



## Legislation Details (With Text)

**File #:** 23-0312      **Version:** 1      **Name:** DS - 1711 Harbor & 1515 W. 17th St. Appeal D7  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/16/2023      **In control:** City Council  
**On agenda:** 4/11/2023      **Final action:** 4/11/2023

**Title:** Recommendation to receive supporting documentation into the record and conclude the public hearing and consider one third-party appeal by the Westside Business Association of Long Beach (APL23-005);

Adopt resolution adopting and certifying a Mitigated Negative Declaration (IS/MND 01-23) and making findings of fact related thereto, and adopting a Mitigation Monitoring and Reporting Program; and

Deny the appeal of the Planning Commission's decision and approve two (2) Conditional Use Permits (CUP21-010 & CUP21-011) to operate a trucking use on two (2) properties located at 1711 Harbor Avenue and 1515 West 17th Street that total 4.85 acres in size in the General Industrial (IG) Zoning District. (District 7)

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. 040423-H-21sr&att.pdf, 2. 040423-H-21.PowerPoint.pdf, 3. 041123-CH-27sr&att.pdf, 4. 041123-CH-27 Corresp. J. Sullivan, 5. 041123-CH-27 Corresp.Pocapalia, 6. 041123-CH-27 Corresp.Balajadia, 7. 041123-CH-27 Corresp.Tijerina, 8. 041123-CH-27 Corresp.Flores, 9. 041123-CH-27 Corresp. Sullivan, 10. 041123-CH-27 Corresp. Pocapalia, 11. 041123-CH-27 Corresp. Balajadia, 12. 041123-CH-27 Corresp. Porter, 13. 041123-CH-27 Corresp. Lee, 14. RES-23-0054.pdf

Date	Ver.	Action By	Action	Result
4/11/2023	1	City Council	approve recommendation and adopt	Pass
4/4/2023	1	City Council	approve recommendation	Pass

Recommendation to receive supporting documentation into the record and conclude the public hearing and consider one third-party appeal by the Westside Business Association of Long Beach (APL23-005);

Adopt resolution adopting and certifying a Mitigated Negative Declaration (IS/MND 01-23) and making findings of fact related thereto, and adopting a Mitigation Monitoring and Reporting Program; and

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On February 16, 2023, the Planning Commission held a public hearing, considered public testimony, adopted a Mitigated Negative Declaration (IS/MND 01-23), and conditionally approve two Conditional Use Permits (CUP) to operate a trucking use in the General

Industrial (IG) Zoning District located at two properties addressed 1711 Harbor Avenue and 1515 West 17<sup>th</sup> Street (Attachment A). This action by the Planning Commission was subsequently appealed within the 10-day appeal period by the Westside Business Association of Long Beach (WBALB). While this project lies within the normal jurisdiction of the Planning Commission, it is now before the City Council on appeal.

The project site is located on two properties, both of which are adjacent to one another along Caspian Avenue that runs north to south. The proposed project site totals 4.85 acres in size. The main parcel addressed 1711 Harbor Avenue is located on the west side of Harbor Avenue, between East Pacific Coast Highway to the north, Caspian Avenue to the west, and West 17<sup>th</sup> Street to the south. The smaller site addressed 1515 West 17<sup>th</sup> Street is located along West 17<sup>th</sup> Street, between Canal Avenue to the west and Caspian Avenue to the east (Attachment B). Each of the parcels that make up the project site has a General Plan Land Use PlaceType designation of Industrial (I) and is within the General Industrial (IG) Zoning District. The I PlaceType supports a wide range of industrial activities such as light industrial research parks, warehousing or storage activities, industrial manufacturing and machining operations. The IG zone is an “Industrial Sanctuary” district, where a wide range of industries that may not be desirable in other districts are supported. There is an emphasis on traditionally heavy industrial and manufacturing uses. Both sites are surrounded by industrial and commercial uses within the vicinity. The main parcel is currently developed with approximately 129,000 square-feet of industrial factory, warehouse and office space. The property was formerly occupied by the manufacturing company Snugtop, and the remote parcel addressed 1515 West 17<sup>th</sup> Street is currently vacant (Attachment C).

### **Conditional Use Permits**

The applicant, Cargomatic, is seeking approval to demolish the existing industrial buildings and associated equipment on the main parcel addressed 1711 Harbor Avenue to construct a green trucking and outdoor container storage facility on both sites for the temporary storage of shipping containers en route to and from the Port of Long Beach (POLB). This proposal requires the approval of two CUPs, one for each site, based on regulations of the IG Zoning District. The project includes several improvements, including, but not limited to: on-site parking for trucks, passenger vehicles, bicycle parking, zero emission charge stations for on-site trucks, plugins for refrigerated container charging, new drought-resistant landscape buffers, site lighting, and decorative black wrought iron fencing.

The project also proposes to retain and modify an existing 1,746-square-foot building located in the southeast corner of the 1711 Harbor Avenue site for office use. The existing structure would receive a 654-square foot addition for an overall total of 2,400 square-feet as well as an interior remodel to support project operations for both sites which will include six offices, two break rooms, a vault, a kitchen, three restrooms and one workroom (Attachment D). Pursuant to the Special Development Standards set forth in Long Beach Municipal Code (LBMC) Section 21.45.168, trucking facilities are required to contain office(s) on-site and restroom facilities to accommodate employees and guests. The property at 1515 West 17<sup>th</sup> Street would include the storage of shipping containers only as shown in Figure 1 - Project Site Configuration. The applicant proposes that the office and bathroom facilities at 1711

Harbor Avenue would serve both sites. Because the properties are located across the street from one another and within a reasonable walking distance (approximately 90 feet), City of Long Beach (City) staff found the condition could be supported. To ensure this condition is maintained over the life of the operation, the applicant will be required as a condition of approval to record a deed restriction to tie the lots together and record the conditions of approval on the titles of each property.

The facility would include approximately 174 double stacked container stalls and approximately 57 single stacked container stalls, for a total of 231 stalls to accommodate 405 containers on-site, with 221 spaces at 1711 Harbor Avenue, and 10 spaces at the remote lot at 1515 West 17<sup>th</sup> Street. The container stalls measure 40 feet in length and eight feet in width. The shipping container stalls would be aligned in three rows running north to south on the main parcel addressed 1711 Harbor Avenue. At the remote location addressed 1515 West 17<sup>th</sup> Street, the shipping container stalls would be aligned in two rows running east to west. The sites will be topped with a minimum six-inch load bearing base to accommodate stacked shipping containers, at a maximum of two containers high in compliance with the special development standards for truck yard uses identified in LBMC Section 21.45.168. North of the proposed office building on the main parcel addressed 1711 Harbor Avenue, five green truck charging stations would be installed, consistent with the General Plan Land Use Element (LUE) Policy 1-4, which is intended to “[r]equire electric vehicle charging stations to be installed in new commercial, industrial, institutional and multiple-family residential development projects”. Additionally, five plugins for refrigerated container charging would be installed along the northeasterly side of the 1711 Harbor Avenue site. The project would include 13 parking stalls for personnel, located at the 1711 Harbor Avenue site, north of the proposed office building. A bicycle rack is proposed outside of the office building, providing 10 bicycle parking stalls on-site.

The shipping container storage facility is anticipated to operate in cooperation with the POLB gate hours of 7:00 a.m. to 3:00 a.m. Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturdays. The facility will operate in two shifts with four to six employees per shift. As the POLB continues to receive record cargo volumes, there continues to be a need for available land outside the port to serve as temporary storage and staging. Given the project site’s close proximity to the POLB, this project would be ideal for trailer staging for eCommerce dray-off programs coming from the POLB. The proposed use reviewed by the Planning Commission included the potential for overweight cargo one to two times per week. In response to the concerns expressed by the neighboring businesses and property owners at the Planning Commission hearing and through an appeal, the applicant has updated their operations proposal to no longer include overweight cargo, and a condition of approval has been added to prohibit the use for overweight cargo. This change in operation would eliminate the need for any regular use of the driveway located on the northern most area of the site. The conditions of approval have been updated to restrict the use of the driveway onto the Pacific Coast Highway for use by emergency vehicles only. New changes to address the WBALB’s concerns have been made to the project proposal, including ensuring that the facility operates as a green trucking facility and increasing the driveway width from 24-feet to 42-feet, per the recommendation of the Public Works Department’s (Public Works)

Transportation Division. Two new conditions of approval have been added to reflect these changes. Additional conditions of approval have been incorporated to ensure that the project operates in a manner that is compatible with the surrounding industrial area and the residential neighborhood across the Pacific Coast Highway (Attachment E).

The Planning Commission held a public hearing and considered testimony from the applicant and the public in addition to considering the application materials, including the IS/MND 01-2323ND, technical reports and City staff's report. Public testimony during the Planning Commission proceedings included a total of 11 speakers that appeared both in-person and virtually to speak on the project, with seven against the project and four in favor of the project. In addition, the Planning Commission received 39 written correspondences from members of the public, 36 of which were letters in support of the project and three opposing the CUPs (Attachment F).

City staff recommended approval of the two CUPs based on the ability to make the required findings, particularly the first required finding that the proposed use be consistent with and carry out the General Plan and all Zoning Regulations; the second required finding that the proposed use would not be a detriment to the surrounding community including public health, safety, general welfare, environmental quality or quality of life, and also the third findings that the project is in compliance with the special conditions and for conditional uses per Chapter 21.52 of the LBMC (Attachment G). After the public hearing, the Planning Commission adopted MND 01-23 and approved CUPs, CUP22-011 and CUP22-011 to operate the proposed trucking use at 1711 Harbor Avenue and 1515 West 17<sup>th</sup> Street.

## **Appeal**

On February 26, 2023, within the ten-day appeal period, one third party appeal was filed by Martin Porter, Matt Cullen and Paul Collins with the WBALB (Attachment H). The appellants generally stated that the proposed trucking facility and container storage project does not account for traffic mitigation on West Pacific Coast Highway, Caspian Avenue and Harbor Avenue and raises pollution concerns from the diesel trucking facility operations for the neighboring businesses and residences.

In response to the concern with the traffic mitigation measures on West Pacific Coast Highway, Caspian Avenue and Harbor Avenue, traffic impacts have been analyzed as part of the MND, and Public Works included requirements, memorialized through conditions of approval, to lessen those impacts to the extent feasible. It should be noted that concerns related to the level of service impacts of new traffic due to development, such as those raised in the appeal, can be considered and conditioned through the development review process. Significantly, level of service impacts, like those articulated by appellants can no longer be considered through review via the California Environmental Quality Act (CEQA). Appellants are seeking to apply a standard of review not permitted under state law for purposes of the CEQA analysis related to this project. Rather, consistent with the requirements of state law, the project included the preparation of a Vehicle Miles Traveled (VMT) Screening Memorandum as a part of the MND, pursuant to CEQA requirements. Based on the City's

VMT screening criteria (Criteria 5: Project Size) and the thresholds of significance for land development projects (500 daily trip-threshold), the project meets the City's screening criteria as the project is estimated to generate 254 daily vehicle trips and impacts are determined to be less than significant. As a result, no further VMT analysis is warranted. The City's screening methodology does not factor automobile travel distances and/or travel routes.

As described above, with the passing of Senate Bill (SB) 743, traffic operations and congestion (level of service) of the roadways is no longer a CEQA issue. However, level of service continues to be reviewed and considered by Public Works. Public Works determined that a trip distribution and traffic operations analysis was not required due to the Average Daily Trips volume being below the city's criteria for a full traffic impact analysis (Attachment I).

In response to the appellants' concern with pollution relating to neighboring business and residences with the operation of a diesel trucking facility, the MND analyzed both regional and localized air quality impacts. Construction-related emissions and long-term emissions were quantified using the California Emissions Estimator Model (CalEEMod) and compared to the South Coast Air Quality Management District's (SCAQMD) Regional Thresholds of Significance and Localized Significance Thresholds. Emissions generated by the project were determined to be less than significant, as summarized in the below tables and described in further detail in Attachment I. Additionally, Cargomatic's business model seeks to increase the number of clean trucks on the road and further the POLB's Clean Trucks Program (CTP). The description in the appeal that the project will significantly impact air quality due to the increased number of diesel trucks is unsupported, inaccurate, and in direct conflict with the emissions forecasts and technical analyses prepared in relation to the proposed project.

### Project-Generated Construction Emissions

Maximum Daily Emissions	Pollutant (pounds/day) <sup>1,2</sup>					
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Construction Emissions <sup>2</sup>	4.90	42.83	47.87	0.09	6.31	3.56
SCAQMD Thresholds	75	100	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Notes: 1. Emissions were calculated using CalEEMod version 2020.4.0. Winter emissions are included in CalEEMod and are required by the SCAQMD Rules. The adjustments applied cover in disturbed areas quickly; water exposed surfaces three times daily; cover storage; the "mitigated" emissions shown in Appendix A (MND 01-23).

Source: Refer to [Appendix A \(MND 01-23\)](#) for assumptions used in this analysis.

### Project-Generated Operational Emissions

Emissions Source	Pollutant (pounds/day) <sup>1</sup>					
	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Project Summer Emissions</b>						

Area	0.15	<0.01	0.01	0.00	<0.01	<0.01
Energy	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Mobile	0.50	16.09	6.83	0.07	2.39	0.72
<b>Total Summer Emissions<sup>2</sup></b>	<b>0.65</b>	<b>16.09</b>	<b>6.84</b>	<b>0.07</b>	<b>2.39</b>	<b>0.72</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Project Winter Emissions</b>						
Area	0.15	<0.01	0.01	0.00	<0.01	<0.01
Energy	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Mobile	0.47	16.85	6.89	0.07	2.39	0.72
<b>Total Winter Emissions<sup>2</sup></b>	<b>0.62</b>	<b>16.86</b>	<b>6.91</b>	<b>0.07</b>	<b>2.39</b>	<b>0.72</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes: 1. Emissions were calculated using CalEEMod version 2020.4.0. 2. The num						
Source: Refer to <u>Appendix A (MND 01-23)</u> for assumptions used in this analysis.						

In addition, a Health Risk Assessment (HRA) was conducted for the project to determine the increase in cancer risk, as well as the chronic and acute health impacts due to diesel particulate matter (DPM) exposure. The air dispersion modeling for the HRA was performed using the Environmental Protection Agency American Meteorological Society/Environmental Protection Agency Regulator Model dispersion model and compared to the SCAQMD Thresholds (Attachment J). The HRA analysis concluded that impacts related to health risk from project operations would be less than significant. It should be noted that the HRA conservatively assumes that all trucks associated with the project would be diesel for the life of the project, yet the proposed operations include a shift away from diesel to alternative fuels, resulting in lower DPM emissions than modeled. Furthermore, all drayage trucks associated with the proposed project are green trucks that use liquified natural gas or compressed natural gas which would comply with the POLB's CTP.

In summary, impacts related to air quality and associated health risks are deemed less than significant pursuant to CEQA supporting the adoption of IS/MND 01-23. However, it should be noted that the proposed project would be located in West Long Beach, where existing air quality is poor compared to other parts of the City and state. Members of the public may see the proposed project as concerning from an environmental justice perspective for this reason. Under state law, environmental justice is defined as the fair treatment of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (Government Code 65040.12(e)). SB 1000 and other laws direct the City to improve its analysis and due consideration of existing conditions when siting polluting facilities, but does not require, direct, or even allow the City to deny a

single use because all of the wider legacy pollution issues in a given area have not yet been resolved. In this case, an older industrial use is being proposed to be demolished and replaced with a facility that supports green trucking, thereby supporting the City's goals for reducing overall emissions by using cleaner trucks to service the POLB.

As described above, the subject property is zoned IG, where a wide range of industries that may not be desirable in other districts are located and has an emphasis on traditionally heavy industrial and manufacturing uses. The proposed project is consistent with the I PlaceType which is designed to allow industrial activities such as light industrial research parks, warehousing or storage activities, industrial manufacturing and machining operations. The project as proposed will help implement LUE Policy 16-4, which is intended to "[c]ontinue to work with the State, the Port of Los Angeles and other agencies and organizations to improve air quality around the ports and reduce vessel, truck, rail and other equipment emissions from port operations". The project has been reviewed uniformly in accordance with the City's Zoning Code and as designed, this project will replace a prior manufacturing use that was more impactful, with a new green trucking and container storage facility with zero-emissions trucks, electric vehicle charging stations, attractive drought tolerant landscaping buffers and decorative wrought iron fencing throughout both sites.

The City Council in its capacity is tasked with reviewing this appeal "de novo" and can act to deny the project, approve, or conditionally approve the project in accordance with the LBMC CUP findings. The City Council should consider whether there are merits to the arguments put forth by appellants and the policy tradeoffs inherent in this application, as there are a variety of policies and considerations that are appropriate to consider from the General Plan in this case. Upholding the Planning Commission's approval could help with the need for land outside of the port to serve as temporary storage and staging. Upholding the Planning Commission's approval would also help create new jobs for the area, both temporary construction jobs and permanent jobs at the location as well.

## **Public Hearing Notice**

Public hearing notices were distributed on March 17, 2023, in accordance with the requirements of Chapter 21.21 of the LBMC. At the time of writing this report, a total of 6,564 letters were received in support of this application (Attachment K). Any additional comments received prior to the City Council hearing will be provided to the City Council for its review and consideration.

## **Public Outreach**

A formal community-wide in person meeting, set up by Cargomatic, was held on October 19, 2022 with the WBALB to provide information on the future development and operations of the project site. Approximately 35 individuals attended the meeting. Representatives of Cargomatic attended a follow up meeting on December 8, 2022 with the WBALB to provide project updates. A second community meeting was held on January 18, 2023 at the Boys and Girls Club of Long Beach Westside Club to provide the community, family members and staff

of Cabrillo High School information on the project. The applicant reported that approximately 35 individuals attended the meeting.

## Environmental Review

In accordance with CEQA and the CEQA Guidelines, an MND was prepared for the proposed project.

The Initial Study/Mitigated Negative Declaration (IS/MND) provides mitigation measures addressing Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportation and Tribal Cultural Resources. Mitigation measures include establishing a construction buffer zone, utilizing construction vibration monitoring systems, and conducting sensitivity training for construction personnel to help reduce noise impacts associated with demolition and construction activities (Attachment L).

On December 23, 2022, the Notice of Intent (NOI) for the MND was distributed to public agencies, interested individuals and was made available for review and comment via a link to the City's website and was also published in the Long Beach Telegram. The comment period for the project met the minimum of 30-days that spanned December 23, 2022 to January 23, 2023. A total of two comments were received during the 30-day public review period. The IS/MND finds that, by implementing identified mitigation measures, the project will not result in significant effects to the environment. The NOI was filed with the State Clearinghouse on December 23, 2022.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on March 17, 2023 and by Revenue Management Officer Geraldine Alejo on March 14, 2023.

City Council action is requested on April 4, 2023. Pursuant to LBMC, in the case of appeals to the City Council, hearings are typically held within a 90-day period. April 4, 2023 was the first available City Council date to consider this appeal.

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council priorities. There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

[Enter Body Here]

CHRISTOPHER KOONTZ, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA  
CITY MANAGER