed Colorado Lagoon Restoration Project will be carried out as described in this EIR.

Table A lists each of the mitigation measures specified in this EIR and identifies the party or parties responsible for implementation and monitoring of each measure.

## Table A: Mitigation and Monitoring Reporting Program

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
|---|---|---|---|
| **4.1 AESTHETICS** | | | |
| **AES-1** | Prior to issuance of a grading permit, the City of Long Beach Director of Development Services designee shall require the construction contractor to provide screened construction fencing around construction area boundaries to temporarily screen views of construction activities. | City of Long Beach Director of Development Services | Prior to issuance of grading permits |
| **AES-2** | Prior to the issuance of a building permit for a restroom, an Exterior Lighting Plan for the proposed restroom structures shall be prepared. The Lighting Plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property. The Lighting Plan shall be subject to review and approval by the City of Long Beach Director of Development Services. | City of Long Beach Director of Development Services | Prior to issuance of building permits |
| **4.2 AIR QUALITY** | | | |
| **AQ-1** | Prior to issuance of a grading permit, the City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works shall review and approve final grading plans and contractor agreements to ensure that the following dust suppression measures are incorporated. The following dust suppression measures in the South Coast Air Quality Management District (SCAQMD) CEQA Air Quality Handbook are included to further reduce the likelihood of air quality impacts:<br>• Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour (mph).<br>• Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).<br>• Install wheel washers or steel plate rumble strips where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site.<br>• Pave, water, or chemically stabilize all on-site roads as soon as feasible.<br>• Minimize at all time the area disturbed by clearing, grading, earthmoving, or excavation operations.<br>• All trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches.<br>• Limit on-site vehicle speeds (on unpaved roads) to 15 mph. | City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works | Prior to issuance of grading permits |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
|---|---|---|---|
| **AQ-2** | Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that the construction equipment to be used on site is based on low-emission factors and high energy efficiency. The City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works shall ensure that the grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications. | City of Long Beach Building Official (or designee) and City of Long Beach Director of Public Works/ Construction Contractor | Prior to issuance of grading permits |
| **AQ-3** | During construction and as noted on construction plans, the Construction Contractor shall ensure that construction equipment is shut off when not in use and idle for more than five minutes. | Construction Contractor | Ongoing during construction |
| **AQ-4** | Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that the Construction Contractor will time the construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through traffic lanes adjacent to the site. If necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways | Construction Contractor/City of Long Beach Building Official (or designee) | Prior to issuance of grading permits |
| **AQ-5** | Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that the Construction Contractor will support and encourage ridesharing and transit incentives for the construction crew. | Construction Contractor/City of Long Beach Building Official (or designee) | Prior to issuance of grading permits |
| **AQ-6** | During construction and as noted on construction plans, the Construction Contractor shall ensure that on-road construction trucks and other vehicles greater than 10,000 pounds shall be shut off when not in use and shall not idle for more than 5 minutes. | Construction Contractor | Ongoing during construction |
| **AQ-7** | Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that on-site sensitive land uses, such as the on-site preschool center and the beaches, shall be closed or relocated when construction activities occur within 250 feet. | Construction Contractor/City of Long Beach Building Official (or designee) | Prior to issuance of grading permits |
| **AQ-8** | Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that dredged material that shall be dried on site shall be located as far as feasible from the residential, school, and daycare land uses within the project area. | Construction Contractor/City of Long Beach Building Official (or designee) | Prior to issuance of grading permits |
| **4.3 BIOLOGICAL RESOURCES** | | | |
| **BIO-1** | The Director of Parks, Recreation, and Marine shall ensure that the project biologist work with the contractor to preserve the one specimen of estuary sea-blite on site, if feasible. If the original plant cannot be preserved, then cuttings and/or any other propagules of the plant shall be collected from this specimen or a close genetic source (e.g. Seal Beach National Wildlife Refuge) prior to the removal of the specimen. These cuttings and/or propagules shall be used in the revegetation process for the project. | City of Long Beach Director of Parks, Recreation and Marine/Project Biologist | During project implementation |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
|---|---|---|---|
| **BIO-2** | The Director of Parks, Recreation, and Marine shall ensure that the presence or absence of Western yellow bats is investigated by a qualified biologist prior to the removal of any palms or cottonwoods from the project area no more than one week prior to clearing and grubbing activities. If bats are present, a memo shall be submitted to the CDFG to determine appropriate action. | City of Long Beach Director of Parks, Recreation and Marine/qualified biologist | Prior to the removal of any palms or cottonwoods from the project area |
| **BIO-3** | The Director of Parks, Recreation, and Marine shall ensure that a field survey to investigate the presence of the invasive algae *Caulerpa taxifolia* is conducted 30 to 60 days prior to commencement of construction, by qualified divers certified by the California Department of Fish and Game (CDFG) and National Marine Fisheries Service (NMFS) to conduct such surveys. The pre-construction *Caulerpa* surveys will be conducted according to the accepted criteria of the Southern California *Caulerpa* Action Team (SCCAT) for conducting surveys for the invasive algae and in accordance with the NMFS and CDFG *Caulerpa* survey protocols. In accordance with the recommendations of the SCCAT and according to the NMFS *Caulerpa* Control Protocol (Version 3, adopted March 12, 2007 [NMFS 2007]), a survey must be conducted in harbor areas that may be disturbed. In areas that are expected to be free of *Caulerpa,* such as Colorado Lagoon, a 20% visual Surveillance Level survey is required to prior to any dredging. The survey will also identify any other marine vegetation in the proposed construction area, including eelgrass. The Director of Parks, Recreation, and Marine, or his/her designee, will transmit the survey results via *Caulerpa* Survey Reporting Form to NMFS and the CDFG within 48 hours of completion of the survey. If *Caulerpa* is identified in the project area, the City, NMFS, and the CDFG will be notified within 24 hours of completion of the survey. In the event that *Caulerpa* is detected, disturbance shall not be conducted until such time as the infestation has been isolated, treated, or the risk of spread from the proposed Disturbing Activity is eliminated in accordance with Section F of the *Caulerpa* Control Protocol. | City of Long Beach Director of Parks, Recreation and Marine/Department of Fish and Game (CDFG) and National Marine Fisheries Service (NMFS) certified divers | 30 to 60 days prior to commencement of construction or dredging activities |
| **BIO-4** | The Director of Parks, Recreation, and Marine shall ensure that a pre-construction eelgrass survey is conducted of the entire Lagoon and within 100 ft from the opening of the culvert into Marine Stadium during the period of March through October. The survey is considered valid by NMFS for a period of no more than 60 days, with the exception that surveys conducted in August through October will be valid until the following March 1. Pre-construction survey results will be provided by the Director of Parks, Recreation, and Marine to NMFS and the CDFG in an appropriate data format for the information to be mapped on the project drawings. | City of Long Beach Director of Parks, Recreation, and Marine | During the period of March through October and prior to any construction activities |
| **BIO-5** | The Director of Parks, Recreation, and Marine shall ensure that a post-construction survey is conducted within 30 days of the cessation of construction activities to determine the actual area of eelgrass affected for mitigation purposes. If loss of eelgrass is noted in the post-dredge survey, the City of Long Beach will be required to mitigate the loss of eelgrass in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP). As per the | City of Long Beach Director of Parks, Recreation, and Marine | Within 30 days of the cessation of construction activities |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
|---|---|---|---|
| | SCEMP Revision 11 (NMFS 1991), the loss of eelgrass habitat must be mitigated at a minimum 1.2:1 ratio. | | |
| **BIO-6** | The Director of Parks, Recreation, and Marine shall ensure that eelgrass mitigation be initiated within 135 days of project inception; projects requiring more than 135 days to complete may result in additional mitigation. A mitigation plan with a schedule is required 30 days prior to any construction or dredge activities. The amount of mitigation necessary will be determined by the difference between a pre-construction and post-construction survey. | City of Long Beach Director of Parks, Recreation, and Marine | Within 135 days of project inception; 30 days prior to any construction or dredge activities |
| **BIO-7** | The Director of Parks, Recreation, and Marine shall ensure that an eelgrass transplant report is completed following construction (Initial Report) and monitoring reports conducted at 6, 12, 24, 36, 48, and 60 months post-transplant. The Director of Parks, Recreation, and Marine shall ensure that project achievement of specific milestones and criteria for success, as directed in the SCEMP along with guidelines for remedial actions, are documented. If the success criteria are not met, construction of a Supplementary Transplant Area and monitoring, for an additional five years may be required by NMFS.<br><br>Prior to issuance of any demolition or construction permits, the Director of Parks, Recreation, and Marine shall verify that the following measures have been incorporated into project plans in order to further reduce any potential impacts to sea turtles and marine mammals. The following measures are part of the United States Army Corps of Engineers permitting process under Section 404 of the Clean Water Act, and are above and beyond those required under the California Environmental Quality Act (CEQA) to mitigate biological resource impacts to a less than significant level. | City of Long Beach Director of Parks, Recreation, and Marine | Following construction and at 6, 12, 24, 36, 48, and 60 months post-transplant |
| **BIO-8** | A qualified biologist shall be on site during the construction period to monitor the presence of sea turtles and marine mammals. The onsite biological monitor shall have the authority to halt construction operations if it is determined that sea turtles or marine mammals are present and may be adversely affected, and shall determine when construction operations can proceed. | Qualified Marine Biologist selected by the Director of Recreation, Parks and Marine. | Ongoing during construction activities |
| **BIO-9** | Construction crews and work vessel crews shall be briefed on the potential for marine mammal and sea turtle species to be present, the legal protection of these species, and will be provided with identification characteristics of these animals | Qualified Marine Biologist selected by the Director of Recreation, Parks and Marine. | Prior to any construction activities |
| **BIO-10** | In the event that a sea turtle is sighted within 500 meters of the construction zone, all construction activity shall be temporarily stopped until the sea turtle(s) is safely outside the 500 meter buffer zone. In the event that a marine mammal is sighted within 500 meters of the construction zone, all construction activity shall be temporarily stopped until the marine mammal(s) is safely outside the 500 meter buffer zone. The onsite biological monitor shall have the authority to halt construction operation and shall determine when construction | Qualified Marine Biologist selected by the Director of Recreation, Parks and Marine. | Ongoing during construction activities |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
|---|---|---|---|
| | operations can proceed. | | |
| **BIO-11** | The biological monitor shall prepare an incident report of any marine mammal or sea turtle activity in the project area and shall advise the construction manager to have his crews be aware of the potential for additional sightings. The report shall be provided within 24 hours to the CDFG and the NMFS. | Qualified Marine Biologist selected by the Director of Recreation, Parks and Marine. | Ongoing during construction activities and within 24 hours of any marine mammal or sea turtle sighting |
| **BIO-12** | The Director of Parks, Recreation, and Marine will endeavor to conduct vegetation clearing and grading outside of the nesting season. If construction is proposed between February 1 and August 31 the Director of Parks, Recreation, and Marine shall ensure that a qualified biologist familiar with local avian species and the requirements of the MBTA and the California Fish and Game Code shall conduct a preconstruction survey for nesting birds no more than one week prior to construction. The survey will include the area of impact and suitable habitat up to 300 feet from the area of impact (as appropriate, given the anticipated nature of project impacts). The results of the survey will be recorded in a memo and submitted to the City within 48 hours. If the survey is positive, and the nesting species are subject to the MBTA or California Fish and Game Code, the memo shall be submitted to the CDFG to determine appropriate action. If the survey is negative or inconclusive, either due to ambiguous behavior by birds or overly dense vegetation, a qualified biologist shall be retained to monitor the site during initial vegetation clearing and grading, as well as during other activities that would have the potential to disrupt nesting behavior. The monitor shall be empowered by the City to halt construction work in the vicinity of the nesting birds if the monitor believes the nest is at risk of failure or the birds are excessively disturbed. | City of Long Beach Director of Parks, Recreation and Marine and the Director of Planning and Building. | One week prior to any construction activities if construction occurs between February 1 and August 31 |
| **BIO-13** | The Director of Parks, Recreation and Marine shall ensure that the Project Arborist identifies, maps, and measures all trees that will be removed as a result of project activities. Ornamental trees removed as a result of open channel construction and reconfiguring of the sports fields within Marina Vista Park will be replaced on a 1:1 basis with California (or western) sycamores (*Platanus racemosa*). The replacement trees to be installed will be incorporated into the areas used as native upland restoration areas for the overall project improvements. The Director of Parks, Recreation and Marine will obtain the services of a qualified arborist to monitor and document the mitigation effort. Over the five-year period following tree installation, the following performance standards shall be included in the compensatory habitat maintenance plan for the Colorado Lagoon Restoration Project, which will be prepared concurrent with permit applications and subject to agency approval:<br>• Increase in height by a minimum of 24 inches per year for the first five years.<br>• Trees determined to be in good health annually by an ISO Certified arborist for the first five years following installation. | City of Long Beach Director of Parks, Recreation and Marine in conjunction with the Project Arborist and Contractor | Prior to any construction activities; five years following tree installation |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
|---|---|---|---|
| **4.4 CULTURAL AND PALEONTOLOGICAL RESOURCES** | | | |
| **CULT-1** | In conjunction with the submittal of applications for rough grading permits, the Director of Development Services, shall verify that a Los Angeles County certified archaeologist has been retained, shall be present at the pregrading conference, and shall establish procedures for temporarily halting or redirecting work if unrecorded archaeological resources are discovered during grading to permit the sampling, identification, and evaluation of archaeological materials as appropriate. If archaeological materials are identified during construction, standard professional archaeological practices shall be initiated to characterize the resources and mitigate any impacts to those resources. Included within this approach will be the development of a curation agreement for the permanent care of materials collected from the project. This agreement would be negotiated with a suitable repository. | City of Long Beach Director of Development Services<br><br>Certified project archaeologist | Verification: Prior to issuance of grading permits<br><br>Implementing Action: Ongoing during grading or ground disturbance activities |
| **CULT-2** | If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. | Construction Contractor | Ongoing during grading or ground disturbance activities |
| **CULT-3** | In accordance with the recommendations of the Gabrielino Tongva Indians of California Tribal Council and the Gabrielino/Tongva San Gabriel Band of Mission Indians, monitoring by a qualified Native American from either one or both of these groups shall take place when, and if, ground-disturbing activities occur in undisturbed native soil. The project archaeologist will notify the Director of Development Services immediately upon exposure of native soils, so that a qualified Native American monitor can be retained to monitor further excavation and/or grading. | City of Long Beach Director of Development Services<br><br>Qualified Native American Monitor | Verification: Prior to issuance of grading permits<br><br>Implementing Action: Ongoing during ground disturbance activities in undisturbed native soils |
| **4.5 GEOLOGY AND SOILS** | | | |
| **GEO-1** | Prior to issuance of building permits for the structural components of the proposed project, such as channel and bridge development and slope recontouring, the City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works are required to review and approve final design plans to ensure that geotechnical hazard-resistant designs have been incorporated into the final engineering drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase. | City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works | Prior to issuance of building permits for structural project components |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
|---|---|---|---|
| **GEO-2** | A project geotechnical report shall be submitted to the City of Long Beach Building Official prior to the issuance of permits to construct the proposed bridges and open channel. The geotechnical recommendations shall be incorporated into the design plans to the satisfaction of the Building Official and Director of Public Works. | City of Long Beach Building Official | Prior to issuance of building permits for construction of the proposed bridges and open channel |
| **4.6 HAZARDS AND HAZARDOUS MATERIALS** | | | |
| **HAZ-1** | **Pre-Demolition Surveys:** Prior to issuance of any demolition, grading, or street work permits for the project, a pre-demolition survey for polychlorinated biphenyls (PCBs) and lead-based paints (LBPs) will be performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (e.g., ASTM E 1527-00, and 40 CFR, Subchapter R, Toxic Substances Control Act [TSCA], Part 716). All identified PCBs and LBPs shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, 763). Air monitoring shall be completed by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations and to provide safety to workers and the adjacent community (e.g., South Coast Air Quality Management District [SCAQMD]). The City of Long Beach Public Works Department shall provide documentation (including all required waste manifests, sampling and air monitoring analytical results, etc.) to the Department of Human and Health Services that abatement of any LBPs has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, 795). | City of Long Beach Public Works Department /City of Long Beach Department of Human and Health Services; and licensed and qualified hazardous materials contractor(s) | Prior to issuance of any demolition, grading, or street work permits |
| **HAZ-2** | The City of Long Beach or their designated consultant will ensure that all utility pole-mounted transformers or pad mounted transformers within the project area will be inspected for leaks prior to disturbance or removal. Leaking transformers should be considered a potential for PCB hazard, unless tested, and should be handled accordingly. | City of Long Beach (or designated consultant) | Prior to disturbance/ removal of any utility transformers |
| **HAZ-3** | **Health and Safety Plan:** Prior to issuance of any demolition, grading, or street work permits for the project, a Health and Safety Plan shall be prepared by the designated contractor and reviewed by the City of Long Beach or their designated consultant to ensure that all workers are in compliance with federal, State, and local regulations during construction. The Health and Safety Plan shall include:<br>• A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures.<br>• The identification of a Site Health and Safety Officer.<br>• Methods of contact and the phone number, office location, and responsibilities of the Site Health and Safety Officer. | City of Long Beach (or designated consultant)/Construction contractor | Prior to issuance of any demolition, grading, or street work permits |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
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| | • Specification that the Site Health and Safety Officer shall be contacted immediately by the contractor should any potentially toxic chemical, other than the chemicals already disclosed, be detected above the exposure limits or if evidence of undocumented soil contamination is encountered during site preparation and construction.<br>• Any potentially contaminated groundwater encountered during construction activities must be properly characterized and removed in accordance to all applicable State and federal policies.<br><br>The Health and Safety Plan is to be provided to all contractors on the project site. The Health and Safety Plan is required to be amended as needed if different site conditions are encountered by the Site Health and Safety Officer. | | |
| **HAZ-4** | **Soil Management Plan:** The Office of Environmental Health Hazard Assessment (OEHHA) shall review the removal workplan and shall list any additional requirements. Implementation of the workplan shall be overseen by the OEHHA for compliance with local, State, and federal regulations. Any additional sampling or contaminant material removal shall be subject to these same regulations. As part of the soil management plan, all disposal material will be characterized prior to disposal at a State landfill site. All hazardous waste will be disposed of in a Class I landfill. All other soils or solid waste will be disposed of at an unclassified landfill. In addition, during construction activities of the potentially impacted soils on site, monitoring will be required by the SCAQMD. This on-site monitoring will be performed in conformance with the SCAQMD Site Specific Rule 1166 Permit obtained by the City of Long Beach prior to commencement of grading activities. Typically a field instrument such as an organic vapor analyzer (OVA) will be used to record the concentrations of volatile organic compounds (VOCs) detected in potentially impacted soils while these soils are being excavated and/or treated on site. A daily log of the OVA readings, in addition to a copy of the Site-Specific Rule 1166 Permit, will be kept on site by the construction team for the duration of the work performed with these potentially impacted soils.<br><br>The Site Health and Safety Officer shall contact the City of Long Beach if evidence of potential soil contamination is encountered during site preparation, demolition, or construction activities. Evidence of potential soil contamination may include discolored soils, soils that behave differently when compacted, and/or soils with an odor.<br><br>After inspection by personnel from the City of Long Beach, these potentially impacted soils may be segregated. Soil samples collected and submitted for appropriate analyses and the soils may either be transported off site for appropriate disposal or may be treated on site with appropriate regulatory agency oversight. | The Office of Environmental Health Hazard Assessment (OEHHA)<br><br>Site Health and Safety Officer | Verification: Prior to issuance of grading permits<br><br>Implementing Action: Ongoing during construction activities of potentially impacted soils |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
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| | If excavation of potentially impacted soils is necessary, the excavated sediments/soil will be passed through a sieve to ensure that debris 4-inches circumference and greater is removed form the material. During the sieving process a mixture of Simple Green and water (10:1) will be lightly applied to the excavated sediments/soils. The excavated sediments/soils will be evenly spread to facilitate the efforts of workers as they manually pick through the material to remove any debris 4-inches circumference and greater that managed to pass through the sieve. Upon completion of debris removal this material will be stockpiled and covered with plastic sheeting to comply with the Rule 1166 permit, if warranted, i.e., if the volatile organic compound (VOC) monitoring of the excavation, sieving process and stockpiles exceeds 50 milligrams per kilogram (mg/kg). | | |
| **4.7 HYDROLOGY AND WATER QUALITY** | | | |
| **WQ-1** | During demolition, grading, and construction, the construction contractor shall ensure that the project complies with the requirements of the State General Construction Activity National Pollution Discharge Elimination System (NPDES) Permit. Prior to issuance of demolition and grading permits, the construction contractor shall demonstrate to the City that coverage has been obtained under the State General Construction Activity NPDES Permit by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board (SWRCB) and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) number or other proof of filing to the City Building Official. | Construction Contractor | Ongoing during demolition, grading, and construction activities |
| **WQ-2** | Prior to issuance of a grading permit, the City of Long Beach Building Official shall ensure that construction plans for the project include features meeting the applicable construction activity best management practices (BMPs) and erosion and sediment control BMPs published in the *California Storm water BMP Handbook–Construction Activity* or equivalent. The construction contractor shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and will be reviewed and approved by the City Building Official prior to the issuance of any grading or building permits. The SWPPP shall reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the project site. | City of Long Building Official | Verification: Prior to issuance of grading permits |
| | The construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. The construction contractor shall inspect BMP facilities before and after every rainfall event predicted to produce observable runoff and at 24-hour intervals during extended rainfall events, except on days when no ongoing site activity takes place. Prestorm activities will include inspection of the major storm drain | Construction Contractor, to the satisfaction of the City Building Official | Implementing Action: Ongoing during construction activities until all areas are vegetated |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
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| | grate inlets and examination of other on-site surface flow channels and swales, including the removal of any debris that blocks the flow path. Poststorm activities will include inspection of the grate inlets for evidence of unpermitted discharges. The construction contractor shall implement corrective actions specified by the City Building Official, as necessary, at the direction of the City Director of Public Works. Inspection records and compliance certification reports shall be submitted to the City Director of Public Works on a monthly basis and shall be maintained for a period of three years. Inspections shall be scheduled monthly during the dry season and weekly during the wet season for the duration of project construction or until all areas are revegetated. | | |
| **WQ-3** | The Construction Contractor shall ensure, and the Director of Development Services shall verify, that during cleaning/clearing of the culvert, the culvert shall be opened once every 2 weeks during the period of the greatest tidal fluctuations for 2 to 3 consecutive days to allow for maximum tidal exchange between Marine Stadium and Colorado Lagoon. The tidal exchange will occur during spring tides, if feasible, to allow for exchange during the period of greatest tidal fluctuation to achieve maximum water quality benefit. If, for erosion, flooding, or other engineering reasons, the Project Engineer determines that tidal exchange during spring tides is not feasible, an alternative tidal exchange regime will be implemented subject to approval by the Directors of Development Services and Parks, Recreation, and Marine Services. In addition to coordination with the tidal regime, two subsurface aeration systems shall be installed and utilized during construction activities that close off the tidal flow of the culvert. The use of silt screen around each end of the culvert shall be implemented during culvert flushing to minimize sediment/turbidity impacts to the adjacent receiving waters. | City of Long Beach Director of Development Services/Construction Contractor | Ongoing during cleaning/clearing of the culvert |
| **WQ-4** | The Director of Director of Health and Human Services shall continue to monitor bacteria levels in the Colorado Lagoon on a daily basis during cleaning of the culvert and during construction of the open channel in order to ensure the integrity of the water is maintained for swimming in Colorado Lagoon during construction activities associated with the culvert and open channel. If water quality exceeds the water contact recreational beneficial use water quality standards, the Directors of the Health and Human Services, Recreation and Marine Services, shall post the site and close the beach, if necessary. | City of Long Beach Director of the Health and Human Services and Director of Parks, Recreation and Marine Services | During construction activities associated with the culvert cleaning and open channel construction. |
| **WQ-5** | Prior to commencement of grading activities, the construction contractor shall determine, and report to the Director of Development Services and Public Works, whether dewatering of groundwater will be necessary during project construction and whether dewatering activities will require discharge to the storm drain system or surface waters. Discharge of dewatered groundwater to the storm drain system or surface waters will require compliance with the *Waste Discharge Requirement for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties* (Order No. R4-2003-0111, NPDES No. CAG994004), or subsequent | Construction contractor/ City of Long Beach Director of Development Services and Public Works | Prior to issuance of grading permits |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
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| | permit. This will include submission of a Report of Waste Discharge (ROWD) and an application for coverage under the permit to the Los Angeles Regional Water Quality Control Board at least 45 days prior to the start of dewatering and compliance with all applicable provisions in the permit, including water sampling, analysis, and reporting of dewatering-related discharges. | | |
| **WQ-6** | During dredging, the City Director of Development Services shall require that the contractor employs measures to control dispersion of contaminated sediments. Equipment used for dredging shall be modified or specifically designed to control the dispersion of sediments. In addition, the City shall require that contractor to implement specific measures as required by the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and other regulatory agencies during the permitting process. The operations could include the use automatic rather than manual monitoring of the dredging operations, which would allow continuous data logging with automatic interpretation and automatic adjustments to the dredging operations for real-time feedback for the dredge operator. Automatic systems could also be used to monitor turbidity and other water quality conditions in the vicinity of the dredging operations and allow real-time adjustments by the dredging operators to control temporary water quality effects. The specific measures to be implemented would be subject to approval by the Corps, RWQCB, and other regulatory agencies during the permitting process. | City of Long Beach Director of Development Services<br><br>Construction Contractor | Verification: During permitting process with regulatory agencies<br><br>Implementing Action: Ongoing during dredging activities |
| **WQ-7** | Prior to the issuance of any construction permits, the City Director of Development Services shall verify that Best Management Practices (BMPs) for all dredging activities, such as a silt curtain, have been incorporated into project plans in order to reduce impacts to water quality to the maximum extent practicable. The construction contractor shall be responsible for performing and documenting the application of the BMPs. | City of Long Beach Director of Development Services<br><br>Construction Contractor | Verification: Prior to issuance of construction permits<br><br>Implementing Action: Ongoing during dredging activities |
| **WQ-8** | Prior to the issuance of any construction permits, the Director of Development Services shall demonstrate in the record that silt curtains for all construction activities involving excavation and grading directly adjacent to or within the Lagoon waters, have been incorporated into project plans in order to reduce impacts to water quality to the maximum extent practicable. The construction contractor shall be responsible for performing and documenting the application of BMPs, such as the silt curtain, identified in this document. | City of Long Beach Director of Development Services<br><br>Construction Contractor | Verification: Prior to issuance of construction permits<br><br>Implementing Action: Ongoing during excavation and grading activities |
| **WQ-9** | The Director of Health and Human Services shall continue to monitor bacteria levels in the Colorado Lagoon on a weekly basis, and the Parks, Recreation, and Marine Department will monitor sediment quality on an annual basis or more frequently. If water quality exceeds the water contact recreational beneficial use water quality standards, the Directors of the Health | City of Long Beach Director of Health and Human Services and Director of Parks, | Ongoing during and after construction activities |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
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| | and Human Services, and Parks, Recreation and Marine Services, shall post the site and close the beach, if necessary. In addition, the Directors of the Department of Health and Parks, Recreation and Marine Services, and Development Services shall review the monitoring data on an annual basis and evaluate the water contact recreational beneficial use of the Lagoon. | Recreation and Marine Services | |
| **4.8 LAND USE** | | | |
| None required | | | |
| **4.9 NOISE** | | | |
| **NOI-1** | The City of Long Beach (City) Noise Control Officer shall ensure that the construction contractor limits construction activity, which produces loud or unusual noise that annoys or disturbs a reasonable person of normal sensitivity to between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturdays and no construction activities on Sundays and federal holidays in accordance with City standards. | City of Long Beach Noise Control Officer | Ongoing during construction activities |
| **NOI-2** | During all site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards, as documented in construction plans and verified by the City Building Official. | Construction Contractor/City of Long Beach Building Official | Ongoing during site excavation and grading |
| **NOI-3** | The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, as documented in construction plans and verified by the City Building Official. | Construction Contractor/City of Long Beach Building Official | Ongoing during all construction activities |
| **NOI-4** | The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction, as documented in construction plans and verified by the City Building Official. | Construction Contractor/City of Long Beach Building Official | Ongoing during all construction activities |
| **NOI-5** | Prior to issuance of a grading permit, the Construction Contractor shall provide evidence to the City of Long Beach Building Official (or designee) that on-site sensitive land uses, such as the on-site preschool and the beaches, shall be closed or relocated when construction activities occur within 315 feet or pile driving occurs within 706 feet. | City of Long Beach Building Official (or designee)<br><br>Construction Contractor | Verification: Prior to issuance of grading permits<br><br>Implementing Action: Ongoing during construction activities |
| **NOI-6** | Prior to issuance of a grading permit, the Director of Parks, Recreation, and Marine shall hold a community pre-construction meeting, in concert with the Construction Contractor, to provide information regarding the construction schedule. The construction schedule information shall include the duration of each construction activity and the specific location, days, frequency, and duration of the pile driving that will occur during both Phase 1 and Phase 2 of the project construction. Public notification of this meeting shall be done in the same manner as the Notice of Availability mailings for this Draft Environmental Impact | City of Long Beach Director of Parks, Recreation, and Marine<br><br>Construction Contractor | Prior to issuance of grading permits |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
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| | Report (EIR). | | |
| **4.10 PUBLIC SERVICES AND UTILITIES** | | | |
| **PSU-1** | Upon completion of construction of the open channel within Marina Vista Park, the Long Beach Fire Department and the Long Beach Department of Parks, Recreation, and Marine shall assess and monitor lifeguard services, and re-allocate staff as warranted, at the Lagoon and Marina Vista Park to ensure adequate staffing. | City of Long Beach Fire Department and the City of Long Beach Department of Parks, Recreation, and Marine | Upon completion of the construction of the open channel |
| **PSU-2** | During the irrigation and establishment of newly vegetated areas at the Lagoon, the Long Beach Department of Parks, Recreation, and Marine shall coordinate with the Long Beach Water Department (LBWD) to develop a schedule for the use of reclaimed water for temporary irrigation purposes at the Colorado Lagoon. The temporary irrigation of Lagoon areas shall occur during non-peak water usage times so as to ensure that the proposed project does not exacerbate the existing intermittent nighttime reclaimed water pressure decreases. | City of Long Beach Department of Parks, Recreation, and Marine/ City of Long Beach Water Department | During irrigation and establishment of newly vegetated areas |
| **PSU-3** | A solid waste management plan for the proposed project shall be developed by the City of Long Beach Department of Parks, Recreation, and Marine, and submitted to the City of Long Beach Environmental Services Bureau for review and approval prior to issuance of permits. The plan shall identify methods to promote recycling and reuse of construction materials as well as safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods of incorporating source reduction and recycling techniques into project construction and operation in compliance with State and local requirements such as those described in Chapter 14 of the California Code of Regulations and AB 939. | City of Long Beach Department of Parks, Recreation, and Marine, and City of Long Beach Environmental Services Bureau | Prior to the issuance of permits |
| **4.11 RECREATION** | | | |
| **REC-1** | The City of Long Beach Director of Parks, Recreation, and Marine will ensure that during construction activities affecting Colorado Lagoon (Lagoon) (e.g., dredging, recontouring the Lagoon side slopes, revegetation, storm drain improvements, and development of the walking trail and viewing platform), City Department of Parks, Recreation, and Marine staff will provide local residents and neighborhood groups with information regarding the availability of other nearby City parks and facilities that offer swimming, picnicking, and other passive recreation opportunities enjoyed at the Lagoon. Information regarding Lagoon closures will also be made available on the City's Web site, through outreach to the neighborhood groups, and other means as appropriate. | City of Long Beach Director of Parks, Recreation, and Marine | Ongoing during construction activities affecting Colorado Lagoon |
| **REC-2** | The City of Long Beach Director of Parks, Recreation, and Marine will ensure that during construction activities affecting Marina Vista Park (such as culvert improvements, channel construction, and activities affecting the sports fields), City Department of Parks, Recreation, and Marine staff will determine what specific neighborhood groups and/or league uses of Marina Vista Park will be temporarily affected by construction activity, and will coordinate with these groups and local residents to identify other nearby available City parks and other | City of Long Beach Director of Parks, Recreation, and Marine | Ongoing during construction activities affecting Marina Vista Park |

| | Mitigation Measures | Responsible Party | Timing for Mitigation Measure |
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| | facilities to meet the temporarily displaced recreation uses, including the Summer Concert Series. City staff also will provide information to City residents when swimming is closed at the Lagoon as a result of project construction activities on the City's Web site, through outreach with neighborhood groups, and other means as appropriate. | | |
| **4.12 TRAFFIC AND CIRCULATION** | | | |
| **TR-1** | Prior to the issuance of a grading permit for each of the two construction phases, the City of Long Beach shall, under the direction of the City of Long Beach Traffic Engineer, design and implement a construction area traffic management plan. The plan shall be designed by a registered Traffic Engineer and shall address traffic control for any street closure, detour, or other disruption to traffic circulation and public transit routes. The plan shall identify the routes that construction vehicles will use to access the site, the hours of construction traffic, traffic controls and detours, and off-site vehicle staging areas. The plan shall also require the City to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt. | City of Long Beach Traffic Engineer | Prior to issuance of grading permits for each construction phase |
| **TR-2** | The City Department of Parks, Recreation, and Marine shall monitor use of parking areas for the Lagoon and on the closest residential streets to the Lagoon during the summer months, according to a survey protocol developed and/or approved by the City traffic engineer. The City Department of Parks, Recreation, and Marine shall provide an annual report to the Parks and Recreation Commission on the progress of the Lagoon improvements and potential effects to the neighborhood from construction and operation of the project. | Department of Parks, Recreation, and Marine | During the summer months annually |