



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

February 18, 2010

## CHAIR AND PLANNING COMMISSIONERS

City of Long Beach  
California

### RECOMMENDATION:

Adopt Resolution certifying Mitigated Negative Declaration 15-09 and approve a Local Coastal Development Permit to remove four large above-ground storage tanks, Tank Nos. 1, 2, 3 and 4, and one smaller above-ground storage tank, Cutter Tank B, and associated above-ground pipelines at 400 Studebaker Road. (District 3)

APPLICANT: Studebaker LB, LLC  
c/o Tom Dean  
3626 Long Beach Boulevard  
Long Beach, CA 90807  
(Application No. 0911-04 MND No. 15-09)

### DISCUSSION

The project site is a nearly rectangular shaped 17.8-acre parcel located on the east side of Studebaker Road at the Loynes Drive and Studebaker Road intersection (Exhibit A - Location Map). Adjacent land uses include the Alamitos Generating Station to the north and east, a water channel and industrial uses to the south, and the Los Cerritos Wetlands and residential neighborhood to the west across Studebaker Road.

The project site contains six above-ground storage tanks (ASTs), conveyance pipelines, and containment berms. The four large ASTs, Tank Nos. 1, 2, 3, and 4, originally stored Fuel Oil No. 6, which formerly fueled the adjacent power plant. The capacity of these tanks is between 5,888,000 and 9,400,000 gallons. The four large tanks are approximately 40 feet high and 160 to 200 feet in diameter. The remaining smaller ASTs, Cutter Tanks A and B, have been used to store distilled oil. The smaller tanks have a capacity of 840,000 to 1,220,000 gallons with a diameter of approximately 60 feet. All tanks have a berm system to contain any tank spills. At present, the only operating facilities on the project are Cutter Tank A, an operations shed, and conveyance pipelines, all of which are maintained by Plains Petroleum. The remainder of the project site lies dormant (Exhibit B - Plans and Photographs).

The applicant, Studebaker LB, LLC, intends to remove the four large ASTs, Tank Nos. 1-4, Cutter Tank B, and above-ground pipelines associated with these five ASTs. Cutter Tank A is still in use and will remain.

Prior to issuance of a demolition permit the applicant shall be required to obtain approval from a number of city, state and regional government agencies to ensure the safe removal and disposal of any hazardous materials. Additionally, these agencies will ensure adequate safeguards are in place to prevent adverse effects to the surrounding area during the demolition process such as dust control and proper disposal of materials. Approval of the following plans shall be required from these agencies:

- Regional Water Quality Control Board (RWQCB) - File a Notice for Stormwater Discharges and prepare a Stormwater Pollution Prevention Plan (SWPPP).
- South Coast Air Quality Management District (SCAQMD) - Notification of demolition and asbestos abatement pursuant to SCAQMD Rule 1403 and follow fugitive dust requirements pursuant to SCAQMD Rule 403.
- Long Beach Certified Unified Program Agency (CUPA) - Long Beach Health Department (LBHD) and the Long Beach Fire Department (LBFD) - Above-ground storage tank (AST) demolition work plan.
- Department of Toxic Substances and Control (DTSC) - Corrective Actions Consent Agreement between the applicant and DTSC.

A letter from Rincon Consultants, Inc. with a list of agency permits and approvals is attached (Exhibit C - Letter and Permit Matrix).

Demolition of the five tanks will take approximately six weeks to complete. Two tanks and associated piping will be demolished at one time before moving on to the other tanks. The tanks will be demolished and stockpiled in bins until taken to a landfill. For the entire project, hauling the tank panels will use approximately 18 trucks for up to two days, while hauling the scrap metal will use up to 40 trucks over a three day period. Hauling will occur when all of the bins are loaded and will not occur during tank demolition. Pickup of demolished materials will be phased during non-peak hours to reduce potential traffic impacts. Trucks will enter and exit the project site through an access gate near the intersection of Loynes Drive and Studebaker Road.

A Local Coastal Development Permit is required for any development in the coastal zone. Development includes demolition; thus, the project is subject to a Local Coastal Development Permit. The proposed project is consistent with the goals, objectives and provisions of the Local Coastal Development Plan (Exhibit D - Findings and Conditions of Approval). This parcel was also part of a lot line adjustment approved on July 7, 1997, by the City's Zoning Administrator. There is a dispute with the California Coastal Commission regarding the legality of the Lot Line Adjustment, as there was not a Local Coastal Development Permit processed concurrently with the request. A discussion with the California Coastal Commission staff indicates that this is not an issue for the tank demolition. However, any future development of the site will require approval of a Local Coastal Development Permit and Lot Line Adjustment.

The revised Initial Study/Mitigated Negative Declaration 15-09 (MND 15-09) has determined that no significant impacts would occur as a result of this project. Although project impacts would be less than significant, MND 15-09 identifies two mitigation measures that would further reduce the level of potential impacts: (1) advance notice is required to local schools at

least seven days prior to commencement of demolition activities, and (2) traffic safety measures during truck hauling to reduce potential impacts to traffic on Studebaker Road. These two conditions are found in the Mitigation Monitoring Plan (Exhibit E - Mitigated Negative Declaration 15-09).

### **PUBLIC HEARING NOTICE**

Notices of public hearing were distributed on February 1, 2010, in accordance with Chapter 21.21 (Administrative Procedures) of the Zoning Regulations. In addition, a public notice was mailed to College Park Estates, Bixby Village Community Association, University Park Estates Neighborhood Association, Belmont Shore Mobile Estates, and Island Village Homeowners Association. As of the date of preparation of this report, no responses to the public hearing notice were received.

### **ENVIRONMENTAL REVIEW**

The original MND 15-09 public comment period was from December 1 to 31, 2009. The project proposal at that time included a dry vehicle storage lot land use for the project site after completion of demolition activities. The applicant has since withdrawn the dry vehicle storage lot proposal. A revised MND 15-09 was then prepared for the tank demolition proposal only, and a public comment period from January 14 to February 16, 2010, was provided for this revised MND 15-09. The Mitigated Negative Declaration was mailed to all applicable government agencies, including the Department of Toxic Substances (DTSC) and Regional Water Quality Control Board (RWQCB), for their review and comment.

In accordance with the guidelines for implementation of the California Environmental Quality Act (CEQA), MND 15-09 was prepared and is attached for your review. In addition, comment letters received from both public comment periods on the Mitigated Negative Declaration are attached for your review (Exhibit F - Comment letters).

Respectfully submitted,

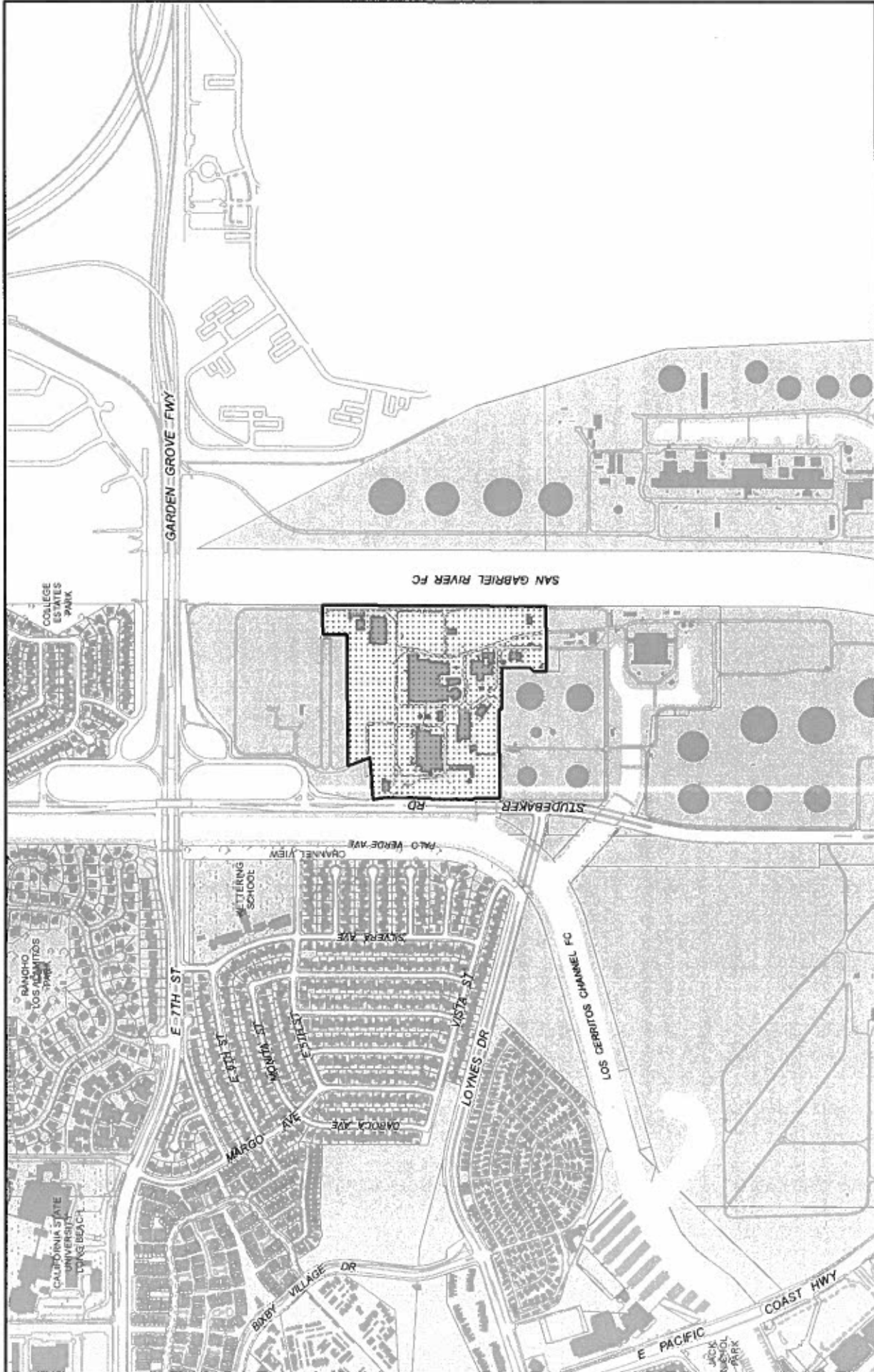


REGINALD I. HARRISON  
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

RH:DB:lf

Exhibit A - Location Map  
Exhibit B - Plans & Photographs  
Exhibit C - Rincon Letter and Permit Matrix  
Exhibit D - Findings and Conditions of Approval  
Exhibit E - Mitigated Negative Declaration No. 15-09 and Notice of Intent  
Exhibit F - Comment Letters on MND No. 15-09

Resolution

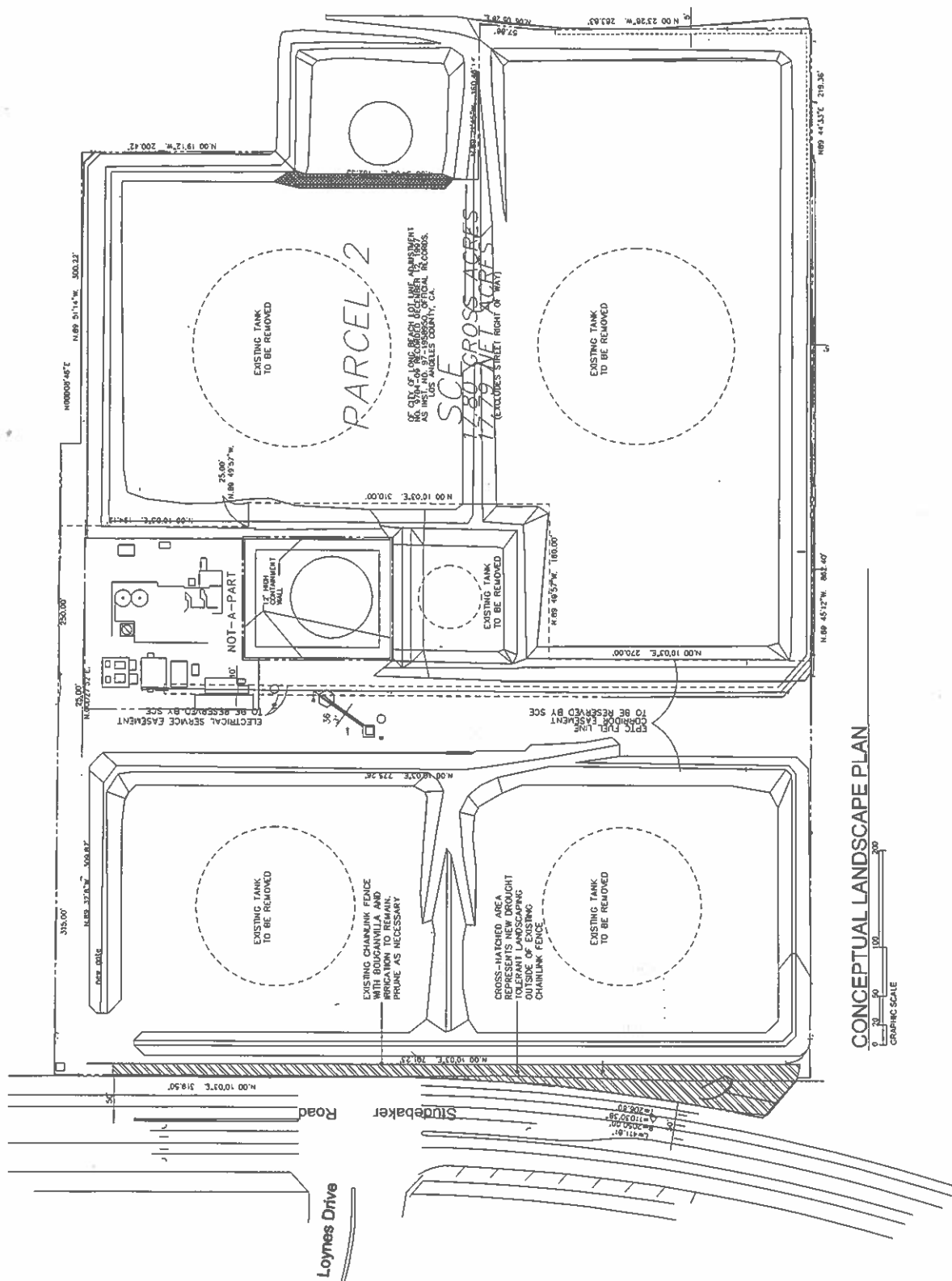


## Exhibit A



**Subject Property:**  
400 Studebaker Rd  
Application No. 0911-04  
Council District 3  
Zoning Code : PD-1 (SubArea 19)





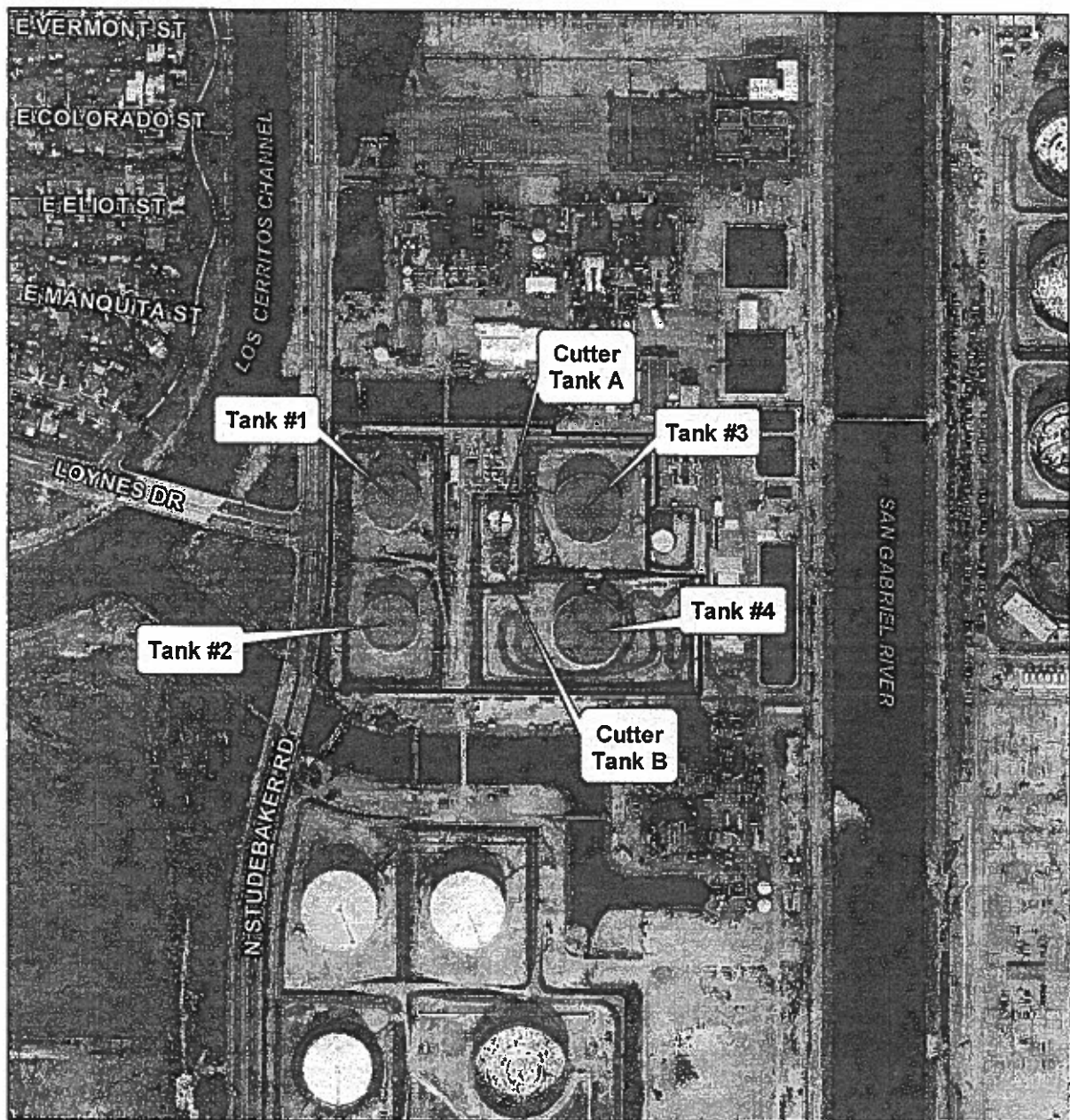



Image Source: TerraServer, 2009.

 Project Boundary



0 250 500 750 1,000 Feet

Project Site and Vicinity

Figure 2  
City of Long Beach



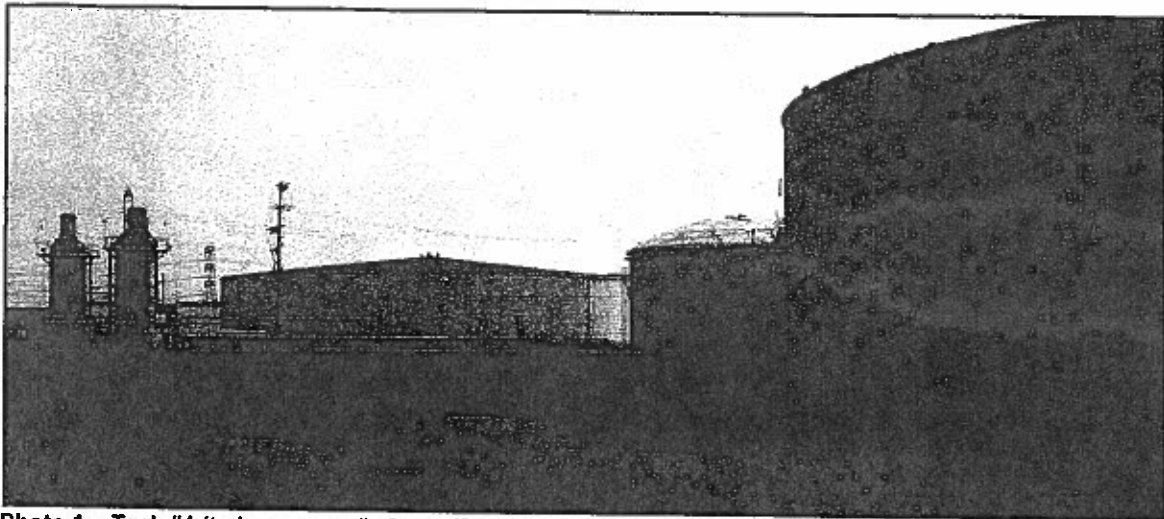


Photo 1 - Tank #4 (to be removed), Cutter Tank #1 (tank stays), and Tank #1 (to be removed). (From left to right)

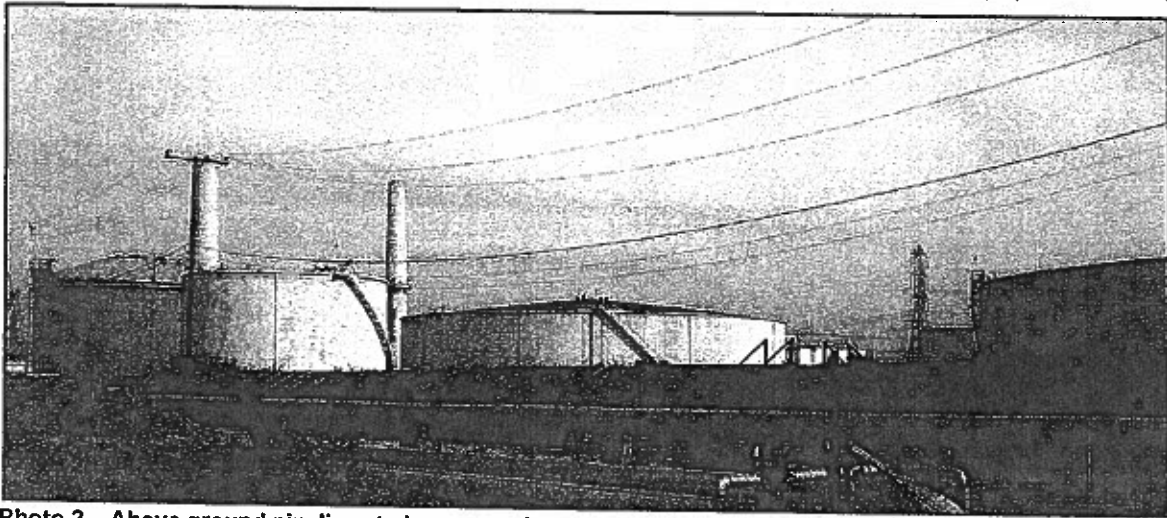


Photo 2 - Above ground pipelines to be removed and Cutter Tanks #1 and #2, Tank #4, and Tank #3.

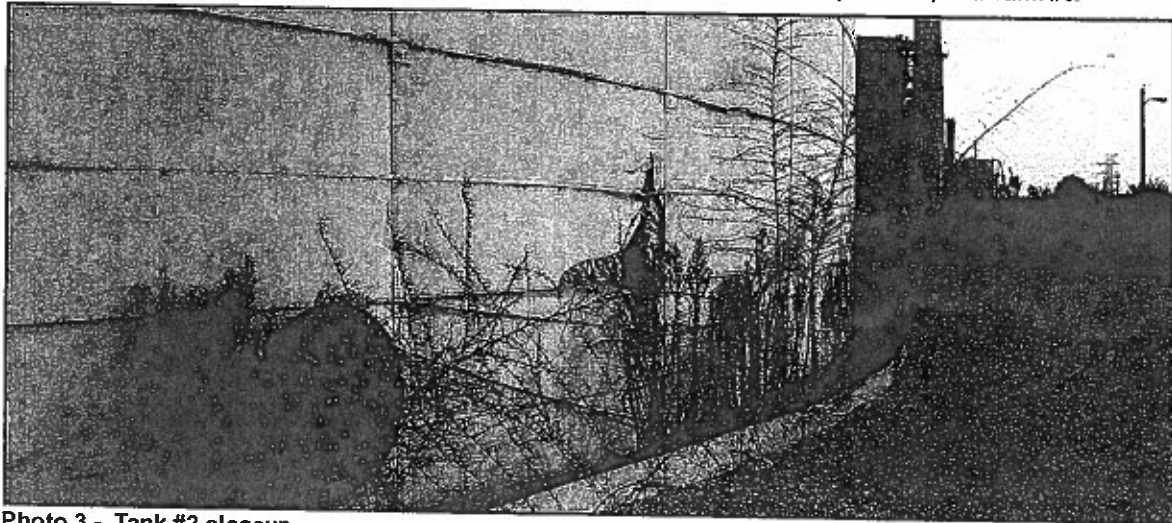


Photo 3 - Tank #2 closeup.

## Interior Site Photographs

Figure 4  
City of Long Beach

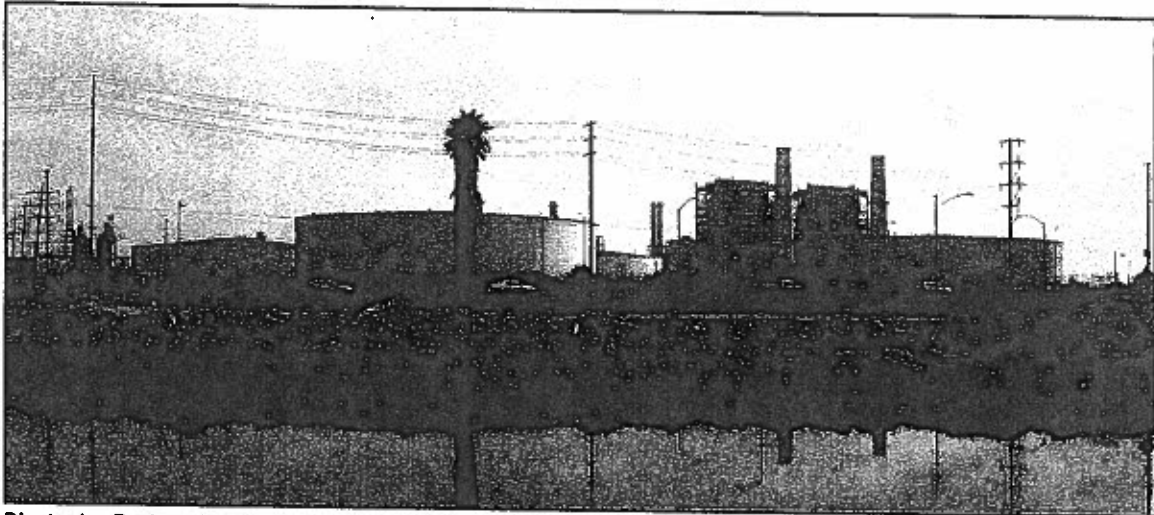


Photo 1 - Project Site from Channel View Park adjacent to single family residential neighborhood to west of project site.

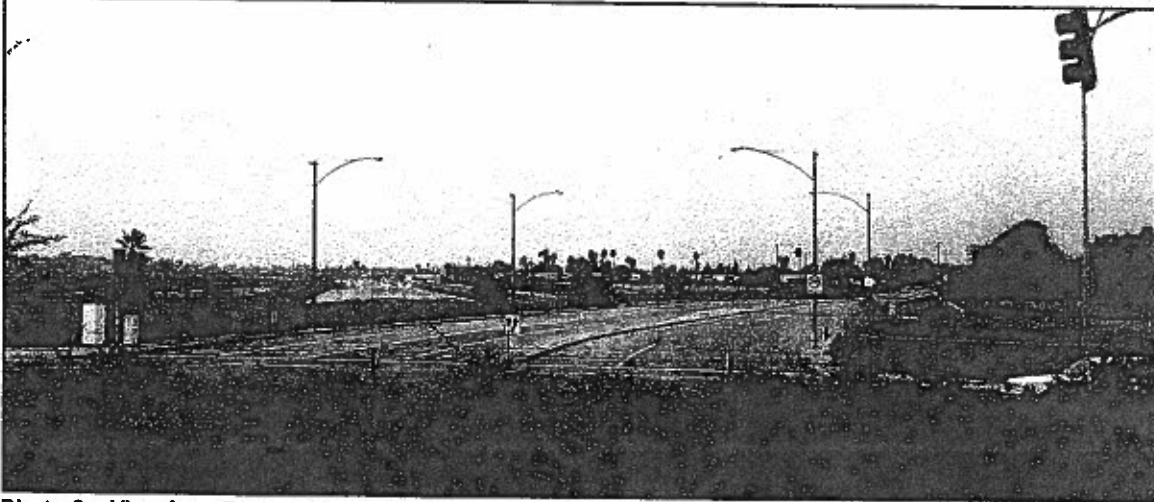


Photo 2 - View from Project Site looking west towards Loynes Drive and Los Cerritos Channel and residential neighborhood.

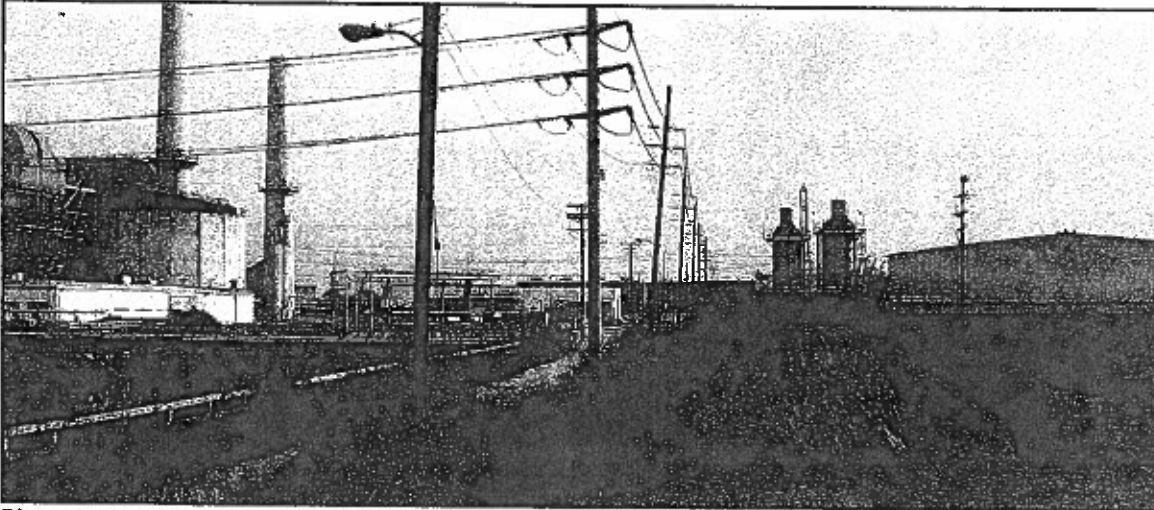


Photo 3 - Northern boundary of Project Site indicating proximity to arm of Los Cerritos Channel.

Adjacent Uses

Figure 5

City of Long Beach







Rincon Consultants, Inc.  
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Ventura, California 93001

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www.rinconconsultants.com

January 21, 2010

Craig Chalfant  
Long Beach Development Services  
333 West Ocean Blvd, 5th Floor  
Long Beach, CA 90802

Subject: Agency Permits and Approvals for the proposed Studebaker LB Tank Removal Project

Dear Mr. Chalfant:

Below is the requested list of required agency permits and approvals for the proposed Studebaker LB Tank Removal Project. This list assumes that the project would be completed as identified in the Draft Mitigated Negative Declaration (January 2010).

- City of Long Beach Planning Commission
  - Adoption of the MND (appealable to the City Council)
  - Granting of a Local Coastal Development Permit (appealable to the City Council and Coastal Commission)
- Regional Water Quality Control Board
  - File a notice for stormwater discharges from large and small construction activities
  - Prepare a Stormwater Pollution Prevention Plan (SWPPP)
- South Coast Air Quality Management District (SCAQMD)
  - File notification of demolition and asbestos abatement - pursuant to SCAQMD Rule 1403
  - Fugitive Dust Requirements - pursuant to SCAQMD Rule 403
- Long Beach Certified Unified Program Agency (CUPA)
  - Long Beach Health Department (LBHD) approves aboveground storage tank (AST) demolition work plan
  - Long Beach Fire Department (LBFD) approves AST demolition work plan

Studebaker LB, LLC Tank Removal Project  
Agency Approval and Permit Matrix

Approving/Issuing Agent	Action Required	When Action is to occur	Monitoring Frequency	Responsible Agency or Party
City of Long Beach Planning Commission	Adoption of the Mitigated Negative Declaration (appealable to the Long Beach City Council)	Prior to the commencement of demolition	Once	Planning Commission and, if needed, City Council
	Granting of a Local Coastal Development Permit (appealable to the City Council and Coastal Commission)	Prior to the commencement of demolition	Once	Planning Commission and, if needed, City Council and Coastal Commission
Regional Water Quality Control Board (RWQCB)	Applicant must file a notice for stormwater discharges from large and small construction activities	Prior to commencement of demolition	Once	Applicant and RWQCB
	Applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP)	Prior to commencement, and during demolition	As needed	Applicant and RWQCB
South Coast Air Quality Management District (SCAQMD)	File notification of demolition and asbestos abatement – pursuant to SCAQMD Rule 1403	Prior to commencement of demolition	Once	Applicant and SCAQMD
	Follow fugitive dust requirements pursuant to SCAQMD Rule 403	During demolition	As needed	Applicant and SCAQMD
Long Beach Certified Unified Program Agency (CUPA) – Long Beach Health Department (LBHD) and the Long Beach Fire Department (LBFD)	LBHD approves aboveground storage tank (AST) demolition work plan	Prior to commencement of demolition	Once	LBHD
	LBFD approves AST demolition work plan and provides oversight	Prior to commencement and during demolition	As needed	LBFD
Department of Toxic Substances and Control (DTSC)	Corrective Actions Consent Agreement between Applicant and DTSC	Already in place	As needed	DTSC
	Approval of work plan and submittal to LBHD	Prior to commencement of demolition	Once	DTSC and LBHD
Long Beach Development Services Department	Issue Demolition Permit	Prior to commencement of demolition	As needed	Long Beach Development Services Department

## **LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS**

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

A positive finding can be made for this item.

The proposed project conforms to the Local Coastal Program (LCP). The project, removal of the four large AST's (Tank Nos. 1-4), Cutter Tank B (Cutter Tank A is still in use and will remain), along with above ground pipelines associated with these five AST's, is consistent with the Local Coastal Program (LCP). The site is located in the South East Area Development and Improvement Plan (SEADIP) also known as Planned Development Area 1 (PD-1), subarea 19. Subarea 19 allows industrial uses in accordance with the General Industrial (IG) development standards. The site is currently dormant and has no occupants or use. No future land uses is proposed.

The four large AST's (Tank Nos. 1,2,3,4) originally stored Fuel Oil No. 6, which formerly fueled the adjacent power plant. The capacity of these tanks is between 5,888,000 and 9,400,000 gallons. The four large tanks are approximately 40 feet high and 160 to 200 feet in diameter. The remaining smaller AST's (Cutter Tanks A and B) have been used to store distilled oil. The smaller tanks have a capacity of 840,000 to 1,220,000 gallons with a diameter of approximately 60 feet. All tanks have a berm system to contain any tank spills. At present, the only operating facilities on the project are Cutter Tank A, an operations shed, and conveyance pipelines, all of which are maintained by Plains Petroleum

Demolition of the five tanks would take approximately six weeks to complete. Two tanks and associated piping would be demolished at one time before moving on to the other tanks. The tanks would be demolished and stockpiled in bins until taken to a landfill. The proposed demolition activities are consistent with the Local Coastal Program.

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

A positive finding can be made for this item.

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

The subject site is located north of Second Street, the nearest public highway.

**LOCAL COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL (400 Studebaker Road)  
Case No. 0911-04  
Date: February 18, 2010**

1. This permit and all development rights hereunder shall **terminate one year** from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced, a business license establishing the use is obtained or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. This permit shall be invalid if the owner(s) and applicant(s) have failed to return **written acknowledgment** of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
3. If, for any reason, there is a **violation of any of the conditions** of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
4. All conditions of approval **must be printed** verbatim on all plans submitted for plan review to the Director of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
5. The Director of Development Services is authorized to make **minor modifications** to the approved plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project and if no detrimental effects to neighboring properties are caused by said modifications. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
6. Site development, including landscaping, shall conform to the approved plans on file in the Director of Development Services. At least **one set of approved plans** containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps **shall be maintained at the job site**, at all times for reference purposes during construction and final inspection.
7. Prior to the issuance of a building permit, the applicant must submit **landscape plans** for the discretionary approval of the Director of Development Services.

8. Where feasible, all landscaped areas shall be planted with **drought tolerant plant materials**. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life.
9. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations.
10. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of fences and the perimeter of the site (including all public parkways).
11. Any graffiti found on site must be removed within 24 hours of its appearance.
12. The applicant shall submit a demolition plan to the satisfaction of the Long Beach Building Department. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
13. If a gas line is located on-site approval from the Long Beach Gas Department is required. Please call (562) 570-2000 for assistance.
14. Prior to issuance of a demolition permit, the applicant shall provide proof of compliance with all local, state and government agency requirements to the satisfaction of the Director of Development Services. These agencies include the Regional Water Quality Control Board (RWQCB), the South Coast Air Quality Management District (SCAQMD), Long Beach Certified Unified Program Agency (CUPA) - Long Beach Health Department (LBHD) and the Long Beach Fire Department (LBFD), and the Department of Toxic Substances and Control (DTSC).
15. Prior to the issuance of the demolition permit the applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval. The Long Beach Fire Department shall approve the above-ground storage tank (AST) demolition work plan. Please see contact Tim Buzbee at (562) 570-2560 for assistance.
16. Prior to issuance of a demolition permit the applicant shall submit an above-ground storage tank (AST) demolition work plan to the Long Beach Health Department for review and approval. Please call (562) 570-4000 for assistance.
17. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:
  - a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds



exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.

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

18. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):

- a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
- b. Saturday: 9:00 a.m. - 6:00 p.m.; and
- c. Sundays: not allowed

19. Please contact the Water Department for sewer and water line information at (562) 570-2382.

20. The applicant shall obtain a permit from the California Coastal Commission for any development within the state permit jurisdiction area.

21. The berm facing Studebaker Road shall be landscaped with drought tolerant plants to the satisfaction of the Director of Development Services.

22. The developer must comply with all the mitigation measures of the applicable Environmental Review (MND 15-09). These mitigation measures, must be printed on all plans submitted for plan review.

### **Mitigation and Monitoring Reporting Program**

#### **HAZARDS AND HAZARDOUS MATERIALS**

**HAZ-1** The applicant shall notify the LBUSD, the Rosie the Riveter School, and Kettering Elementary School of demolition activities in writing at least 7 days prior to commencement of demolition.

#### **TRAFFIC AND CIRCULATION**

**T-1** The applicant shall implement traffic safety measures during truck hauling so as to reduce potential impacts to other vehicles traveling on Studebaker Road. Standard measures, including, but not limited to flag men, warning signs, and phased truck scheduling outside of peak traffic hours shall be implemented to the satisfaction of the City of Long Beach.