Agenda No. ◡

Application No. 0807-11
LCP 2-08, EIR 30-07

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 W. Ocean Boulevard Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

September 4, 2008

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION: Adopt the Resolution certifying Final Environmental Impact Report 30-07, approve a Site Plan Review and Local Coastal Development Permit, and recommend that the City Council approve a General Plan Amendment to the Local Coastal Plan and Zoning Ordinance Amendment to revise the definition of Passive Park to allow construction of the Colorado Lagoon Restoration Project and Marina Vista Park improvements at 5119 East Colorado Street. (District 3/Citywide).

APPLICANT: City of Long Beach Department of Parks, Recreation and Marine

DISCUSSION

The proposed project site comprises 48.61 acres and consists of Colorado Lagoon, Marina Vista Park and a small triangle shaped area north of Marine Stadium (See Map, Exhibit A). The lagoon has a zoning designation of Park (P) and designated as a Special Use Park. Marina Vista Park and the small triangle shaped parcel are located in the Southeast Area Development and Improvement Plan (SEADIP) (PD-1) subarea 32 and designated as a Neighborhood Park. The use permitted in this subarea is a public park. Existing on-site improvements in Colorado Lagoon consist of restroom facilities, a lifeguard station, the Wetland and Marine Science Education Center, a preschool and model boat shop building, playground equipment, picnic tables, a 73-space parking lot north of the lagoon and a 56-space metered parking lot parallel to Appian Way. Marina Vista Park is improved with a baseball field, soccer field, two tennis courts, playground equipment, restroom facilities and an approximately 50-space parking lot.

Colorado Lagoon is an approximately 12-acre body of tidal water that serves as the natural low-point in the local watershed area of approximately 1,172 acres. The lagoon's condition has deteriorated over time due to untreated inflows from eleven storm drains, dry weather runoff and the lack of tidal flushing due to the reduced capacity of the underground culvert between the lagoon and Marine Stadium. These conditions have led to the lagoon being listed in the Clean Water Act, list of Water Quality Limited Segments as an impaired water body for a number of contaminants and elevated bacteria levels.

The lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water flows. The purpose of this project is to restore the site's ecosystem, improve the estuarine habitat, provide enhanced recreation facilities, improve water and sediment quality by removing contaminated sediment, improve water circulation, and manage storm water and dry weather runoff. The proposed project improvements would be implemented in two-phases.

Phase I Lagoon Improvements:

- Cleaning of the culverts and removal of structural impedances at the culvert,
- Dredging portions of the lagoon,
- Implementing storm drain upgrades,
- Removal of the north parking lot, access road and restroom on the north side of the lagoon,
- Recontouring side slopes,
- Developing a Bird Island,
- Revegetating land areas,
- Planting eel grass in the lagoon water body,
- Developing the walking trails and viewing platforms at the lagoon.

Phase II Marina Vista Park Improvements:

- The long-term project component of building an open water channel between the lagoon and Marine Stadium,
- Constructing two roadway bridges spanning the open channel at East Colorado Street and East Eliot Street,
- Demolish and replace two existing public restrooms in the park,
- Reconfigure the baseball and youth overlay soccer fields,
- Developing a walking trail on the eastern side of the open channel and vegetation buffers on both sides of the channel (See plans and photographs, Exhibit B).

Phase I improvements are anticipated to take approximately fifteen months. The phase II improvements are anticipated to occur at least one year after the commencement of the lagoon improvements depending on the availability of funding. Phase II improvements are estimated to take fifteen months with an additional six months to reestablish the turf on the sports field in Marina Vista Park.

The proposed plan requires the following approvals:

- A General Plan Text Amendment is required to revise the definition of Colorado Lagoon in the Resources Management Plan (RMP) of the Local Coastal Plan. The Resource Management Plan provides processes to implement the Coastal Act to assure public access to coastal and tide-waterland activities, and among other issues, to establish a balance between public use of waterland and private use of surrounding urban areas. The revision to the Resources Management Plan is consistent with the goals to the original RMP of improving water quality in the lagoon and preserving the habitat and wildlife. As Colorado Lagoon water and sediment

quality continue to deteriorate over time and as more scientific studies documented conditions and developed solutions, the actions to implement the goals are somewhat different. The amendment basically retains the original goals and updates the actions necessary to achieve those goals.

- A Local Coastal Development Permit.
- A Zoning Ordinance Amendment to revise the definition of Passive Park to include play equipment, tables, fire pits, barbeques, public restrooms, landscaped and natural open spaces, habitat reserves, beaches, lakes, streams, lagoons, bays, and Marine Stadium in passive parks. The existing definition is narrow in scope and does not include existing amenities in the lagoon such as restrooms and play equipment. The intent of the change is to allow the "passive use park" parking requirement in more circumstances.
- A Site Plan Review is also required for construction of two 500-square-foot restrooms and associated improvements for the lagoon restoration project and Marina Vista Park.
- A Local Coastal Development Permit is required for a very small area of Marina Vista Park east of the open channel that falls within the City's permit jurisdiction area (See findings, Exhibit C). This area includes landscape improvements and the walking path along the east side of the channel. All other portions of the project are located within the State permit jurisdiction area; therefore, the California Coastal Commission is responsible for issuing the coastal permit for the remaining portion of the project.

A finding of General Plan Conformity shall be made when the General Plan is amended. The Local Coastal Plan (LCP) is one of eleven elements of the General Plan. The RMP of the L CP provides guidelines for management responsibility of the five waterlands in the coastal zone, one of which is Colorado Lagoon. Staff finds that the proposed change to the definition of Colorado Lagoon and sections 5.1-5.6 are in conformance with the California Coastal Act and internal policies of the City.

The amendment to the Zoning Ordinance is to revise the definition of Passive Park in Section 21.15.2007 for parking purposes only. The existing definition is narrow in scope and does not include existing amenities in the lagoon such as restrooms and play equipment. The intent of the change is to allow the "passive use park" parking requirement in more circumstances. The proposed change will allow play equipment, tables, fire pits, barbeques, public restrooms, landscaped and natural open spaces, habitat reserves, beaches, lakes, streams, lagoons, bays, and Marine Stadium in passive parks.

Off-street parking is required by the Long Beach Municipal Code based on the activity level of the park. Two classifications are identified in the parking regulations contained in the code: 1) a passive park requires two parking spaces per acre, 2) open recreation requires one space for every 1,000 square feet of gross lot area (GLA). Colorado Lagoon contains approximately 30.5 acres with 18.5 useable acres of land and approximately 12 acres of water. With this amendment, the 18.50-acres of parkland will require two parking spaces per acre for a total of 37 spaces. Although the 73-space parking lot north of the lagoon will be removed, approximately 56 on-site metered parking spaces are available for park use on a frontage road that parallels Appian Way. In addition, a free-of-charge 50-space

parking lot owned by the City is available for shared public use and will be signed accordingly (See Conditions of Approval, Exhibit D). This lot is located directly south of Colorado Street and west of Nieto Avenue. The parking demand was reviewed during peak use times in August of 2007. Based on this survey in the Environmental Impact Report (EIR), peak demand was Saturday afternoon with a total of 38 cars. The existing 56-car parking lot meets the current demand of 38 cars and provides an additional 18-space surplus.

A public outreach meeting was held on June 18 at the Third District field office to discuss the draft EIR. The project was presented at the Long Beach Parks and Recreation Commission on June 19, 2008, and at a study session before the City Planning Commission on June 19, 2008. At each of the meetings, the public was encouraged to provide written comments on the draft EIR.

In summary, the proposed project will improve the water and sediment quality of the lagoon, which will enhance recreational opportunities, and potentially lead to a more diverse plant and animal community. Staff finds that the proposed project also implements the goals, objectives and provisions of the Open Space and Recreation Element of the General Plan and Department of Parks, Recreation and Marine Strategic Plan which include improved water quality, wildlife habitat restoration, reduced pollution, protecting natural resources and open space, and maintaining quality open space in the City.

PUBLIC HEARING NOTICE

Notices of public hearing were distributed on August 18, 2008. One response was received in opposition to the project (Exhibit E).

ENVIRONMENTAL REVIEW

In accordance with the guidelines for implementation of the California Environmental Quality Act, an Environmental Impact Report (EIR 30-07, SCH No. 2007111034) was prepared and has been scheduled for concurrent review by Planning Commission (Exhibit F). The Final EIR consists of two separate volumes: the Draft EIR and the Response to Comments on the Draft EIR. The Final EIR determined that all potentially significant adverse environmental impacts could be mitigated to a less than significant level except for short-term construction air quality impacts related to vehicle emissions and dredged material odors, cumulative air quality impacts, short-term construction noise impacts, and cumulative noise impacts. A Statement of Overriding Considerations prepared in accordance with CEQA determined that specific project benefits outweigh these unavoidable adverse effects and therefore the adverse effects are considered an acceptable part of this project. The project benefits include improved Lagoon water quality, improved Lagoon water circulation with tidal connection to Marine Stadium, restored estuarine habitats, and enhanced public recreational opportunities. The Resolution to certify this Final EIR (which consists of the CEQA Findings, a Statement of Overriding Considerations, and the Mitigation and Monitoring Program) is included with this staff report as a separate attachment. Staff is recommending that the Planning Commission adopt the resolution to certify the EIR, which includes the Statement of Overriding

Considerations, findings of fact in support of the Colorado Lagoon Restoration Project, and the Mitigation Measures and Reporting Program.

Respectfully submitted,

CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

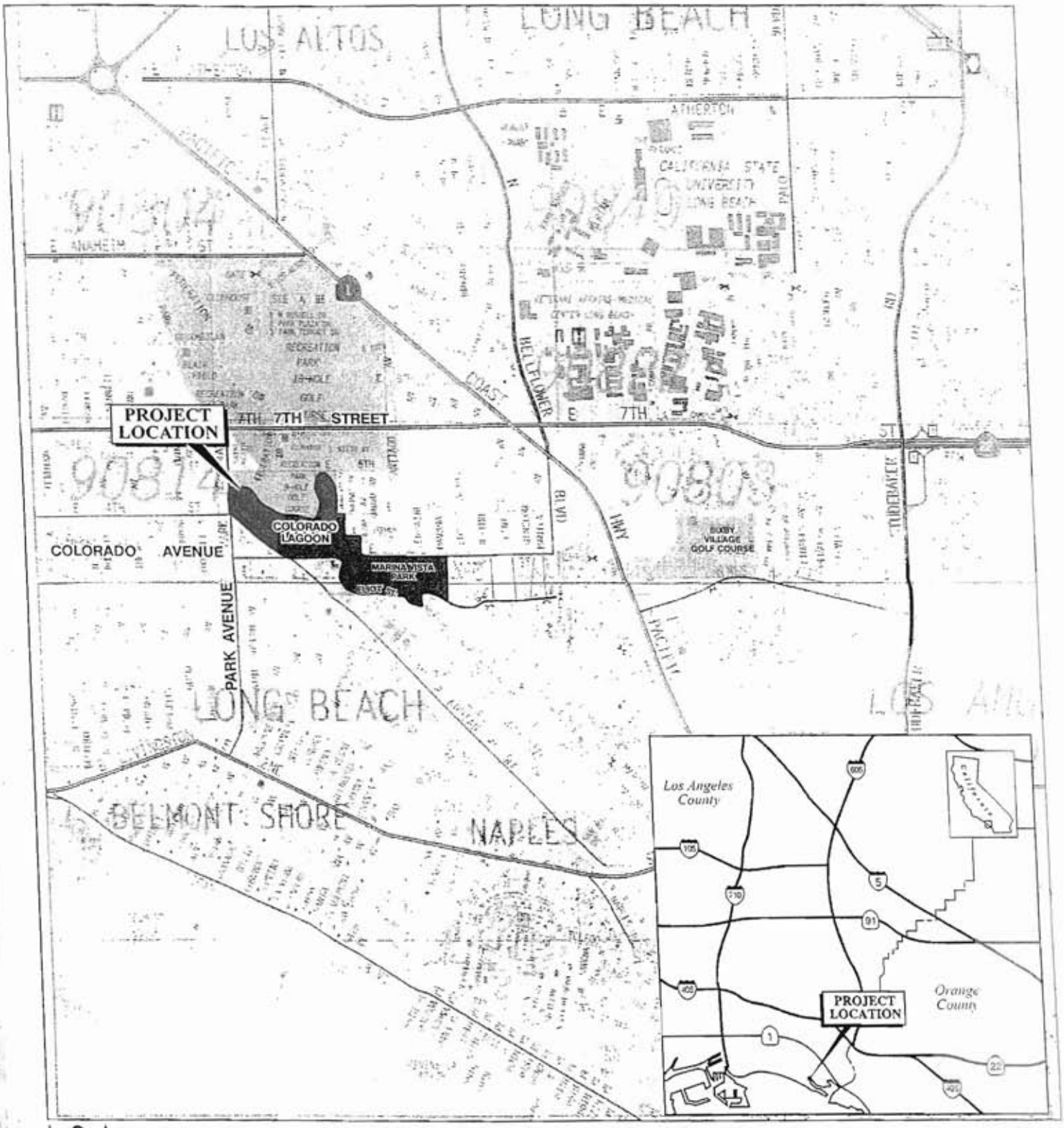
CB:GC:DB:LF

Attachments:

Exhibit A - Location Map
Exhibit B - Plans and Photographs Findings
Exhibit C - Findings
Exhibit D - Conditions of Approval
Exhibit E - Letter of Opposition
Exhibit F - Environmental Impact Report (EIR 30-07)
(Draft EIR and Response to Comments)
Resolution for Statement of Overriding Considerations and Certification of the Environmental Impact Report

Location Map

Exhibit A



LSA

FIGURE 3.1

PROJECT AREA

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0 1000 2000
FEET

Application No. 0807-11

Colorado Lagoon Restoration Project

Project Location

Exhibit C

SITE PLAN REVIEW FINDINGS

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

The applicant will be required to submit a scaled set of site, floor and elevations plans for the restroom buildings for review and approval by the Director of Development Services. The plans will be reviewed to ensure that the building is consistent with the open space character of the park setting. The conditions of approval require submittal of plans prior to issuance of a building permit.

B. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES OR SPECIFIC PLAN REQUIREMENTS, PD GUIDELINES OR THE GENERAL PLAN; AND

The project is located in the Park zone and PD-1, subarea 32. The proposed restroom building in Marina Vista Park will be reviewed to ensure the design and finish blend with the park environment.

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

All existing canopy trees removed as a result of the project will be replaced on site on a one-to-one basis. The project will also remove the row of Mexican Fan Palms (Washingtonia robusta) located along the 6th Street access road north of the Lagoon and replaced with trees or native plants as identified in the Mitigation Measures.

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

The public improvements include compliance with ADA requirement for accessibility to provide safe pedestrian access to and around the site, and construction of two new roadway bridges over Eliot Street and Colorado Street.

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

Not applicable.

LOCAL COASTAL DEVELOPMENT PERMIT

1. **THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND**

   A positive finding can be made for this item.

   The proposed project conforms to the Local Coastal Program (LCP). The only area of the project that falls under the City's permit jurisdiction is a small portion of land east of the proposed channel. Improvements for this area are decomposed granite walking trail and vegetated berm. The trail and landscaped areas will provide additional public amenities and improve public access through the site and to the water.

   Use and administration of Colorado Lagoon is listed in the Local Coastal Plan under the Waterlands Resource Management Plan (RMP), pages III R-1 to R-18, and R48-R62. The Resource Management Plan provides processes to implement the Coastal Act to assure public access to coastal and tide-waterland activities, and among other issues, to establish a balance between public use of waterland and private use of surrounding urban areas.

   The revision to the Resources Management Plan is consistent with the goals to the original RMP of improving water quality in the lagoon and preserving the habitat and wildlife. As Colorado Lagoon water and sediment quality continue to deteriorate over time and as more scientific studies documented conditions and developed solutions, the actions to implement the goals are somewhat different. The amendment basically retains the original goals and updates the actions necessary to achieve those goals. Colorado Lagoon, the western portion of Marina Vista Park, and the triangle shaped parcel north of Marine Stadium are under the jurisdiction of the California Coastal Commission.

2. **THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THE SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

   A positive finding can be made for this item.

   Chapter 3 of the Coastal Act deals with the public's right to use of beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development, which restricts public access to the beach and/or water resources.

   The development of a walking path and vegetated berm area east of the proposed channel will improve pedestrian access to the coast. The walking path will provide greater opportunity to walk along the proposed channel, and waters edge.

Exhibit D

SITE PLAN REVIEW, LOCAL COASTAL DEVELOPMENT PERMIT CONDITIONS OF APPROVAL (Colorado Lagoon & Marina Vista Park) Application No. 0807-11 Date: September 4, 2008

1. This permit and all development rights hereunder shall terminate two years from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced, a business license establishing the use is obtained or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two year period as provided in Section 21.21.406 of the Long Beach Municipal Code. After the completion of the first phase, construction must begin within three years for the second phase.

2. This permit shall be invalid if the owner(s) and applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the Conditions of Approval Acknowledgment Form supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days form the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.

3. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.

4. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Director of Development Services. These conditions must be printed on the site plan or a subsequent reference page.

5. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project and if no detrimental effects to neighboring properties are caused by said modifications. The Zoning Administrator or Planning Commission shall review any major modifications, respectively.

6. Site development, including landscaping, shall conform to the approved plans on file in the Director of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.

7. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.

8. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the discretionary approval of the Director of Development Services. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Pubic Works. Approved root guards shall be provided for all street trees.

9. Where feasible, all landscaped areas shall be planted with drought tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.

10. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of city officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition.

11. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

12. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

13. Any graffiti found on site must be removed within 24 hours of its appearance.

14. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259.

15. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services and Building prior to the issuance of a building permit.

16. Adequately sized trash enclosure(s) shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.

17. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured. Please contact Ken Huang at 562-570-6423 for details.

18. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.

19. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.

20. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit. Contact Sean Daughtery at 562-570-7087 for details.

    A. Standard LBFD fire access roadways are:
       - 26 feet clear width (No parking, bike lanes, etc to encroach upon this clearance)
       - 14 feet clear height
       - 28 foot inside turn radius (this does not seem to be an issue)
    B. Roads & Bridges to be an all weather surface and handle a minimum of H20 loading.
    C. Any fire hydrant installations/alterations shall be approved by the Long Beach Fire Department and the Long Beach Water Department prior to any alterations.
    D. A temporary fire department emergency response plan shall be developed to minimize the impact of fire & rescue services to the community during construction of the bridge(s).

21. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee and/or the Planning Commission.

22. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:

    a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site.

Exhibit D

Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.

b. Water material being excavated and stockpiled.
c. Water grading and cover materials being transported.
d. Maintain grading and construction equipment in proper tune.
e. Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays).
f. Discontinue construction during stage II smog alerts (ozone more than or equal to 0.35 ppm.)

23. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
    a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
    b. Saturday: 9:00 a.m. - 6:00 p.m.; and
    c. Sundays: not allowed

24. The applicant shall comply with the following conditions to the satisfaction of the Director of Development Services:

    a. The applicant shall submit a complete set of scaled elevation plans for the proposed restrooms for review and approval by the Planning Department. These structures shall comply with all development standards of the applicable zone.

    b. The Department of Parks, Recreation and Marine shall install a sign that identifies the additional off-site parking at the City owned lot on the old right-of-way between Colorado Street and Nieto Avenue and a sign in the park in compliance with Section 21.41.222 of the Municipal Code.

25. Prior to issuance of a building permit, the applicant shall submit a lighting and security plan to the satisfaction of the Police Department. Please contact Harry Erickson at (562) 570-7448 for assistance.

26. Prior to issuance of a building permit, please contact Mike Zukoski at (562) 570-2038 for information on gas meter location requirements.

    LBGO currently has facilities within the project boundaries:

    Six graphite anodes (3"x60") are currently located on the bottom of the Central Lagoon. These graphite anodes were installed in April 2007. These appear to be the fourth set of anodes that have been placed in the lagoon to provide cathodic protection to the natural gas system in that section of Long Beach. LBGO currently plans to remove the anodes from the lagoon in the first part of 2009.

    There are currently two natural gas mains in Colorado Street.
    One of the lines has already been partially removed in anticipation of the Termino Avenue Drain project. The remaining main lines will need to be removed and relocated before any work is done for the proposed open channel. Both of the noted natural gas mains are large steel pipe (8 & 12 inch) and installed in the early

1950s. LBGO will be happy to work to coordinate the timely removal / relocation of these gas mains.

27. Please contact Larry Oaks of the Water Department for sewer and water line information at (562) 570-2382.

28. The applicant shall comply with the following conditions to the satisfaction of the Director of Public Works. For additional information regarding off-site improvements, contact the Plan Check Coordinator, Jorge Magaña, at (562) 570-6678.

    A. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan to Public Works for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

    B. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.

    C. Roadway and other public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

    D. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.

    E. The new bridges to be constructed over Colorado and Eliot Streets shall meet any applicable Federal, State and local standards for design and seismic adequacy.

    F. The pedestrian ways over the new bridges shall meet the minimum City width standard of 6 feet.

    G. Bicycle paths over the new bridges shall be designed in accordance with State of California Department of Transportation (Caltrans) standards.

    H. The Developer shall remove the unused driveway onto East 6th Street and replace with full-height curb and curb gutter to the satisfaction of the Director of Public Works.

    I. The Developer shall salvage and protect all street light fixtures removed as a result of construction activities. Salvaged fixtures and related components shall be delivered to a storage site approved by the Director of Public Works.

Exhibit D

J. The Developer shall provide for the reconnection of utility (gas, water, sewer, electrical, etc.) lines resulting from the demolition of the roadways within the footprint of the new bridges. Storm drain improvements shall be constructed to provide for the proper disposition of runoff into the new open channel.

K. The Developer shall modify any storm drain outfalls that are a part of the lagoon rehabilitation in accordance with plans reviewed and approved by the Department of Public Works. An excavation permit issued by the Department of Public Works is required for all work in the public right-of-way. Contact Russ Caveness of Construction Services for information about excavation permits at (310) 570-6530.

L. The Developer shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.

M. The Developer shall submit grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes for review and approval by the Director of Planning and Building Services and the Director of Public Works prior to release of any building permit.

N. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 266-7500 or visit their website for complete instructions at **www.waterboards.ca.gov/stormwtr/construction.html** Left-click on the Construction General Permit 99-08-DWQ link.

O. A traffic control plan showing all vehicle lane and sidewalk closures as well as construction vehicle routing shall be submitted to the City Traffic Engineer for review and approval. A temporary street occupancy permit from the Construction Services Division of Public Works is required for all vehicle land and sidewalk closures.

P. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.

Q. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.

R. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.

29. The applicant shall obtain a permit from the California Coastal Commission for all development within the California Coastal Commission jurisdiction area.

30. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic reinspection conducted at the discretion of city officials, to verity that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per special building inspection specifications established by City Council.

31. The applicant shall comply with all mitigation measures of the applicable Environmental Review (30-07) prior to issuance of a Certificate of Occupancy. These mitigation measures must be printed on all plans submitted for plan review.

Mitigation Measures

Aesthetics

32. 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.

33. 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.

Air Quality

34. 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.
- 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.

35. 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.

36. 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.

37. 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 flag person shall be retained to maintain safety adjacent to existing roadways

38. 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.

39. 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.

40. 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.

41. 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.

Biological Resources

42. 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.

43. 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 CDFG to determine appropriate action.

44. 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.

45. 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.

46. 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 SCEMP Revision 11 (NMFS 1991), the loss of eelgrass habitat must be mitigated at a minimum 1.2:1 ratio.

47. 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.

48. 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.

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.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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 biologist 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 Improvement 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 five years.
- Trees determined to be in good health annually by an ISO Certified arborist for the first five years following installation.

Cultural and Paleontological Resources

55. 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.

56. 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.

57. 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.

Geology and Soils

58. 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.

59. 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.

Hazards and Hazardous Materials

60. 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).

61. 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.

62. 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.

Exhibit D

63. Soil Management Plan: The Office of Environmental Health Hazard Assessment (OEHHA) shall review the removal work plan and shall list any additional requirements. Implementation of the work plan 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).

Hydrology and Water Quality

64. 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

Exhibit D

Waste Discharge Identification (WDID) number or other proof of filing to the City Building Official.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

Land Use

None required

Noise

73. 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.

74. 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.

75. 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.

76. 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.

77. 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.

78. 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).

Exhibit D

Public Services and Utilities

79. 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.

80. 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.

81. 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.

Recreation

82. 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.

83. 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.

Traffic and Circulation

84. 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.

85. 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.