

# **FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SPRING STREET BUSINESS PARK PROJECT**

**State Clearinghouse Number 2019100514**

## **1 Introduction**

The following findings are made for the Environmental Impact Report (EIR) SCH #2019100514 for the proposed Spring Street Business Park Project (project). The EIR analyzes the significant and potentially significant environmental impacts, which may occur as a result of the project.

The project site is approximately 7.5 acres of land and consists of a single parcel (Assessor's Parcel Number 7212-009-021) located within the City of Long Beach (City), along the city boundary, with the adjacent City of Signal Hill to the east. The project site is vacant and immediately bounded by Spring Street on the north, Willow Springs Park on the south, Orange Avenue on the east, and undeveloped property on the west. The project site can be accessed via Spring Street and Orange Avenue.

The project is a proposed business park complex with off-site street improvements along Spring Street and Orange Avenue and park enhancements consistent with the Willow Springs Park Master Plan. The proposed business park would consist of a total of 160,673 square feet of floor area within three concrete "tilt-up" buildings. The anticipated mix of land uses includes manufacturing and warehousing. Project improvements are consistent with the land use and development standards of a medium industrial (IM) zoning district, in which the project is located.

### **1.1 Purpose of CEQA Findings/Terminology**

California Environmental Quality Act (CEQA) findings play an important role in the consideration of projects for which an EIR is prepared. Under Public Resources Code Section 21081 and CEQA Guidelines Section 15091, where a Final EIR identifies one or more significant environmental effects, a project may not be approved until the public agency makes written findings supported by substantial evidence in the administrative record regarding each of the significant effects. In turn, the three possible findings specified in CEQA Guidelines Section 15091(a) are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

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

CEQA Guidelines Section 15092(b) provides that no agency shall approve a project for which an EIR was prepared unless either:

1. The project approved will not have a significant effect on the environment, or
2. The agency has:
  - a. Eliminated or substantially lessened all significant effects where feasible as shown in the findings under Section 15091, and
  - b. Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

## 1.2 EIR Process

After the City reviewed the applications for the proposed project, it concluded that the project could have a significant impact on the environment, and that preparation of an environmental impact report was determined to be the appropriate CEQA environmental document. The City issued a Notice of Preparation (NOP) on October 23, 2019, and made the NOP available for review and comment for a 30-day period starting on October 25, 2019, and closing on November 25, 2019. The NOP was distributed to city, county, state and federal agencies, other public agencies, and various interested private organizations and individuals. The NOP was also submitted to the State Clearinghouse for distribution to state and responsible and trustee agencies. A public scoping meeting was held on November 12, 2019. Four comment letters were received during the NOP review period. A copy of the NOP and written comments received in response to the NOP are included in Appendix A of the Final EIR.

Based upon comments, the City of Long Beach's preliminary evaluation of the probable effects of the proposed project documented in the Initial Study (Appendix A of the Final EIR) and a thorough review of the comments on the NOP, it was determined that the Draft EIR should analyze project-related environmental impacts relative to the following five resources:

- Air Quality
- Geology and Soils
- Greenhouse Gas Emissions
- Noise
- Transportation

Additionally, the Draft EIR was required to include other CEQA substantive sections, including an Executive Summary, Introduction, Project Description, Analysis of Long-Term Effects, Cumulative Impacts, and Alternatives.

The Draft EIR was circulated for a 45-day public review period (January 6, 2020, through February 20, 2020) in accordance with Section 15087 of the CEQA Guidelines. Six letters were received during the public review period and are responded to in Chapter 8.0, Response to Comments, of the Final EIR.

## 2 Project Description

Signal Hill Petroleum, Inc., the project applicant, proposes to construct a business park/warehouse complex complete with off-site street improvements along Spring Street and Orange Avenue and park enhancements consistent with the Willow Springs Park Master Plan. Project improvements are consistent with the land use and development standards of an IM zoning district. The primary components include:

- **Business Park/Warehouse Complex** – The project includes development of three new concrete “tilt-up” buildings for new industrial with accessory office uses for a total of 160,673 square feet of floor area. The three buildings vary in size and each includes mezzanine space, and 25 percent of the square footage of each building is office area. Building 1 would be 39,812 square feet, inclusive of 3,000 square feet of mezzanine, and allow up to 9,953 square feet of office area. Building 2 would be 48,745 square feet, inclusive of 3,000 square feet of mezzanine, and allow up to 12,186 square feet of office area. Building 3 is 72,116 square feet, inclusive of 4,000 square feet mezzanine, and allow up to 18,029 square feet of office area. All three buildings would be 45 feet in height. The project is proposing to provide 162 standard surface lot parking stalls, 8 trailer spaces, and 18 loading docks.
- **Off-Site Street Improvements** – The project includes the following improvements to adjacent city streets:
  - The Orange Avenue Widening (adjacent and east of the project site) would include demolition and reconstruction of the sidewalk pavement, curb, curb gutter, bus pad, and roadway. Orange Avenue would have a 40-foot-wide roadway and 8-foot-wide sidewalk (5-foot-wide sidewalk and 3-foot-wide parkway area) located on both sides of the roadway, a 6-foot-wide bike lane, and a 6-foot-wide median within the 20-foot dedication area.
  - Immediately south of the Spring Street intersections, improvements would include a 5-foot-wide sidewalk, a 7-foot-wide bike lane, and an 8-foot-wide median to accommodate a bus stop. Unused driveways and curb cuts would be replaced with full-height curb, curb gutter and sidewalk.
  - The Spring Street (adjacent and north of the project site) improvement would include reconstruction of cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb, and curb gutter.
  - Manholes, pull boxes, meters, and other existing facilities would be reset to grade in conjunction with the required street improvements.
  - Project site entrances would get new crosswalks.
  - Construction of new bicycle facilities along Orange Avenue and Spring Street in accordance with the City’s Bicycle Master Plan (or contribution of a fair share fee to the City for future implementation).
- **Off-Site Park Improvements** – The project includes grading, planting, and irrigating of the property west and south of, and immediately adjacent to, the project site to create a park buffer zone consistent with future plans for the City’s Willow Springs Park.

## 2.1 Project Objectives

The following objectives have been identified for the proposed project:

- Provide an industrial and office development project consistent with the site's land use regulations that maximizes the development potential of the site
- Provide an industrial and office development project that is compatible and complementary with the existing surrounding and adjacent land uses and facilities
- Provide a modern, urban development site in place of the existing vacant site which was previously a natural gas processing and compression plant
- Provide an economically-viable development program for the property
- Increase the City of Long Beach's professional industrial and office inventory which would accommodate additional employment within the city
- Maintain consistency with the City of Long Beach General Plan and zoning ordinances
- Provide needed infrastructure improvements including roadway, sidewalk, and park improvements which would correct existing public infrastructure deficiencies

## 2.2 Required Project Approvals

In conformance with Section 15050 and 15367 of CEQA Guidelines, the City of Long Beach has been designated as the lead agency, which is defined as "the public agency which has the principal responsibility for carrying out or approving a project." Approvals by the lead agency required for development of the project include, but may not be limited to, the following:

- Site Plan Review
- Final EIR certification
- Ministerial permits and approvals, including grading permits, building permits, haul route permits, and temporary street closures

Additional approvals by other agencies would be required for off-site street improvements. These include, but are not limited to:

- **Caltrans** – Encroachment permits would be required for improvements at Caltrans jurisdictional intersections
- **City of Signal Hill** – Permits and approvals for street or intersection improvements at Signal Hill jurisdictional intersections

### 3 Project Location

The project site consists of approximately 7.8 acres of land located in the City of Long Beach, on the corner of Spring Street and Orange Avenue. The east side of the project site borders the City of Signal Hill. The project site is located less than 0.25 mile south of Interstate 405 (I-405) and approximately 1.75 mile east of I-710. The Long Beach Airport is less than 1 mile northeast of the project site, and the Pacific Ocean is approximately 3.5 miles south of the project site. The project site is not within the California Coastal Zone.

The project would be constructed and located on a single parcel (Assessor's Parcel Number 7212-009-021). The project site is vacant and is immediately bounded by Spring Street on the north, Willow Springs Park on the south, Orange Avenue on the east, and undeveloped property on the west. The project site can be accessed via Spring Street and Orange Avenue.

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## 4 Issues Addressed in the EIR

Based on the analysis presented in the NOP and the information provided in the comments to the NOP, the following environmental topics were analyzed in the EIR.

- Air Quality
- Geology and Soils
- Greenhouse Gas Emissions
- Noise
- Transportation

It was determined during preparation of the Initial Study and Environmental Checklists (Appendix A to the Final EIR) that the project would have either a less than significant impact or no impact associated with the following topics: aesthetics

- Agriculture and forestry resources
- Energy
- Hazards and hazardous materials
- Land use and planning
- Mineral resources
- Public services
- Population and housing
- Recreation
- Utilities and services systems
- Wildfire

Additionally, the following topics were determined to have sufficient analyses in the Initial Study and were identified to be less than significant with mitigation:

- Biological resources
- Cultural resources
- Hydrology and water quality
- Tribal cultural resources

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## 5 Mitigation Monitoring and Reporting Program

Pursuant to Public Resources Code Section 21081.6, the City has adopted a detailed mitigation and monitoring program. The program is designed to ensure that all mitigation measures hereafter required are in fact implemented on a timely basis as the project is implemented.

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## 6 Findings of Significant Impacts, Required Mitigation Measures, and Supporting Facts

### 6.1 Air Quality

#### 6.1.1 Emissions during Construction

- A. **Potential Impact.** Air pollutant emissions would occur over the short term from construction activities and would be generated by fugitive dust from site preparation and grading and emissions from equipment exhaust. The short-term air emissions associated with construction activities would be below the South Coast Air Quality Management District's (SCAQMD) threshold of significance; however, fugitive dust emissions generated during construction may cause significant impacts if not properly managed, especially on sensitive receptors near the project site.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis provided in Section 3.1, Air Quality, of the Final EIR, the project's potentially significant impact on air quality due to fugitive dust would be mitigated to a level less than significant with the implementation of Mitigation Measure AQ-1. Mitigation Measure AQ-1 requires fugitive dust control measures.

#### **Mitigation Measure AQ-1 Fugitive Dust Control.**

During clearing, grading, earthmoving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures using the following procedures, as specified in SCAQMD Rule 403. All material excavated or graded shall be sufficiently watered in sufficient quantities to prevent the generation of visible dust plumes. Watering will occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All material transported on-site or off-site shall be securely covered to prevent excessive amounts of dust. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust. These control techniques shall be indicated in project specifications.

In addition, where feasible, the following measures will be implemented to reduce fugitive dust emissions:

- Minimize land disturbance
- Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas
- Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes
- Cover trucks when hauling dirt
- Stabilize the surface of dirt piles if not removed immediately

- Limit vehicular paths on unpaved surfaces and stabilize any temporary roads
- Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway
- Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities
- Provide an operational water truck on-site at all times and use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas

## 6.2 Biological Resources

### 6.2.1 Migratory Bird Species

- Potential Impact.** The project site supports a variety of ornamental shrubs that provide suitable nesting habitat for avian species protected by the Migratory Bird Species Act (16 United States Code 703-712). Take of an active nest would be a significant impact.
- Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- Facts in Support of Finding.** Based on the analysis in the Initial Study (Appendix A to the Final EIR), the project's potentially significant impacts on migratory birds would be mitigated to a level less than significant with the implementation of Mitigation Measure BIO-1. Mitigation Measure BIO-1 requires pre-construction nest surveys during avian breeding season.

#### **Mitigation Measure BIO-1 Migratory Bird Treaty Act-Covered Species.**

Should clearing and grubbing be required during the avian breeding season (February 15 through August 15), a qualified biologist shall conduct a pre-construction nest survey (in suitable areas) for migratory birds 10 days prior to construction. Should an active nest of any Migratory Bird Treaty Act-covered species occur within or adjacent to the project impact area, an appropriate buffer, as determined by a qualified biologist, shall be established around the nest, and no construction shall occur within this area until a qualified biologist determines the nest is no longer active or the young have fledged.

## 6.3 Cultural Resources

### 6.3.1 Historical Resources

- Potential Impact.** The project area was occupied by a gas plant run by the Lomita Gas Company. The South Central Coastal Information Center was consulted regarding the project. Its response indicated that one historical resource—the Lomita Gas Company compressor house, located west of Orange Avenue between 29th Street and Spring Street—has been previously identified in the project area. This resource was identified in a historic property survey in 1989, and, although it has been assigned a primary number (P-19-187156) by South Central Coastal Information Center, it was not formally recorded on California Department of Parks and Recreation 523 forms; therefore, details on the resource are lacking. The historic

property survey report recommended the compressor house eligible for inclusion in the National Register of Historic Places under Criterion A at the local level of significance, and the State Historic Preservation Officer concurred in a letter dated November 7, 1989. However, aerial imagery indicates all buildings, structures, foundations, etc., on the property were razed between 2010 and 2012.

A prehistoric shell deposit was recorded in the early 1970s, approximately 1,000 feet southeast of the project area, but was destroyed by construction in 1976. The inadvertent discovery of cultural materials or human remains during project-related ground-disturbing activities could result in significant impacts if not properly managed.

- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis in the Initial Study (Appendix A to the Final EIR), the project's potentially significant impacts on historical resources would be mitigated to a level less than significant with the implementation of Mitigation Measure CULT-1, CULT-2, and CULT-3. Mitigation Measure CULT-1 outlines the requirements for an archaeologist and monitor. Mitigation Measure CULT-2 requires a qualified archeologist monitor excavation and grading activities on the project site. Mitigation Measure CULT-3 outlines procedures for unanticipated discovery of human remains.

#### **Mitigation Measure CULT-1 Archaeologist and Monitor.**

An archaeologist meeting the Secretary of the Interior's Professional Qualification Standards shall be retained by the project applicant and approved by the City to oversee and carry out the archaeological mitigation measures set forth in this document. The archaeologist shall conduct a pre grading meeting and develop an appropriate monitoring program and schedule. As part of this program, the archaeologist shall select a qualified archaeological monitor to be retained by the project applicant and approved by the City.

#### **Mitigation Measure CULT-2 Archaeological Monitoring.**

The qualified archaeological monitor shall monitor excavation and grading activities on the project site within native soils that have not been previously disturbed. In the event archaeological or cultural resources are unearthed during ground disturbing activities, the archaeological monitor shall halt or redirect such activities away from the area of the find to allow evaluation. Work may continue outside of the vicinity of the find, at a sufficient distance to be determined by the archaeological monitor, as necessary, to provide compliance with the mitigation measures and the archaeological monitoring program. Deposits shall be treated in accordance with applicable federal, state, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. In addition, if it is determined that an archaeological site is a historic resource, the provisions of Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5 shall be implemented.

The archaeologist shall evaluate the discovered resource(s) and, if significant, notify the project applicant, the City, and the representative of any Native American tribe that is a consulting party to the project under Assembly Bill 52/Senate Bill 18, and then develop an appropriate treatment plan. Treatment plans shall consider preservation of

the resource(s) in place as a preferred option. The archaeologist shall then prepare a report to be reviewed and approved by the City and file it with the project applicant, the City, and the South Central Coastal Information Center located at California State University, Fullerton. The report shall describe any resource(s) unearthed, the treatment of such resource(s), and the evaluation of the resource(s) with respect to the California Register of Historic Resources and the National Register of Historic Places. If the resource(s) are found to be significant, a separate report detailing the results of the recovery and evaluation process shall be prepared. The City shall designate one or more appropriate repositories for any cultural resources that are uncovered.

**Mitigation Measure CULT-3 Unanticipated Discovery of Human Remains.**

If human remains are discovered during ground disturbing activities or project construction, work shall be halted within at least 150 feet of the discovery location, and at a greater distance if determined necessary by the archaeological monitor or Native American monitor, and within any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5). The Los Angeles County coroner shall be notified immediately to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the California Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). In this case, the coroner shall contact NAHC. The descendants or most likely descendants (MLD) of the deceased shall be contacted, and work shall not resume until the MLD has made a recommendation to the project applicant regarding appropriate means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

Treatment measures for remains of Native American origin: Prior to the continuation of ground disturbing activities, the project applicant shall arrange with the MLD a designated site location within the footprint of the project site for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate movable by heavy equipment shall be placed over the excavation opening to protect the remains. If this arrangement is not available or feasible, a 24 hour guard should be posted outside of construction hours. The Native American monitor and MLD tribal representative shall make every effort to recommend diverting the ground disturbing activities and keeping the remains in situ and protected. If the ground disturbing activities cannot be diverted, it may be determined that burials shall be removed. The Native American monitor and MLD tribal representative shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the MLD tribal representative, documentation shall be taken, which includes, at a minimum, detailed descriptive notes and sketches. Additional types of documentation shall be approved by the MLD tribal representative for data recovery purposes. Cremations shall either be removed in bulk or as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the MLD

tribal representative and NAHC. No scientific study or utilization of any invasive diagnostics on human remains is authorized without prior express written permission of the MLD tribal representative.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects, and objects of cultural patrimony shall be removed to a secure container on site, if possible. These items should be retained and reburied within 6 months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the MLD tribal representative and the project applicant at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

### 6.3.2 Archeological Resources

- A. **Potential Impact.** Inadvertent discovery of archaeological resources during project-related ground-disturbing activities could result in significant impacts if not properly managed.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis in the Initial Study (Appendix A to the Final EIR), the project's potentially significant impacts on archeological resources would be mitigated to a level less than significant with the implementation of Mitigation Measure CULT-1 and CULT-2. Mitigation Measure CULT-1 outlines the requirements for an archaeologist and monitor. Mitigation Measure CULT-2 requires a qualified archeologist monitor excavation and grading activities on the project site.

### 6.3.3 Human Remains

- A. **Potential Impact.** There is no available evidence for the presence of human remains on the project site; however, inadvertent discovery of human remains could result in significant impacts if not properly managed.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis in the Initial Study (Appendix A to the Final EIR), the project's potentially significant impacts on human remains would be mitigated to a level less than significant with the implementation of Mitigation Measure CULT-3. Mitigation Measure CULT-3 outlines procedures for unanticipated discovery of human remains.

## 6.4 Geology and Soils

### 6.4.1 Seismic Ground Shaking

- A. **Potential Impact.** The project is located about 600 feet southwest of an earthquake fault zone and could be exposed to strong seismic shaking.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis provided in Section 3.2, Geology and Soils, of the Final EIR, the project's potentially significant impact from the exposure of strong seismic shaking would be mitigated to a level less than significant with the implementation of Mitigation Measure GEO-1. Mitigation Measure GEO-1 requires incorporation of, and compliance with, the recommendations in the Preliminary and Final Geotechnical Report, which means project facilities would be designed consistent with the city's existing construction ordinances and the California Building Code (CBC) in order to minimize hazards during a seismic event. The CBC includes standards related to soils and foundations, structure design, building materials, and structural testing and inspections.

#### **Mitigation Measure GEO-1 Incorporation of and Compliance with the recommendations in the Preliminary and Final Geotechnical Report.**

The project shall be constructed in conformance with the recommendations included in the *Preliminary Geotechnical Investigation* prepared by Albus-Keefe & Associates, Inc. (Appendix C) and the Final Geotechnical Report that will be prepared in conjunction with final detailed project plans. The City of Long Beach shall confirm compliance with all recommendations in the *Preliminary Geotechnical Report* and Final Geotechnical Report prior to issuance of building permits. Recommendations include, but are not limited to, the following:

#### CBC Compliance:

- Design and construction shall be done in accordance with current CBC requirements in order to address any issues related to potential ground shaking at the site.

#### Recommendations for a well-reinforced foundation system:

- Additional testing of site soils shall be performed after site grading to confirm the expansion potential.
- Foundations shall be designed for total differential static settlement up to 1 inch and 0.5 inch over 30 feet.
- An allowable bearing value shall be used.
- Lateral bearing for footings shall be determined.
- Exterior continuous building footings shall be founded at a minimum depth of 18 inches.
- Foundation excavations shall be observed by the project geotechnical consultant prior to placement of forms or reinforcement.

Recommendations to limit soil expansion:

- Earthwork and grading shall be performed in accordance with applicable requirements of California Occupational Safety and Health Administration and the Grading Codes of the City of Long Beach.
- All existing artificial fills shall be removed to a maximum depth of 10 feet below existing ground surface.
- Materials excavated from the site may be used as fill, provided they are free of deleterious materials and particles greater than 6 inches in maximum dimension.
- Asphalt and concrete materials greater than 6 inches shall be reduced in maximum dimension and incorporate within the fill materials, provided they are mixed with granular materials and spread throughout the fill to eliminate nesting.
- Construction of surcharge fills placed 15 feet above the proposed finish grades in selected areas is recommended.
- Edges of surcharge fills may be sloped 1.5:1 where space permits. Where insufficient room is present for slopes, a wire basket and geofabric system would be required.
- Surcharge fills shall remain in place until the remaining settlement due to future final grades.
- Surcharge fills shall be monitored by instruments prior to and after placement of fills above the current grades.

#### 6.4.2 Unstable Geologic Conditions

- A. Potential Impact.** The project site is partially located in an area mapped by the California Geological Survey as liquefiable. The existing artificial fill materials and the residual soil materials in this area are generally loose and porous, which means these materials would likely be prone to collapse upon wetting and settlement when subjected to the weight of additional fills and foundation loads.
- B. Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- C. Facts in Support of Finding.** Based on the analysis provided in Section 3.2, Geology and Soils, of the Final EIR, the project's potentially significant impact from the exposure of strong seismic shaking would be mitigated to a level less than significant with the implementation of Mitigation Measure GEO-1. Mitigation Measure GEO-1 requires incorporation of, and compliance with, the recommendations in the Preliminary and Final Geotechnical Report.

### 6.4.3 Expansive Soil

- A. **Potential Impact.** The *Preliminary Geotechnical Report* describes the on-site soils as low to medium expansion potential with reported values on the Expansion Index of up to 32. Volumetric soil changes can cause excessive movement in foundations, pavement, and flatwork.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis provided in Section 3.2, Geology and Soils, of the Final EIR, the project's potentially significant impact from the exposure of strong seismic shaking would be mitigated to a level less than significant with the implementation of Mitigation Measure GEO-1. Mitigation Measure GEO-1 requires incorporation of, and compliance with, the recommendations in the Preliminary and Final Geotechnical Report. The *Preliminary Geotechnical Report* (Appendix C of the Final EIR) provides testing and remediation recommendations that would mitigate the effects of potentially expansive soils. Supplemental testing for soil expansion would be required subsequent to rough grading and prior to construction of foundations and other concrete work to develop final recommendations for mitigation of expansive soils.

## 6.5 Hydrology and Water Quality

### 6.5.1 Violation of Water Quality Standards during Construction

- A. **Potential Impact.** Construction-related activities, such as site preparation, grading, and paving, associated with the project would occur and could result in temporary soil erosion that could subsequently degrade water quality. During a storm event, soil erosion could occur at an accelerated rate. Additionally, construction-related pollutants; such as chemicals, petroleum products, and concrete-related waste; could leak, spill, or be transported via storm runoff into drainages
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis in the Initial Study (Appendix A to the Final EIR), the project's potentially significant impacts on water quality would be mitigated to a level less than significant with the implementation of Mitigation Measure HWQ-1. During construction, the project would disturb more than 1 acre of soil; therefore, the project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, which requires the preparation of a Stormwater Pollution Prevention Plan and implementation of construction best management practices (BMP). Additionally, the project would comply with all requirements of the City of Long Beach Municipal Code (LBMC) related to stormwater management, the City's Stormwater Management Plan, and the City's Waste Discharge Requirements for Municipal Separate Storm Sewer System Discharges from the City of Long Beach (City of Long Beach Municipal Separate Storm Sewer System Permit). Due to the increase in impervious surfaces, the project would be required to implement post construction BMPs to mitigate stormwater pollution during

operation and prepare a low impact development (LID) plan or equivalent, in compliance with the City LID BMPs Design Manual.

**Mitigation Measure HWQ-1 NPDES Compliance and LID Plan.**

The contractor shall prepare a Stormwater Pollution Prevention Plan in accordance with the NPDES as part of Section 402 of the Clean Water Act. The Stormwater Pollution Prevention Plan shall include, but not be limited to (1) methods to minimize the footprint of the disturbed area; (2) construction related erosion and sediment control BMPs; (3) controls to prevent tracking on and off the site; (4) materials management (delivery and storage); (5) spill prevention and control; (6) and waste management (e.g., concrete washout/waste management; sanitary waste management, etc.).

The City of Long Beach Development Services Director, or appropriate designee, shall prepare an LID Plan, or equivalent, in compliance with LID Ordinance (Section 18.74.040 LBMC) and LID BMPs Design Manual (Long Beach Development Services 2013). Section 18.74.040 of LBMC requires runoff to be infiltrated, captured and reused, evapotranspired, and/or treated on site through stormwater BMPs listed in the LID BMPs Manual.

## 6.6 Noise

### 6.6.1 Noise Generation during Construction

- A. **Potential Impact.** Construction noise, although temporary, can potentially affect nearby sensitive receptors, such as residences closest to the project site. Project construction would require the use of heavy equipment that may be periodically audible at off-site locations. The nearest sensitive receptor to the project site is the existing church to the east, across Orange Avenue. At its closest point, the construction activity would be located within 150 feet of this land use. During the loudest construction phase, the maximum noise level at 150 feet is projected to be 75.5 A-weighted decibels  $L_{max}$ , and the average level is projected to be 64.9 A-weighted decibels  $L_{eq}$ . The maximum noise level would exceed the City of Long Beach's exterior noise thresholds.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis provided in Section 3.4, Noise, of the Final EIR, the project's potentially significant impact from construction noise would be mitigated to a level less than significant with the implementation of Mitigation Measure NOI-1. Although construction noise would be higher than the ambient noise in the project vicinity, construction noise is short term in nature and would cease once project construction is complete.

**Mitigation Measure NOI-1 City Noise Construction Compliance.**

Construction shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and Saturdays, between 9:00 a.m. and 6:00 p.m., in accordance with city standards. No construction activities shall occur outside of these hours or on federal holidays. Construction work on Sundays is prohibited unless the City of Long Beach's

Noise Control Officer issues a permit. The permit may allow work on Sundays between 9:00 a.m. and 6:00 p.m.

The following measures shall be implemented by the contractor to reduce potential construction noise impacts on nearby sensitive receptors.

- 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.
- The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall locate equipment staging in areas that would create the greatest distance between construction related noise sources and noise-sensitive receptors nearest the project site during all project construction.

## 6.7 Transportation

### 6.7.1 Conflict with Local Service Guidelines

#### Intersection #1 – Orange Avenue and 32nd Street

- Potential Impact.** The intersection of Orange Avenue and 32nd Street is under the jurisdiction of the City of Signal Hill. Under existing conditions, the intersection of Orange Avenue and 32nd Street operates at a level of service (LOS) C in the AM peak hour and LOS D in the PM peak hour. Under Year 2021 cumulative peak hour intersection capacity analysis, the intersection would deteriorate to LOS E in the PM peak hour. Under Year 2038 buildout peak hour intersection capacity analysis, the intersection would deteriorate to LOS F during PM peak hour. The deterioration from an acceptable LOS (LOS D) to an unacceptable LOS (LOS E or LOS F) is considered a significant impact.
- Finding.** Pursuant to CEQA Guidelines Section 15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- Facts in Support of Finding.** Based on the analysis provided in Section 3.5, Transportation, of the Final EIR, the project's potentially significant impact at the intersection of Orange Avenue and 32nd Street would be mitigated to a level less than significant with the implementation of Mitigation Measure TRAN-1. Mitigation Measure TRAN-1 is the responsibility of, and is subject to, approval by the City of Signal Hill, which has jurisdiction over the intersection of Orange Avenue and 32nd Street. The City of Signal Hill does not have any plans to improve the impacted intersection, or if it does have plans, those plans are either not funded or on a construction schedule that would not allow for those improvements to be operational by the project's opening year. Furthermore, the City of Long Beach has no independent control or jurisdiction over the implementation of the improvements at Orange

Avenue and 32nd Street. Therefore, such improvements are within the responsibility and jurisdiction of another public agency and not the City of Long Beach, and the impact at Orange Avenue and 32nd Street during PM peak hours is considered significant and unavoidable.

**Mitigation Measure TRAN-1 Orange Avenue at 32nd Street without Orange Avenue Bikeway Improvements.**

Restripe the northbound approach for an exclusive right-turn lane. Modify the existing traffic signal as necessary. These improvements are subject to approval by the City of Signal Hill.

**Intersection #3 - Orange Avenue and Interstate 405 Southbound Ramps**

- A. **Potential Impact.** The intersection of Orange Avenue and I-405 Southbound Ramps is under the jurisdiction of Caltrans. Under existing conditions the intersection of Orange Avenue and I-405 Southbound Ramps operates at a LOS E in the AM peak hour and LOS F in the PM peak hour. Under Year 2021 cumulative peak hour intersection capacity analysis (with and without road diet), the intersection would deteriorate to LOS F in the AM peak hour and LOS F in the PM peak hour. Under Year 2038 buildout peak hour intersection capacity analysis (with and without road diet), the intersection would deteriorate to LOS F in the AM peak hour and LOS F in the PM peak hour.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091(a)(2), such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis provided in Section 3.5 of the Final EIR, the project's potentially significant impact at the intersection of Orange Avenue and I-405 Southbound Ramps would be mitigated to a level less than significant with the implementation of Mitigation Measure TRAN-4 and TRAN-5. Mitigation Measures TRAN-4 and TRAN-5 are the responsibility of and are subject to approval by Caltrans, which has jurisdiction over the Orange Avenue and I-405 Southbound Ramps intersection. Caltrans does not have any plans to improve the impacted intersection, or if it does have plans, those plans are either not funded or on a construction schedule that would not allow for those improvements to be operational by the project's opening year. Furthermore, the City of Long Beach has no independent control or jurisdiction over the implementation of the improvements at Orange Avenue and I-405 Southbound Ramps. Therefore, such improvements are within the responsibility and jurisdiction of another public agency and not the City of Long Beach, and these impacts are considered significant and unavoidable.

**Mitigation Measure TRAN-4 Orange Avenue at I-405 Southbound Ramps without Orange Avenue Bikeway Improvements.**

Install a three phase traffic signal; maintain existing intersection lane configuration. These improvements are subject to the approval of Caltrans.

**Mitigation Measure TRAN-5 Orange Avenue at I-405 Southbound Ramps with Orange Avenue Bikeway Improvements.**

Install a three-phase traffic signal. Remove one through lane from the northbound and southbound directions on Orange Avenue. With implementations of improvements associated with the Orange Avenue Class IV Bikeway, the section of Orange Avenue, from 32nd Street south of Spring Street, would be striped as a two-lane divided roadway, with on-street bike lanes and a buffer to separate bicycle traffic from vehicular traffic. These improvements are subject to the approval of Caltrans.

**Intersection #7 - Orange Avenue and Spring Street Without Road Diet**

- A. **Potential Impact.** The intersection of Orange Avenue and Spring Street is under the jurisdiction of the City of Long Beach and the City of Signal Hill. Under existing conditions, the intersection of Orange Avenue and Spring Street operates at a LOS D in the AM peak hour and LOS D in the PM peak hour. Under Year 2021 cumulative peak hour intersection capacity analysis without road diet, the intersection would deteriorate to LOS E in the AM peak hour and LOS E in the PM peak hour. Under Year 2038 buildout peak hour intersection capacity analysis without road diet, the intersection would deteriorate to LOS F in the AM peak hour and LOS F in the PM peak hour.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis provided in Section 3.5, Transportation, of the Final EIR, the project's potentially significant impact at the intersection of Orange Avenue and Spring Street would be mitigated to a level less than significant with the implementation of Mitigation Measure TRAN-2. With implementation of Mitigation Measure TRAN-2, under Year 2021 cumulative peak hour intersection capacity analysis, the intersection would operate at LOS C in the AM peak hour and LOS C in the PM peak hour. With implementation of Mitigation Measure TRAN-2, under Year 2038 buildout peak hour intersection capacity analysis, the intersection would operate at LOS D in the AM peak hour and LOS D in the PM peak hour.

**Mitigation Measure TRAN-2 Orange Avenue at Spring Street without Orange Avenue Bikeway Improvements.**

Restripe the northbound approach to provide dual left-turn lanes, a through lane, and a shared through-right turn lane. Restripe the southbound right-turn lane into a shared through-right turn lane. Modify the traffic signal from a two phase signal to a five phase signal, with protected north-south left turn lands. Construct dual southbound left-turn lanes. These improvements are subject to the approval of the City of Long Beach and the City of Signal Hill.

## Intersection #7 - Orange Avenue and Spring Street With Road Diet

- A. **Potential Impact.** The intersection of Orange Avenue and Spring Street is under the jurisdiction of the City of Long Beach and the City of Signal Hill. Under existing conditions, the intersection of Orange Avenue and Spring Street operates at a LOS D in the AM peak hour and LOS D in the PM peak hour. Under Year 2021 cumulative peak hour intersection capacity analysis with road diet, the intersection would deteriorate to LOS F in the AM peak hour and LOS F in the PM peak hour. Under Year 2038 buildout peak hour intersection capacity analysis with road diet, the intersection would deteriorate to LOS F in the AM peak hour and LOS F in the PM peak hour.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis provided in Section 3.5, Transportation, of the Final EIR, the project's potentially significant impact at the intersection of Orange Avenue and Spring Street would remain significant with the implementation of Mitigation Measure TRAN-3. With implementation of Mitigation Measure TRAN-3, under Year 2021 cumulative peak hour intersection capacity analysis, the intersection would operate at LOS E in the AM peak hour and LOS E in the PM peak hour. With implementation of Mitigation Measure TRAN-3, under Year 2038 buildout peak hour intersection capacity analysis, the intersection would operate at LOS F in the AM peak hour and LOS F in the PM peak hour. Impacts would remain significant and unavoidable.

### **Mitigation Measure TRAN-3 Orange Avenue at Spring Street with Orange Avenue Bikeway Improvements.**

Construct an exclusive right-turn lane for the northbound and southbound approaches. Modify the existing traffic signal as necessary. These improvements are subject to approval of the City of Long Beach and the City of Signal Hill and will need to consider the City of Long Beach's planned Class IV (Protected Bike Lane) bikeway design/layout for this intersection.

## 6.8 Tribal Cultural Resources

### 6.8.1 Historic Resources

- A. **Potential Impact.** Assembly Bill 52 consultation letters were sent to six tribes based on a list provided by the NAHC. The letters were sent via email and certified mail on July 23, 2018. Copies of the letters are on file with the City of Long Beach Planning Bureau. A response letter was received from Andrew Salas of the Gabrieleno Band of Mission Indians on August 1, 2018. The letter requested consultation under Public Resources Code Section 21080.3.1. The City of Long Beach responded by email on March 7, 2019, requesting a meeting to initiate consultation. On March 7, 2019, Salas responded to the City by email and indicated the project site is within the ancestral land of the Gabrieleno Band of Mission Indians - Kizh Nation.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects, as identified in the Final EIR.

- C. **Facts in Support of Finding.** Based on the analysis in the Initial Study (Appendix A to the Final EIR), the project's potentially significant impacts on historical tribal cultural resources would be mitigated to a level less than significant with the implementation of Mitigation Measure TCR-1 and TCR-2. Mitigation Measure TCR-1 requires Native American monitoring. Mitigation Measure TCR-2 identified recovery procedures if archaeological resources are unearthed.

**Mitigation Measure TCR-1 Native American Monitoring.**

Prior to issuance of any Grading Permit for the project, the project applicant shall retain a Native American monitor approved by both the local tribal representative of the consulting party to the project under Assembly Bill 52/Senate Bill 18 and listed under the NAHC's Tribal Contact list for the area of the project location. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in CEQA, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The monitor(s) shall be present on site during the construction phases that involve ground-disturbing activities. Ground-disturbing activities may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the project area. The Tribal Monitor/consultant shall complete daily monitoring logs that provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. If evidence of any tribal cultural resources is found during ground-disturbing activities, the monitor(s) shall have the capacity to halt or redirect construction in the vicinity of the find in order to recover and/or determine the appropriate plan of recovery for the resource. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Native American monitor has indicated that the site has a low potential for impacting tribal cultural resources.

**Professional Standards:** Archaeological and Native American monitoring and excavation during construction projects shall be consistent with generally accepted current professional standards for these disciplines. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and are preferred to have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in Southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

**Mitigation Measure TCR-2 Recovery Procedures.**

All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and Native American monitor. If the resources are Native American in origin, the tribal representative shall coordinate with the Project Applicant regarding treatment and curation of these resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be

the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.

## 6.8.2 Resources Significant to California Native American Tribes

- A. **Potential Impact.** As discussed under Section 6.8.1, the project site is located within the ancestral land of the Gabrieleno Band of Mission Indians – Kizh Nation, and resources could be found on site.
- B. **Finding.** Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects, as identified in the Final EIR.
- C. **Facts in Support of Finding.** Based on the analysis in the Initial Study (Appendix A to the Final EIR), the project's potentially significant impacts on resources significant to a California Native American tribe would be mitigated to a level less than significant with the implementation of Mitigation Measure TCR-1 and TCR-2. Mitigation Measure TCR-1 requires Native American monitoring. Mitigation Measure TCR-2 identified recovery procedures if archaeological resources are unearthed.

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## 7 Effects Found Not to be Significant

CEQA Guidelines Section 15128 require that an EIR contain a brief statement disclosing the reasons why various possible significant effects of the project were found not to be significant, and therefore would not be discussed in detail in the EIR. Chapter 4.0, Other CEQA Considerations, of the Final EIR identified the following issue areas that would not be impacted by the project:

- Aesthetics
- Agriculture and Forestry Resources
- Energy
- Hazards and Hazardous Materials
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildfire

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## 8 Findings Regarding Feasible Alternatives

Pursuant to CEQA Guidelines Section 15126.6(a), EIRs must “describe a range of reasonable alternatives to the project, or to the location of this project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. To be legally sufficient, the consideration of project alternatives in an EIR must permit informed agency decision-making and informed public participation. The analysis of alternatives is evaluated against a rule of reason. Alternatives are suitable for study in an EIR if they meet all of the following thresholds: (1) substantially reduce or avoid the project’s significant environmental impacts; (2) attain most of the basic project objectives; (3) are potentially feasible; and (4) are reasonable and realistic. Candidate alternatives that do not satisfy these requirements may be excluded from further analysis. An EIR need not consider alternatives that would change the fundamental nature of the project or that cannot achieve the fundamental goals and purposes of the proposed project.

The alternatives to the project are evaluated in Chapter 5, Alternatives, of the EIR in terms of their ability to meet the basic objectives of the project and eliminate or further reduce its significant environmental effects. Based on these parameters, the following alternatives were considered and analyzed in the EIR:

- (1) Alternative 1–No Project/No Development Alternative
- (2) Alternative 2–Reduced Project
- (3) Alternative 3–Mixed-Use Development

### 8.1 Alternative 1 – No Project/No Development

CEQA Guidelines require analysis of the No Project Alternative. According to Section 15126.6(e), “the specific alternative of ‘no project’ shall also be evaluated, along with its impacts. The ‘no project’ analysis shall discuss the existing conditions at the time the NOP is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the proposed project was not approved, based on current plans and consistent with available infrastructure and community services.”

The No Project/No Development Alternative assumes that the project site would not be developed with the proposed project, and the project site would remain in its current condition and current uses. The site is currently vacant and previously disturbed. The No Project/No Development Alternative would avoid impacts associated with air quality; biological resources; cultural resources; geology and soils; hydrology and water quality; noise; transportation; tribal cultural resources.

- A. **Finding.** Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

**B. Facts in Support of Findings.** Alternative 1, the No Project/No Development Alternative is rejected as infeasible because it would not meet the primary objectives of the proposed project which include:

- To provide an industrial and office development project consistent with the site's land use that maximizes the development potential of the site
- Provide an industrial and office development project that is compatible and complementary with the existing surrounding and adjacent land uses and facilities
- Provide a modern, urban development site in place of the existing vacant site which was previously a natural gas processing and compression plant
- Provide an economically-viable development program for the property
- Increase the City of Long Beach's professional industrial and office inventory which would accommodate additional employment within the city
- Maintain consistency with the City of Long Beach General Plan and zoning ordinances
- Provide needed infrastructure improvements including roadway, sidewalk, and park improvements which would correct existing public infrastructure deficiencies

For the reasons stated above, the City finds that this alternative is infeasible and less desirable than the proposed project and rejects this alternative.

## 8.2 Alternative 2 – Reduced Project

The Reduced Project Alternative proposes two buildings on the project site. The Reduced Project Alternative would include development of two new concrete “tilt-up” buildings for new industrial, with accessory office uses, for total of 88,557 square feet of floor area. The two buildings vary in size and each include mezzanine space, and 25 percent of the square footage of each building is office area. Building 1 would be 39,812 square feet, inclusive of 3,000 square feet of mezzanine, and allow up to 9,953 square feet of office area. Building 2 would be 48,745 square feet, inclusive of 3,000 square feet of mezzanine, and allow up to 12,186 square feet of office area. The buildings would be 28 feet in height.

Vehicular access to the project site would be provided via new driveways along Spring Street and Orange Avenue. A total of 89 auto parking spaces would be provided, including 4 Americans with Disabilities Act accessible, 2 van accessible, 6 clean air vehicle, and 4 electric vehicle charging stations. Additionally, 5 trailer parking spaces would be provided.

Off-site street improvements and off-site park improvements would be the same as described for the proposed project.

- A. Finding.** Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- B. Facts in Support of Findings.** The purpose of studying alternatives to the proposed project is to identify alternatives that would substantially reduce or avoid the significant environmental impacts of the proposed project. Implementation of Alternative 2 would result in similar impacts to the proposed project, with the exception of transportation. Transportation impacts would be

reduced under the Reduced Project Alternative compared to the proposed project because total daily trips would be reduced from 757 to 417; however, 60 percent of the project trips pass through the intersection of Orange Avenue and Spring Street and even with a reduction in 45 percent of the peak hour trips, a significant impact would be triggered at this intersection. Additionally, improvements would be required at City of Signal Hill jurisdictional intersection Orange Avenue and 32nd Street and Caltrans jurisdictional intersection Orange Avenue at I-405 Southbound Ramps. The City of Long Beach has no independent control or jurisdiction over the implementation of the identified improvements at these intersections. Since the responsible agencies do not have any plans to improve the impacted intersections, or if they do have plans, those plans are either not funded or on a construction schedule that would not allow for those improvements to be operational by the project's opening year, impacts would be significant and unavoidable.

Moreover, while Alternative 2 would meet some of the identified project objectives, it would fail to meet those objectives as fully as the project. Alternative 2, the Reduced Project Alternative would not meet or only partially meet the following objectives of the proposed project:

- Provide an industrial and office development project consistent with the site's land use that maximizes the development potential of the site
- Provide an economically-viable development program for the property
- Increase the City of Long Beach's professional industrial and office inventory, which would accommodate additional employment within the city

For the reasons stated above, the City finds that this alternative is infeasible and less desirable than the proposed project and rejects this alternative.

### 8.3 Alternative 3 – Mixed-Use Development

The Mixed-Use Development Alternative proposes a mixed-use building that is approximately 61 feet (up to maximum 65 feet) above ground level (maximum 5 stories). The building includes a 200-unit, 5-story apartment building, with 56,000 square feet of retail shopping center space on the street level. The building also includes a four-story parking structure on a 7.8-acre site. The entrance for the parking structure would be on the north side of the property from Spring Street and on the east side of the property from Orange Avenue. Off-site street improvements and off-site park improvements would be the same as described for the proposed project. This alternative would conflict with the City of Long Beach General Plan and zoning ordinance.

- A. **Finding.** Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- B. **Facts in Support of Findings.** The purpose of studying alternatives to the proposed project is to identify alternatives that would substantially reduce or avoid the significant environmental impacts of the proposed project. Implementation of Alternative 3 would result in greater impacts compared to the proposed project. While impacts on geology and soils and noise would be similar to the proposed projects, a new significant impact, resulting from greenhouse gas emissions, would occur, and impacts from air quality would be greater. Additionally, impacts on transportation would result in a significant and unavoidable impact similar to the proposed project; however, impacts would be greater than the proposed project.

Moreover, while Alternative 3 would meet some of the identified project objectives, it would fail to meet those objectives as fully as would the project. Alternative 3 would conflict with the City of Long Beach General Plan and zoning ordinance. Alternative 3, the Mixed-Use Development Alternative, would not meet the following objectives of the proposed project:

- Provide an industrial and office development project consistent with the site's land use that maximizes the development potential of the site
- Provide an industrial and office development project that is compatible and complementary with the existing surrounding and adjacent land uses and facilities
- Increase the City of Long Beach's professional industrial and office inventory, which would accommodate additional employment within the city
- Maintain consistency with the City of Long Beach General Plan and zoning ordinances

For the reasons stated above, the City finds that this alternative is infeasible and less desirable than the proposed projects and rejects this alternative.

## 9 Statement of Overriding Considerations

As discussed in Section 6 of these CEQA findings, the Final EIR concludes that the project, even with incorporation of all feasible mitigation measures and consideration of alternatives, would have a significant impact on transportation.

Section 15093 of the CEQA Guidelines requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

When the lead agency approves a project which would result in the occurrence of significant effects which are identified in the Final EIR, but are not avoided or substantially lessened by the adoption of all feasible mitigation measures and alternatives, the lead agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.

Pursuant to CEQA Section 21081 and CEQA Guidelines Section 15093, the City adopts the following Statement of Overriding Considerations regarding the unavoidable significant impacts on transportation outlined in the Final EIR for the Spring Street Business Park Project and the anticipated economic, legal, social, and technological and other benefits associated with the project.

In approving the project, the City has weighed the benefits of the project against the significant adverse impact identified in the Final EIR that has not been avoided or lessened through mitigation to a level of less than significant. The City hereby determines that benefits of the project outweigh the unmitigated adverse impact and that project should be approved. The City finds that to the extent that the identified significant or potentially significant adverse impact has not been avoided or substantially lessened, there are specific economic, legal, social, technological and other considerations which support approval of the project.

### 9.1.1 Adoption of Overriding Considerations

The City adopts this Statement of Overriding Considerations and finds that (a) the project has substantially lessened all significant impacts of the project where feasible, and (b) the remaining unavoidable impacts of the project are acceptable in light of the economic, legal, social, technological and other considerations set forth herein, as the benefits of the project outweigh the significant adverse impacts of the project. The City finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefit of the project outweighs the significant adverse environmental impacts. These matters are supported by substantial evidence in the record that includes but is not limited to the Final EIR, staff reports and analysis, and other documents referenced in this Statement of Overriding Considerations and its adopting resolution.

## 9.1.2 Benefits of the Project

The City finds that the project's unavoidable potential significant environmental impacts are outweighed by these considerable benefits.

- A. **City General Plan and Policies.** The project is consistent with the City's General Plan and policies in that it provides industrial and office development consistent with the site's land use regulations; provides needed infrastructure improvements, including bike lanes, roadways, and sidewalks; and provides park improvements.
- B. **Property Tax.** The approval of this project would result in an increased generation of property tax revenue for the City of Long Beach.
- C. **Employment.** The project site is currently vacant and is not a source of employment. Development of the business park/warehouse complex would provide approximately 45 full-time jobs.
- D. **Park Improvements.** The project includes grading, planting, and irrigating of the property west and south of, and immediately adjacent to, the project site to create a park buffer zone, consistent with future plans for the City's Willow Springs Park.
- E. **Infrastructure Improvements.** The project would provide needed infrastructure improvements including roadway, sidewalk, and bike lane improvements.
  - a. Orange Avenue would have 8-foot wide sidewalk (5-foot-wide sidewalk and 3-foot-wide parkway area) located on both sides of the roadway, 6-foot-wide bike lane, and a 6-foot-wide median within the 20-foot dedication area.
  - b. Immediately south of the Spring Street intersections, improvements would include a 5-foot-wide sidewalk, a 7-foot-wide bike lane, and an 8-foot-wide median to accommodate a bus stop.
  - c. Unused driveways and curb cuts would be replaced with full-height curb, curb gutter, and sidewalk.
  - d. The existing sidewalk and curb ramps located at the southwest, northwest, and northeast corners of Orange Avenue and Spring Street would be demolished and new Americans with Disabilities Act compliant curb ramps would be constructed.
  - e. On Spring Street, the existing sidewalk pavement, curb, and curb gutter would be reconstructed by repairing cracked, deteriorated, or uplifted/depressed sections.
  - f. The project would include the resetting-to-grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required street improvements; new crosswalks at project site entrances; and construction of new bicycle facilities along Orange Avenue and Spring Street in accordance with the City of Long Beach's Bicycle Master Plan (or contribution of a fair share fee to the city for future implementation).
  - g. The existing crosswalks at the intersection of Orange Avenue and Spring Street would be upgraded to continental style crosswalks, using thermoplastic materials, per the latest City of Long Beach standards.

## 9.2 Conclusion

The City has considered the information contained in the record of administrative proceedings on the project and has weighed the above outlined benefits of the project against the unavoidable adverse environmental impacts identified in the Final EIR. The City hereby determines that, based on the substantial evidence in the record before it, these benefits outweigh the unavoidable significant environmental impacts of the project, and further determine that these environmental impacts are acceptable. Therefore, the City approves the project.

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