SECTION 2.0 INTRODUCTION

2.1 PROJECT BACKGROUND

The City of Long Beach (City), as lead agency, prepared this Draft Environmental Impact Report (DEIR), to analyze the potential environmental impacts resulting from the proposed project at 3701 North Pacific Place (Project) under the California Environmental Quality Act, California Public Resources Code, Section 21000 *et seq.* (CEQA). The Project would involve the construction and operation of a new self-storage and recreational vehicle (RV) storage facility on an approximately 14.20-acre site (Project Site) in an area of the City designated for industrial use and located immediately north of the Interstate (I) 405 Freeway. The Project Applicant is Artesia Acquisition Company, LLC (Applicant). A detailed description of the Project is contained in Section 3.0, Project Description, of this DEIR.

The Project would require approval of certain discretionary actions by the City and other governmental agencies. Therefore, the Project is subject to environmental review requirements under CEQA. Furthermore, the City prepared this DEIR in accordance with the decision issued by the Los Angeles Superior Court (Court) in the matter of *Riverpark Coalition and LA Waterkeeper v. City of Long Beach*, Case No. 21STCP01537, dated October 19, 2022 (Court Ruling), which granted in part and denied in part the claims raised by Riverpark Coalition and LA Waterkeeper (Petitioners) alleging that the City violated CEQA when it approved an earlier version of the Project with a Mitigated Negative Declaration (SCH No. 2020100290) (MND). The project analyzed in the MND is referenced in this DEIR as the "Prior Project," to distinguish between it and the current Project. A copy of the Court Ruling is provided in Appendix B-2 to this DEIR.

The Court Ruling stated that the MND prepared for the Prior Project and, approved by the City on April 13, 2021, failed to comply with CEQA because: (1) the City did not undertake adequate analysis of the Prior Project's environmental impacts on land use plans and policies; (2) substantial evidence supported a fair argument the Prior Project. (including its pre-approval surcharge testing activities) may have had a significant impact on biological resources, specifically on southern tarplant; and the mitigation measures (in particular mitigation measure BIO-1 from the MND) may be inadequate to mitigate the potential impacts to the southern tarplant species; (3) the City did not undertake an adequate analysis of the Prior Project's environmental impacts on air quality; and (4) substantial evidence supported a fair argument the Project may have a significant impact on transportation safety. The Court denied the Petitioners' claims regarding: (1) the project description, (2) hazardous materials and water quality impacts and mitigation measures related thereto, (3) water resources and public utilities, (4) aesthetic impacts, and (5) recreational impacts. The Court also denied a challenge to the City's grant of a height variance for the Prior Project. No challenges were made related to greenhouse gas emissions, population/housing, wildfire, agriculture resources, cultural resources, mineral resources, public services, tribal cultural resources, mandatory findings of significance, and noise. The Court ordered the City to void, vacate, and set aside the MND and Prior Project approvals. Following the Court Ruling, and the Court's entry of judgment on December 13, 2022, the City voided, vacated, and set aside the MND and Prior Project approvals on February 7, 2023.

In accordance with the Court Ruling, a new application for the Project was filed on February 8, 2024, and this DEIR was subsequently prepared. Public Resources Code section 21168.9 does not authorize a trial court to split a project's environmental review across two types of environmental review documents. (*Farmland Protection Alliance v. County of Yolo* (2021) 71 Cal.App.5th 300, 308-312.) As such, a full Draft EIR has been prepared for the Project. For those issues identified in the Court Ruling as failing to comply with CEQA, noted above, this DEIR specifically addresses the analytic deficiencies raised by the Court. For issues where the Court

found that the MND's analysis complied with CEQA and issues which were not raised in the litigation, this DEIR incorporates analysis and findings from the MND which are still relevant with updates to the technical information and analysis as needed to confirm the continuing validity of the MND's conclusions.

The discussions in Section 4.0 adhere to the general document structure and sequence presented in the MND. The analysis, however, has been expanded to include the required contents of an EIR as detailed in Article 9 of the State CEQA Guidelines, codified at California Code of Regulation (CCR), Title 14, Sections 15000 et. seq (CEQA Guidelines). This DEIR is based on a simple format in which each topical area contains (in addition to the sections and impact analysis required in an EIR) a summary of the previous analysis contained in the MND; for each topical area deemed inadequate by the Court Ruling, the Court's finding is specifically discussed in the summary of previous analysis. The DEIR analysis and findings for each topic are then directly compared to the findings identified in the MND and new analysis and findings are included as needed to confirm the continuing validity of the MND's conclusions or to document the updated analysis of the Project's potential impacts. The MND is included in its entirety as Appendix B-1 of this DEIR. The analysis in this document relies on all relevant information in the MND, its appendices and errata, as well as the new or additional sources of information identified herein.

Changes to Project Analyzed in Prior MND

The Prior Project analyzed in the prior MND consisted of a 43-foot, 11 inch tall, three-story, 152,745 square foot (sf) self-storage building containing 1,132 self-storage units; a 2,153 sf car wash for the RV storage customers; and 578 RV storage stalls. The Project analyzed in this DEIR consists of a 44-foot-tall, four-story, 206,756 sf self-storage building containing 1,681 self-storage units; a 1,450 sf car wash for the RV storage customers; and 551 RV storage stalls. While the square footage of the self-storage building and the number of self-storage units has increased a modest amount, the building footprint and height remain the same.

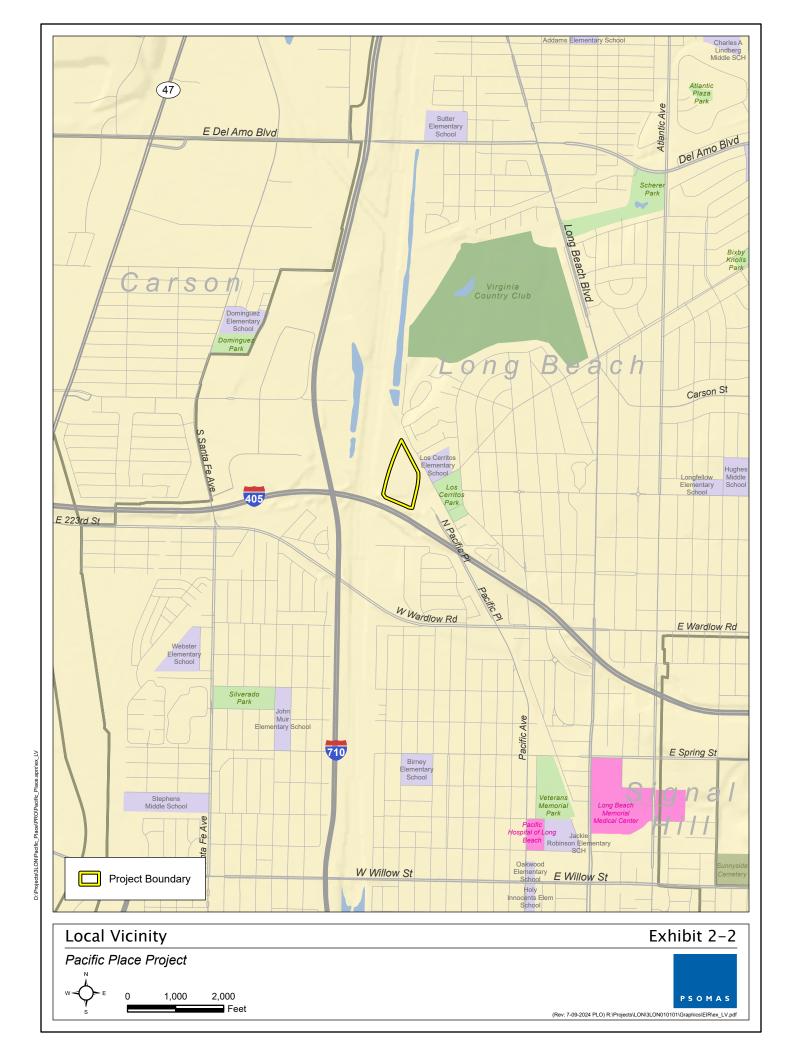
Further, in addition to the Project analyzed in this DEIR, the prior MND analyzed a proposed 77,000 sf building for warehouse and office uses to be constructed on four parcels (Assessor's Parcel Numbers 7140-014-021, -22, -23, and -27) at 3916-4021 Ambeco Road (referred to in the MND as the McDonald Trust Parcels), which are adjacent to the Project Site. At the time of the MND's publication, the owner of the McDonald Trust Parcels had submitted a preliminary conceptual site plan for the warehouse building to the City but had not submitted a complete development application. A complete development application was never subsequently submitted and the conceptual site plan expired on December 19, 2023. Additionally, the City received notice, on behalf of the owner of the McDonald Trust Parcels, on January 7, 2020 via email that the prior applicant would not be pursuing a project at this time. The City is not aware of any development proposed at the McDonald Trust Parcels, and no such development is within the scope of this DEIR.

2.2 SUMMARY AND SCOPE OF THE PROJECT

This DEIR has been prepared by the City to evaluate the potential environmental effects that could result from development of the Project. This DEIR has been prepared in conformance with the CEQA statutes and implementing CEQA Guidelines. The City is the lead agency under CEQA.

The Project Site is located within the City at 3701 North Pacific Place, as shown in Exhibit 2-1, Regional Location, Exhibit 2-2, Local Vicinity, and Exhibit 2-3, Aerial Photograph. The Project Site consists of 14.20 acres and currently exists as an undeveloped parcel. The majority of the site is vacant. As explained in more detail in Section 3 (Project Description), surcharge activities were undertaken from September 2020 to January 2021 (Surcharge Activities), which







included grading, movement of onsite soil from the northern to southern portion of the Project Site, import of certified clean soil from offsite, and creation of a large soil stockpile (Surcharge Pile) from the onsite and imported soils. The Surcharge Pile is located in the area of the Project's proposed self-storage building and occupies approximately 60,000 sf of the Project Site.

The Project proposes construction of a self-storage building and an RV surface parking lot with a car wash for RV storage tenants. Project Site access would be from a proposed improvement of North Pacific Place. Additionally, the Applicant would grant to the City a nonexclusive easement running roughly along the southern property line of the Project Site for the purpose of connecting North Pacific Place and the approximately 10.8-acre Los Angeles County Flood Control District (LAFCD) property located between the Project Site and the LA River, which in turn connects to the existing public pedestrian and bicycle trail maintained by the County along the LA River. The easement area would be available to be developed and used by the public as a trail for pedestrian, bicycle, and equestrian uses as and when the LAFCD property is developed for public recreation and open space.

The Project also involves, in order to address historical contamination, implementation of the Department of Toxic Substances Control (DTSC) Response Plan (RP) prepared for the Project under the California Land Reuse and Revitalization Act of 2004 (CLRRA), including key elements such as soil management, construction of an engineered cap, implementation of methane and soil gas mitigation measures, installation of groundwater monitoring wells, installation of perimeter soil vapor probes, implementation management and control plans, and implementation of an operations, monitoring, and maintenance plan. DTSC is a responsible agency under CEQA. As a responsible agency, DTSC oversees hazardous materials remediation plans and hazardous materials remediation for the Project.

2.2.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT BASELINE

The baseline for a Project is normally the physical conditions that exist when the Notice of Preparation (NOP) is published. The NOP for the Project was published on June 7, 2023, a copy of which is provided as Appendix A, Notice of Preparation, of this DEIR (City of Long Beach 2024). However, the CEQA Guidelines recognize that an appropriate environmental baseline can vary depending on the circumstances of a Project. The Guidelines and applicable case law recognize that lead agencies may use historical conditions to define the "existing conditions" baseline when environmental conditions change or fluctuate over time, and that existing conditions may be defined "by referencing historic conditions" that are supported by substantial evidence "where necessary to provide the most accurate picture practically possible of the project's impacts."

Based on the history of the Project detailed in Section 3.1.1, Project Background, the Prior Project was previously approved for development under an MND; however, all approvals for the Prior Project, including the Mitigated Negative Declaration (MND), were rescinded by the City on February 7, 2023 as required by the Court Ruling. The Court Ruling was based, in part, on some of the Prior Project activities – the Surcharge activities described in more detail in Section 3.0, Project Description – having occurred prior to the City's approval of the MND on April 13, 2021. Therefore, in order to ensure that all Project-related actions (including the Surcharge activities) are fully addressed in this DEIR, the environmental baseline will be described as site conditions at the time the previous development application was filed, on or about January 13, 2020, and the City initiated preparation of the MND.

¹⁴ Cal Code Regs §15125(a)(1); In Communities for a Better Env't v South Coast Air Quality Mgmt. Dist. (2010) 48 Cal.4th 310, 336.

2.3 CEQA REQUIREMENTS

CEQA requires the preparation of an EIR for any Project that a lead agency determines may have a significant impact on the environment. As stated in Section 15121(a) of the CEQA Guidelines, an EIR is an "informational document". According to Section 21002.1(a) of CEQA, "The purpose of an environmental impact report is to identify the significant effects on the environment of a Project, to identify alternatives to the Project, and to indicate the manner in which those significant effects can be mitigated or avoided." Accordingly, the purpose of this DEIR is to provide the City, responsible and trustee agencies, other public agencies, and the public with detailed information about the environmental effects that could result from implementing the Project; examine and set forth feasible methods of mitigating any adverse environmental impacts should the Project be approved; and consider feasible alternatives to the Project. The City will use the EIR, along with other information in the public record, to determine whether to approve, modify, or deny the Project and specify any applicable environmental conditions or mitigation measures as part of the Project approvals.

2.3.1 ENVIRONMENTAL PROCEDURES

The basic purposes of CEQA are to accomplish the following:

- 1. Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities;
- 2. Identify the ways that environmental damage can be avoided or be significantly reduced;
- 3. Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- 4. Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved (14 CCR 15002).

The EIR process typically consists of three parts: (1) the Notice of Preparation (NOP) with an optional Initial Study (IS), (2) Draft EIR (DEIR), and (2) Final EIR. As described above, an IS and MND was previously prepared and circulated for the Project and was approved by the City on April 13, 2021. In compliance with the Court Ruling, the City voided, vacated, and set aside that MND and prior Project approvals on February 7, 2023. Because the Court Ruling concluded that the fair argument test had been met as to certain topics analyzed in the MND, an IS was not needed and the City instead proceeded directly to preparing this DEIR. On June 7, 2023, the NOP for this Project was prepared and circulated to the State Clearinghouse, applicable agencies, and interested groups/individuals. Pursuant to Section 15082 of the CEQA Guidelines, recipients of the NOP were requested to provide responses within 30 days after their receipt of the NOP.

The 30-day NOP public review period ended on July 7, 2023. The City received 22 comment letters, including 15 letters from members of the public and 7 comment letters from public agencies. Comments received during the NOP public review period were considered during the preparation of this EIR. The NOP scoping comments are included in Appendix A of this EIR.

The DEIR has been made available for public review for 45 days to provide comments on the "sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the Project might be avoided or mitigated" (14 CCR 15204). Copies of the DEIR and Appendices are available from **July 31, 2024 to September 30, 2024** at the City of Long Beach, Planning Department, 411 West Ocean Blvd., 3rd Floor Long

Beach, CA 90802. Electronic copies of the DEIR and Appendices are available for downloading from the City's website at the following link: http://longbeach.gov/lbcd/planning/environmental/reports/

During the public review period, comments regarding environmental issues analyzed in the DEIR and the DEIR's accuracy and completeness may be submitted to the lead agency at the following address:

Ms. Amy L. Harbin, AICP
Planner
City of Long Beach, Community Development Department
411 West Ocean Blvd., 3rd Floor
LBDS-EIR-Comments@longbeach.gov
562.570.6872

As the lead agency for the Project, the City has assumed responsibility for preparing this document. The decision to consider the Project is within the purview of the City Planning Commission and City Council. The City will use the information included in this DEIR to evaluate potential impacts to the physical environment associated with the Project when considering approval of the Project. As set forth in Section 15021 of the CEQA Guidelines, the City, as lead agency, has the duty to avoid or minimize environmental damage where feasible. Furthermore, 14 § CCR 15021(d) states that:

CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.

2.4 <u>DEIR ORGANIZATION</u>

This DEIR is organized into eight sections, each containing its own references section. A list of the DEIR sections and a brief description of their contents is provided below to assist the reader in locating information.

- Section 1.0, Executive Summary: This section provides a description of the Project location and setting, an abbreviated Project description, Project Objectives, areas of controversy, summary of environmental impacts, and overview of alternatives considered by the City. Section 1.0 also includes a summary table with impacts for each threshold along with mitigation measures, as applicable.
- **Section 2.0, Introduction:** This section briefly discusses the purpose of the DEIR, describes the environmental review process, describes the environmental setting of the Project, and gives an overview of the DEIR's organization and topics covered in the DEIR.
- **Section 3.0, Project Description:** This section provides a detailed description of the Project characteristics and the environmental setting of the Project, as well as a statement of the Project Objectives and a list of anticipated discretionary actions for the Project.
- Section 4.0, Impact Analysis: This section contains subsections 4.1 through 4.21. Each subsection includes discussions on the following topics: existing conditions, regulatory

setting, thresholds of significance, impact analysis, cumulative impacts, mitigation program, and significance after mitigation.

- Section 5.0, Alternatives: This section includes an overview of CEQA requirements for the consideration and selection of alternatives, as well as alternatives considered but rejected. Section 5.0 also includes an analysis of alternatives carried forward for consideration as well as a discussion of the environmentally superior alternative.
- Section 6.0, Long Term Impacts: This section contains a summary discussion of topics such as the balance of long-term versus short-term impacts; potential growth-inducing impacts; and any significant irreversible environmental changes that would be caused by the Project.
- **Section 7.0, Persons and Organizations Consulted:** This section lists the persons and organizations that were contacted to obtain data on the preparation of this EIR.
- **Section 8.0, Preparers:** This section lists the persons that directly contributed to preparation of this DEIR.

2.5 ISSUES TO BE ADDRESSED IN THE EIR

The scope of the DEIR is based on the findings of the technical studies and input received from responsible and other agencies and the public as part of the scoping process. Based on the City's determination, the EIR addresses all environmental topics with potential to result in significant effects.

Based on the City's determination and the comments received by the City on the NOP, this DEIR analyzes the following environmental topics:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality

- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Services Systems

Although an IS was not prepared for the Project, certain environmental topics and issues within those topics have been found to have no potential for impact. Accordingly, those topics are identified below in this section of the EIR and focused out from further analysis in the other sections of the EIR.

2.6 <u>EFFECTS NOT FOUND TO BE SIGNIFICANT</u>

Consistent with Section 15128 of the CEQA Guidelines, an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant, and which were therefore not discussed in detail in the EIR. During the scoping process for this DEIR, the City determined that implementation of the Project would not result in significant environmental impacts on: Agricultural and Forestry Resources, Mineral Resources, or Wildfire. Therefore, these topics are not discussed further in this DEIR except as set forth below.

Agricultural and Forestry Resources

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104[g])?
- Result in the loss of forest land or conversion of forest land to non-forest use?
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. Most of the Los Angeles Basin, including the Project Site, is not mapped on the California Important Farmland Finder (CIFF) maintained by the Division of Land Resource Protection due to the intense urbanization of the region (DLRP 2022). Moreover, the Project Site is vacant, is not in agricultural use and no agricultural operations are located in the immediate area. The Project Site is zoned IL, Light Industrial, and is not zoned for agricultural use. The Project Site is not subject to a Williamson Act contract. Due to the lack of agricultural or farmland uses on the Project Site, as well as in the vicinity, no impacts related to the conversion of farmland or conflicts with existing agricultural uses or zoning would result from Project development; no mitigation is required.

No forest land is present on the Project Site. Vegetation consists of disturbed vegetation composed of nonnative species, bare land, ornamental landscape, and surface parking. The Project Site is zoned for industrial use and is not zoned for forest or timberland use. Project development would not conflict with zoning for forest or timberland uses and would not convert forest land to non-forest use. Therefore, no impacts would occur, and no mitigation is required.

The Project Site is not designated as farmland of significance and is not being used for agricultural production. There are no areas in the immediate area of the Project Site that are currently used for agricultural purposes. Further, there are no forest lands in the vicinity of the Project Site; therefore, the Project would not convert forest land to non-forest use. No impacts would occur, and no mitigation is required.

Therefore, the Project would not result in the loss of farmland, forestland, timberland, or timberland zoned Timberland Production. No impact would occur, and no mitigation is required. This topic (Agricultural and Forestry Resources) will not be further analyzed in this DEIR.

Mineral Resources

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The central and eastern parts of the Project Site are mapped Mineral Resource Zone 3 (MRZ-3) on the Generalized Mineral Land Classification Map of Los Angeles County by the California Geological Survey (CGS) (CGS 1994). MRZ-3 designates areas containing mineral deposits the significance of which cannot be evaluated from available data. The western part of the Project Site is mapped MRZ-1, consisting of areas where adequate information indicates that significant mineral deposits are absent or are unlikely to be present (CGS 1994). Thus, there is no available information for sufficiently assessing the significance of mineral resources that may underlie the Project Site. No mines on or near the Project Site are mapped on the Mines Online database maintained by the Division of Mine Reclamation (DMR 2020).

The Project Site is in the Long Beach Oil/Gas field (CalGEM 2020). No active oil or gas wells are present on or within 0.5 mile of the Project Site, and the nearest idle oil well is approximately 0.25 mile east of the Project Site. Six abandoned oil wells are present onsite. Thus, Project development would not interfere with production by active oil wells or resumption of production by idle wells. No impacts would occur, and no mitigation is required.

The Project would not result in adverse impacts to any regionally or locally significant mineral resources, and no mitigation is required. This topic (Mineral Resources) will not be further analyzed in this DEIR, as no impacts are anticipated.

Wildfire

- Substantially impair an adopted emergency response plan or emergency evacuation plan?
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project Site is not in located a fire hazard severity zone (FHSZ) or in a State Responsibility Area (SRA) (CalFire 2024). Project development would not impair implementation of the City of Long Beach Hazard Mitigation Plan. No impact to an adopted emergency response plan or emergency evacuation plan would occur, and no mitigation is required.

Project development would not exacerbate wildfire risks. Development would involve vegetation clearance on the Project Site and would involve installation of limited amounts of landscaping along the Project Site perimeter. The addition of landscaping to the site would be ornamental and would be irrigated; therefore, it would not exacerbate wildfire risks and no mitigation is required.

Project development would involve installation and maintenance of roadways, driveways and drive aisles, and utilities onsite. However, as discussed above, the Project Site is not in an FHSZ or in a SRA. Development would not involve installation of maintenance of infrastructure offsite or in a FHSZ or in a SRA. The installation and maintenance of infrastructure by Project development would not exacerbate wildfire risks. No impacts would occur, and no mitigation is required.

Project development would not exacerbate wildfire risks on or next to the site; and thus, would not expose people or structures to secondary risks arising from wildfires (e.g., flooding, landslides, or slope instability). Impacts would be less than significant, and no mitigation is required.

The Project would not result in adverse impacts to emergency response plans or evacuation plans, would not expose project occupants to pollutant concentrations, would not require the installation or maintenance of associated infrastructure, and would not expose people or structures to significant risks resulting from runoff, post-fire slope instability, or drainage changes. Therefore, no mitigation related to Wildfire are required. This topic (Wildfire) will not be further analyzed in this DEIR, as no impacts are anticipated.

2.7 REFERENCES

- Division of Land Resource Protection (DLRP). 2022 (Accessed 2024) https://maps.conservation.ca.gov/DLRP/CIFF/
- City of Long Beach. 2024. Notice of Preparation (Appendix A)
- Farmland Protection Alliance v. County of Yolo (2021) 71 Cal.App.5th 300, 308-312.) https://law.justia.com/cases/california/court-of-appeal/2021/c087688.html
- California Geological Survey (CGS).1994. Mineral Land Classification. https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc
- Division of Mine Reclamation (DMR 2020). Mines and Mineral Resources Related Dta & Maps https://maps.conservation.ca.gov/mineralresources/#datalist
- California Geologic Energy Management Division (CalGEM). 2020. https://www.conservation.ca.gov/calgem/maps
- CalFire. 2024. Fire Hazard Severity Zone Viewer. https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d895 97ab693d008