Final Environmental Impact Report
for the
River Park Residential Project
City of Long Beach
(SCH No. 202120492)

Prepared for:
City of Long Beach
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802

Prepared by:
LOS ANGELES OFFICE
706 S. Hill Street, 11th Floor
Los Angeles, CA 90014

WESTLAKE VILLAGE OFFICE
920 Hampshire Road, Suite A5
Westlake Village, CA 91361

July 2022
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Introduction</td>
</tr>
<tr>
<td>2.0</td>
<td>Overview of Project</td>
</tr>
<tr>
<td>3.0</td>
<td>Summary of Impact &amp; Mitigation</td>
</tr>
<tr>
<td>4.0</td>
<td>Revisions to the Draft EIR</td>
</tr>
<tr>
<td>5.0</td>
<td>Comments and Responses to Comments</td>
</tr>
</tbody>
</table>

## Appendices

- A. Mitigation Monitoring and Reporting Program
- B. Burrowing Owl Survey
- C. Revised Hazards and Hazardous Materials Section and Additional Appendices
- D. Comment Letters Received during Public Review Period
In accordance with the California Environmental Quality Act (CEQA), specifically, CEQA Guidelines Sections 15088, 15089, and 15132, the City of Long Beach (City) as Lead Agency has prepared this Final Environmental Impact Report (EIR) for the proposed River Park Residential Project (Project). The Final EIR allows the decision makers, and the public, the opportunity to review comments on the Draft EIR and responses to those comments, as well as any revisions to the Draft EIR and other components, such as the Mitigation Monitoring and Reporting Program, prior to approval of the project. This document, along with the Draft EIR (incorporated by reference), make up the Final EIR as defined in CEQA Guidelines, Section 15132, which states that the Final EIR shall consist of:

a) The Draft EIR or a revision of the Draft.
b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
e) Any other information added by the Lead Agency.

After completing the Final EIR, and before approving the project, the Lead Agency must make the following certifications as required by Section 15090 of the CEQA Guidelines: (1) the Final EIR has been completed in compliance with CEQA; (2) the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and (3) the Final EIR reflects the Lead Agency’s independent judgment and analysis.

This Final EIR is organized in the following sections:

- **Section 1 – Introduction**: This Section provides a summary of the CEQA requirements for and purposes of a Final EIR.
- **Section 2 – Project Overview**: This Section includes a summary of the Project Location, Project Description, and Alternatives evaluated in the Draft EIR.
- **Section 3 – Summary of Impacts and Mitigation**: This Section includes a Summary of the Project Impacts and Mitigation Measures and introduces the Mitigation Monitoring and Reporting Program that is included as Appendix A to this Final EIR.
- **Section 4 – Corrections to the Draft EIR**: This Section indicates corrections and revisions that have been made to the Draft EIR that was circulated publicly.
- **Section 5 – Comments and Responses**: This Section includes all comments received on the Draft EIR during the document’s public review period and responses to those comments.
2.0 PROJECT OVERVIEW

2.1 PROJECT LOCATION AND SETTING

The Project site is near the western edge of the City of Long Beach, south of the San Diego (I-405) Freeway, east of the Los Angeles River, north of Wardlow Road, and west of the Wrigley Heights neighborhood.

2.2 PROJECT OBJECTIVES

Section 15124(b) of the California Environmental Quality Act (CEQA) Guidelines states that the project description shall contain “a statement of the objectives sought by the proposed project.” Section 15124(b) of the CEQA Guidelines further states that “the statement of objectives should include the underlying purpose of the project.” The objectives of the Project are:

1. Clean up the existing hydrocarbon contamination on site, under an approved RAP by LARWQCB and under the supervision of the City’s Department of Health and Human Services.

2. Provide additional public park space in the Wrigley Heights Neighborhood.

3. Develop a range of attached and detached single-family with the Long Beach Residential development standards and LBMC to assist the City in meeting the goals for housing production identified in the Housing Element of the General Plan.

4. Provide economically viable new housing in the Wrigley Heights neighborhood that will meaningfully contribute to addressing the housing needs for the City of Long Beach and provide housing for residents working in the nearby employment centers.

5. Provide a range of recreational opportunities, including neighborhood parks, pedestrian trails, and bicycle trails segregated from vehicle traffic, which connect with supporting commercial, recreational, and other public facilities, to serve as an alternative to the automobile for surrounding residential neighborhoods and to meet the recreational needs of local residents.

6. Enhance the image of the community through visually attractive and high-quality development that is in scale, complements, and blends with the Wrigley Heights community and surrounding open space.

7. Demonstrate environmental leadership and reduce environmental impacts through the integration of sustainability features into building design and operation, in compliance with LBMC and the Long Beach General Plan Land Use Element.

2.3 PROJECT CHARACTERISTICS

The proposed Project includes 226 detached and attached single-family units on the southern 15 acres of the 20-acre Project Site and 5 acres of Public Open Space on the northern portion of the Site. The Project would include 74 detached single-family condominium units, 99 attached townhouse units, and 53 attached condominium units. The proposed density is approximately 14.6 dwelling units (DU)/acre. The residential development would also include a clubhouse and pool towards the southern portion of the development and a 5-acre park located in the northern portion of the site.
Primary access to the residential development would be provided from a private gated street on Wardlow Road. An emergency access is proposed at the northeast corner of the complex, providing access at the intersection of Baker Street and Golden Avenue. The proposed circulation system within the complex is comprised of a looped roadway system with internal connections to each of the proposed residential housing units and parking areas within the complex. Vacation of the unimproved right-of-way of Baker Street west of Golden Avenue is proposed as part of the project.

As described in the Draft EIR, a Remedial Action Plan (RAP) has been developed to define the remediation activities to achieve cleanup goals. The DEIR referred to a revised RAP submitted to LARWQCB in August 2021. The RAP was revised in March 2022 in response to LARWQCB comments. For additional discussion of the revised RAP please refer to the revised Section IV.H: Hazards and Hazardous Materials provided as Appendix C to this FEIR.

2.3 PROJECT ACTIONS

The City of Long Beach, acting as Lead Agency, will consider approval of the following actions: Zone Change from CS and R-1-N to RP-1; Vesting Tentative Tract Map; Vacation of the unimproved right-of-way for Baker Street west of Golden Avenue; General Plan Conformance for the vacation of right of way; Development Agreement and Site Plan Review.

2.4 ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to a proposed Project that could feasibly avoid or lessen any significant environmental impacts, while attaining the basic objectives of the Project. The City considered a No Project Alternative, which would continue the exiting condition of the site; a reduced density alternative and a single-family residential alternative. These alternatives would create variances in impact levels but would not avoid any of the significant effects of the Project and would not achieve the City’s objectives as successfully as the Project. Furthermore, no significant and unavoidable impacts were identified for the proposed Project; all potentially significant impacts could be mitigated to a less than significant level.
3.0 SUMMARY OF IMPACTS AND MITIGATION

A summary of the environmental impacts associated with implementation of the Project, mitigation measures included to avoid or lessen the severity of potentially significant impacts, and residual impacts, is provided in Table 1.0-1: Summary of Project Impacts, Mitigation Measures, and Residual Impacts.

The City is the agency responsible for implementation of the mitigation measures identified in the EIR. Public Resources Code, Section 21081.6(a)(1) requires that the lead agency for the project adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Public Resources Code, Section 21081.6(a)(2) states that the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based. The records of proceeding for this Project are held at the City of Long Beach Development Services Department, City of Long Beach, 411 W. Ocean Boulevard, Long Beach, CA 90802.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aesthetics</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threshold AES-1:</td>
<td>In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the Site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</td>
<td>None required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Less than significant.</td>
</tr>
<tr>
<td><strong>Air Quality</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threshold AQ-1:</td>
<td>Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>MM AQ-1. On-site construction equipment fleet must meet Environmental Protection Agency (EPA) Tier 4 Final standards for all off-road diesel-powered construction equipment greater than 50 horsepower (hp) and would require all construction equipment to be outfitted with BACT devices certified by the California Air Resources Board (CARB).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Less than significant with mitigation incorporated.</td>
</tr>
<tr>
<td>Threshold AQ-2:</td>
<td>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?</td>
<td>MM AQ-1. On-site construction equipment fleet must meet EPA Tier 4 Final standards for all off-road diesel-powered construction equipment greater than 50 hp and would require all construction equipment to be outfitted with Best Available Control Technology (BACT) devices certified by CARB.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Less than significant with mitigation incorporated.</td>
</tr>
</tbody>
</table>

Table 1.0-1
Summary of Project impacts, Mitigation Measures, and Residual Impacts
### Impact Mitigation Measures Significance after Mitigation

**Threshold IV.AQ-3:** Expose sensitive receptors to substantial pollutant concentrations?

<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MM AQ-2</strong> would incorporate the following design features to reduce potential cancer risk:</td>
<td></td>
</tr>
<tr>
<td>- Locate outdoor areas, such as balconies and courtyards, as far from the freeway and roadway segment as possible;</td>
<td></td>
</tr>
<tr>
<td>- Plant vegetation between residential receptors and the freeway;</td>
<td></td>
</tr>
<tr>
<td>- Install, operate, and maintain a heating, ventilation, and air condition (HVAC) system that uses high-efficiency filters of Minimum Efficiency Reporting Value (MERV) 14 or higher for the residential units (suggested use of MERV 16);</td>
<td></td>
</tr>
<tr>
<td>- Locate the air intakes for the uses as far from the freeway as possible; and</td>
<td></td>
</tr>
<tr>
<td>- Provide a disclosure letter to all new residents that discusses the potential risk from living within close proximity of the freeway and roadway segment and points out that opening windows reduces the effectiveness of implemented reduction measures and increases individuals’ exposure and hence risk.</td>
<td></td>
</tr>
</tbody>
</table>

**Threshold AQ-4:** Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None required.</td>
<td>Less than significant.</td>
</tr>
</tbody>
</table>

**Biology**

**Threshold BIO-1:** Have a substantial adverse effect, either directly or through habitat

<table>
<thead>
<tr>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MM-Bio-1:</strong> Migratory Birds. To avoid impacts to birds nesting onsite, the following mitigation shall be implemented:</td>
<td></td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measures</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>• Proposed ground clearing activities within 300 feet of potential nesting sites should take place outside of the breeding bird season which generally runs from February 1– August 31.</td>
</tr>
<tr>
<td></td>
<td>• If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the proper methods to avoid disturbing the nest</td>
</tr>
</tbody>
</table>
the sensitivity of the area. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

**MM-BIO-2:** The City shall perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation. Burrowing owl protocol surveys shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are identified, the applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant shall contact CDFW to develop appropriate mitigation and management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>MM-BIO-3:</td>
<td>If the Project will impact habitat supporting burrowing owls, Project Applicant shall be required to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There should be no net loss of burrowing owl habitat. The Project Applicant should set aside replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.</td>
<td>Less than significant.</td>
</tr>
<tr>
<td>MM-BIO-4:</td>
<td>To avoid direct mortality of ground inhabiting species, a qualified biological monitor shall be on-site prior to and during ground and habitat disturbing activities to move out of harm’s way special status species or other wildlife of low mobility that would be injured or killed by grading or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires protected species to be removed, disturbed, or otherwise handled, the applicant shall obtain all required appropriate state and federal permits.</td>
<td>Less than significant.</td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measures</td>
<td>Significance after Mitigation</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>MM-BIO-5:</td>
<td>The Project applicant shall report any special status species detected by completing and submitting CNDDDB Online Field Survey Form to the extent any such species are detected. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant shall provide CDFW with confirmation of data submittal.</td>
<td>Less than significant.</td>
</tr>
<tr>
<td>MM-BIO-6:</td>
<td>Project Applicant shall avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.</td>
<td>Less than significant.</td>
</tr>
</tbody>
</table>

**Threshold BIO-2:** Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

None required. Less than significant.

**Cultural**

**Threshold CUL-1:** Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

None required. Less than significant.

**Threshold CUL-2:** Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

None required. Less than significant.

**Energy**

**Threshold ENE-1:** Result in potentially significant environmental impact due to wasteful, inefficient, or

None required. Less than significant.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>unnecessary consumption of energy resources,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>during project construction or operation?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Threshold ENE-2:</strong> Conflict with or obstruct a State or local plan for renewal energy or energy efficiency?</td>
<td>None required.</td>
<td>Less than significant.</td>
</tr>
</tbody>
</table>

**Geology And Soils**

**Threshold GEO-1:** Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

b. Strong seismic ground shaking.

c. Seismic-related ground failure, including liquefaction and lateral spreading

**Threshold GEO-2:** Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

None required.  
Less than significant.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold GEO-3: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td><strong>MM GEO-1: Worker’s Environmental Awareness Program (WEAP)</strong>&lt;br&gt;Prior to the start of the proposed Project activities, all field personnel will receive a worker’s environmental awareness training on paleontological resources. The training will provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the paleontological monitor, outline steps to follow in the event that a fossil discovery is made and provide contact information for the Project Paleontologist. The training will be developed by the Project Paleontologist and can be delivered concurrent with other training including cultural, biological, safety, etc.</td>
<td>Less than significant with mitigation incorporated.</td>
</tr>
<tr>
<td></td>
<td><strong>MM GEO-2: Paleontological Mitigation Monitoring</strong>&lt;br&gt;Prior to the commencement of ground-disturbing activities, a professional paleontologist will be retained to prepare and implement a paleontological resource mitigation and monitoring plan (PRMMP) for the proposed Project. The PRMMP will describe the monitoring required during excavations that extend into older Quaternary (Pleistocene) age sediments, and the location of areas deemed to have a high paleontological resource potential. Monitoring will entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project Paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he or she may recommend that monitoring be reduced or cease entirely.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>MM GEO-3: Fossil Discoveries</strong></td>
<td></td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measures</td>
<td>Significance after Mitigation</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
<td>In the event that a paleontological resource is discovered, the monitor will have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project Paleontologist shall complete the following:</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Salvage of Fossils</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or Project Paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project Paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Fossil Preparation and Curation</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The PRMMP will identify the museum that has agreed to accept fossils that may be discovered during project-related excavations. Upon completion of fieldwork, all significant fossils collected will be prepared in a properly equipped laboratory to a point ready for</td>
<td></td>
</tr>
</tbody>
</table>
Impact | Mitigation Measures | Significance after Mitigation
---|---|---
curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossils specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens must be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation will be assessed by the repository and will be the responsibility of the client.

**MM GEO-4: Final Paleontological Mitigation Report**
Upon completion of ground disturbing activity (and curation of fossils if necessary) the Project Paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.

**Greenhouse Gas**

**Threshold GHG-1:** Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

None required. | Less than significant.

**Threshold GHG-2:** Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

None required. | Less than significant.
Hazards and Hazardous Materials

Threshold HAZ-1: Create a significant hazard to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials?

None required.

Less than significant.

Threshold HAZ-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials or waste into the environment?

Existing pollutants on and beneath the surface of the Project Site require remediation before the site can be developed with residential uses. In addition, the Phase I Environmental Site Assessment identified the presence of underground piping that may contain asbestos. As such, the following mitigation measures shall be incorporated into the Project:

- **HAZ-1:** Prior to earthwork activities, remnants of underground piping still present on the Project site shall be tested by a qualified asbestos consultant, and if asbestos is detected in amounts exceeding regulatory disposal criteria, the pipe will be transported for disposal to a facility licensed to accept asbestos-containing waste.

- **HAZ-2:** Prior to Project earthwork activities, the RAP shall be approved by LARWQCB. All remedial work described in the RAP shall be implemented under the supervision of a state-licensed geologist or engineer and the LARWQCB or the DTSC if so specified by LARWQCB.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
</table>

**Threshold HAZ-3:** Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  
None required.  
Less than significant.

### Hydrology

**Threshold HWQ-1:** Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.  
None required.  
Less than significant.

**Threshold HWQ-2:** Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.  
None required.  
Less than significant.

**Threshold HWQ-3:** Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.  
None required.  
Less than significant.

### Noise

**Threshold NOI-1:** Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local

**MM NOI-1: Construction Noise**  
The Applicant must utilize, without limitation, the following construction best management practices (BMPs):  
Less than significant with mitigation incorporated.
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
</table>
| general plan or noise ordinance, or applicable standards of other agencies? | • Shroud or shield all impact tools, and muffle or shield all intake and exhaust port on power equipment to reduce construction noise by 10 dB or more.  
• If feasible, schedule grading activities so as to avoid operating numerous pieces of heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, or rollers) simultaneously in close proximity to the boundary of properties of off-site noise sensitive receptors surrounding the Project Site to reduce construction noise levels by approximately 14 dBA.  
• Where feasible, temporary barriers including, without limitation, sound blankets on existing fences and walls, or freestanding portable sound walls, must be placed as close to the noise source or as close to the receptor as possible and break the line of sight between the source and receptor where modeled levels exceed applicable standards. |                                                                                                                                          |                           |
<p>| <strong>Threshold NOI-2:</strong> Generation of excessive groundborne vibration or groundborne noise levels? | None required.                                                                                       | Less than significant.                          |
| <strong>Recreation</strong>                                                       |                                                                                                         |                                                                                                                                          |                           |
| <strong>Threshold REC-1:</strong> Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | None required.                                                                                       | Less than significant.                          |</p>
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Threshold REC-2:</strong> Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>None required.</td>
<td>Less than significant.</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Threshold TRA-1:</strong> Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.</td>
<td>None required.</td>
<td>Less than significant.</td>
</tr>
<tr>
<td><strong>Threshold TRA-2:</strong> Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b).</td>
<td>None required.</td>
<td>Less than significant.</td>
</tr>
<tr>
<td><strong>Threshold TRA-3:</strong> Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td><strong>TRA-1: Traffic Signal</strong> &lt;br&gt;The Project Applicant shall install traffic signal related equipment to current CA MUTCD and/or City of Long Beach Standards, at the intersection of Wardlow Road and the proposed entry to the project, generally in conformance with the “Conceptual Traffic Signal Design” prepared by Subdivider, dated August 25, 2020. Installation of the traffic signal related equipment may include, but not be limited to the following i. Traffic Signal indicators to the most current City standard. ii. Vehicular detection shall be installed on all approaches to the signalized intersection. This may include presence, mid or advance detection per City direction. Options will include standard Type E loops or video detection. iii. All pedestrian push buttons and indicators shall be to the most current City Standards. iv. The Subdivider shall install Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be</td>
<td>Less than significant after mitigation.</td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measures</td>
<td>Significance after Mitigation</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
<td>completed per the most current City Standard. v. The Subdivider shall install a GPS Module at the traffic signal. The GPS Modules create accurate time-based communications between nearby traffic signals. vi. The Subdivider shall install a new traffic signal controller based on the most current City Standard [McCain 2070 Controllers]. vii. Subdivider shall install 96 count fiber interconnect cable to the satisfaction of the City’s Traffic Engineer, but at a minimum from the proposed traffic signal to Magnolia Avenue. viii. Subdivider shall install flashing beacons, on overhead mast arms attached to utility poles, on both approaches to the proposed traffic signal, 450 feet from the stop limit line.</td>
<td></td>
</tr>
</tbody>
</table>

**Threshold TRA-4:** Result in inadequate emergency access?  
None required.  
Less than significant.

**Tribal Cultural**

**Threshold TCR-1:** Listed or eligible for listing in the California Register of Historical Resources (CRHR), or in a local register of historical resources as defined in Public Resources Code (PRC) § 5020.1(k).  
None required.  
Less than significant.

**Threshold TCR-2:** A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.  
**MM TCR-1: Retain a Native American Monitor/Consultant**  
The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission’s (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC.  
A Native American
monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that 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 will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project Site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the Site has a low potential for impacting Tribal Cultural Resources (TCRs).

**MM TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources**

Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.</td>
<td></td>
</tr>
<tr>
<td>MM TCR-3: PRC Section 21083.2(b)</td>
<td>Preservation in place (i.e., avoidance) is 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. All TCRs shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.</td>
<td></td>
</tr>
</tbody>
</table>
MM TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone, within 24 hours, the NAHC and PRC 5097.98 shall be followed.

MM TCR-5: Resource Assessment & Continuation of Work Protocol

Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify
the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

**MM TCR-6: Kizh-Gabrieleno Procedures for Burials and Funerary Remains**
If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

**MM TCR-7: Treatment Measures**
Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project 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 will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the
<table>
<thead>
<tr>
<th>Impact</th>
<th>Mitigation Measures</th>
<th>Significance after Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means 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 Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The Site of reburial/repatriation shall be on the Project Site but at a location agreed upon between the Tribe and the landowner at a site to be</td>
<td></td>
</tr>
<tr>
<td>Impact</td>
<td>Mitigation Measures</td>
<td>Significance after Mitigation</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Utilities**

**Threshold UTI-1:** Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

None required.  
Less than significant.

**Threshold UTI-2:** Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

None required.  
Less than significant.

**Threshold UTI-3:** Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?

None required.  
Less than significant.

**Threshold UTI-4:** Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

None required.  
Less than significant.
The City has identified corrections that need to be made to the EIR. In accordance with CEQA Guidelines Section 15132 and 15088.5(b), this section of the Final EIR provides corrections and additional information to clarify and supplement information presented in the DEIR. The following text shows deletions to text of the DEIR with strikethrough and additions to the text of the DEIR with italic-underline formatting. Portions of the Draft EIR text to remain are included to provide context for the corrections and additions. In addition to the text show below, the summary of impacts and mitigations that is included in Section 2 of this Final EIR has been revised to include the changes described below.

Section II. Project Description

Clarification is made to the discussion of the Remedial Action Plan in the DEIR as shown below with italic-underline formatting.

**Remedial Action Plan (RAP)**

The RAP defines the scope of the remediation activities and develops a plan of action to achieve cleanup goals. The RAP needs to be completed to allow the issuance of a No Further Action determination by the lead enforcement agencies, in this case are both the City of Long Beach Department of Health and Human Services and LARWQCB. Monitoring and testing activities will be conducted to determine when the cleanup goals have been achieved.

In August 2019, a Draft RAP was submitted to the LARWQCB for review. On May 21, 2020, the LARWQCB issued comments on the Draft RAP requesting additional discussion regarding cleanup goals and the preparation of an updated Human Health Risk Assessment (HHRA), consistent with current requirements, along with other updates. A revised RAP was prepared and submitted in August 2021. The RAP was revised in March 2022 in response to LARWQCB comments, and has been submitted to the LARWQCB for approval, which has circulated the same for public comment. Approval and implementation of the RAP will be required prior to development of the proposed residential uses. For additional discussion of the RAP please refer to Section IV.H: Hazards and Hazardous Materials.

Section IV.C Biological Resources

Correction to the description of vegetation on Page IVC-6 in the DEIR is made as shown below.

Many of the species present are halophytes or salt-tolerant plants, indicating that the soils on site may have originated as dredge materials from the LA River channel when the area was tidally influenced area and salt-water intrusion was occurring. These species include, but are not limited to, Coulter’s goldfields (Lasthenia glabrata ssp. Coulteri), beach spectaclepod (Dithyrea maritima),...
estuary seablite (Suaeda esteroa), and woolly seablite (Suaeda taxifolia). A few others are commonly associated with standing water or stream courses. This may be because years of oil industry operation has resulted in a relatively impermeable layer of soil that retains surface water, allowing those water dependent species to survive. *Halophytes include sensitive species, namely as Coulter’s goldfields (Lasthenia glabrata ssp. Coulteri), beach spectacled (Dithyrea maritima), estuary seablite (Suaeda esteroa), and woolly seablite (Suaeda taxifolia).* However, as indicated in the Sensitive Species Evaluations contained in the Biological Resources Technical Report, the site either does not contain appropriate habitats for these species or they have not been identified as present on the site during field surveys.

Clarification to the concluding paragraph under threshold BIO-1 in the DEIR is made as shown below.

However, all bird species that occur on the Project Site are protected from nest disturbance by the federal MBTA and the California Fish and Game Code. These regulations prohibit the disturbance of nesting birds in any manner that may cause reproductive failure. In general, this means that land clearing must be accomplished during winter months while the birds are not nesting. In addition, while no burrowing owl nests were identified during surveys conducted to date (see Appendix B of this FEIR), nesting activity could occur closer to construction. As such, the removal of potential nesting sites during construction could occur. Therefore, the impact is classified as potentially significant, and mitigation is identified below.

Addition to the Mitigation Measures identified at the end of Section IV.C Biological Resources in the DEIR is made as shown below:

- **MM-BIO-2:** The City shall perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation. Burrowing owl protocol surveys shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends From February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are identified, the applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant shall contact CDFW to develop appropriate mitigation and management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits.

- **MM-BIO-3:** If the Project will impact habitat supporting burrowing owls, Project Applicant shall be required to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There should be no net loss of burrowing owl habitat. The Project Applicant should set aside
replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.

- **MM-BIO-4:** To avoid direct mortality of ground inhabiting species, a qualified biological monitor shall be on-site prior to and during ground and habitat disturbing activities to move out of harm’s way special status species or other wildlife of low mobility that would be injured or killed by grading or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires protected species to be removed, disturbed, or otherwise handled, the applicant shall obtain all required appropriate state and federal permits.

- **MM-BIO-5:** The Project applicant shall report any special status species detected by completing and submitting CNDBD Online Field Survey Form to the extent any such species are detected. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant shall provide CDFW with confirmation of data submittal.

- **MM-BIO-6:** Project Applicant shall avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.

Section IV.H Hazards and Hazardous Materials

The Hazards and Hazardous Materials section of the Draft EIR, as revised, is included in its entirety as Appendix C of this Final EIR. The text indicates the changes to the section as strikethrough to represent deletions and italic-underline to represent additions.

Section IV.M Transportation

Clarification is made to the discussion in the DEIR under threshold TRA-3 as shown below with strikethrough and italic-underline formatting.

**Threshold TRA-3:** Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Pedestrian access to the Project Site would be provided via sidewalks around the perimeter of the Project Site. Residents and visitors arriving to the Project Site by bicycle would have the same access opportunities as pedestrians and would be able to utilize on-site bicycle parking facilities as discussed in an earlier threshold. The proposed Project’s access locations would be designed to
the City standards and would provide adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls that meet the City’s requirements to protect pedestrian safety. Street trees and other potential impediments to adequate driver and pedestrian visibility would be minimal. Pedestrian entrances separated from vehicular driveways would provide access from the adjacent streets.

While there are two driveways proposed as part of the proposed Project, one would be placed on Baker Street, a nonarterial road. The main access driveway would be located on Wardlow Road, with right in/right out and left in/left out turn movements allowed. The driveways would be designed to comply with City standards, including required signalization by the Department of Public Works. The driveways would not require the removal or relocation of existing passenger transit stops and would be designed and configured to avoid or minimize potential conflicts with transit services, pedestrians, and bicyclists. The proposed Project is not located on a HIC. There currently exists protected, Class IV bike lanes along Wardlow Road, in both directions, east of the Project Site. The bike lane on the north block of Wardlow Road (in the westbound direction) ends at Magnolia Avenue, approximately one quarter mile from the proposed main access driveway. Vehicles entering/exiting the Site would be concentrated along the Wardlow Road main Project driveway, and the Baker Street secondary driveway would be limited to City maintenance vehicles and emergency vehicle access.

The proposed Project was also evaluated to determine if the proposed Project would have a significant impact on the I-710 and I-405 north and south off-ramps. Given the proposed Project access is confined to the Wardlow Road driveway and designed for left in and right in/right out movements in addition, the I-710 northbound on-ramp were analyzed for potential freeway impacts. The proposed Project is projected to result in a less than 1 percent increase in trips based on the freeway mainline capacity in both the AM and PM peak hours on the I-710 northbound on-ramp. Therefore, this location will have a less than significant impact on hazard and safety issues. In addition, impacts to the I-405 northbound off-ramp to Long Beach Boulevard will result in a less then significant hazard and safety impact given that it is projected to result in a less than 1 percent increase in trips based on the capacity of the freeway off-ramp (based on an assumed ramp capacity of 850 vehicles per hour per lane).

Both the I-710 southbound off-ramp to eastbound Wardlow Road and the I-405 southbound off-ramp to southbound Pacific Place are projected to result in a 1 percent increase or more in trips based on the capacity of the respective freeway off-ramp. However, the I-405 southbound off-ramp to southbound Pacific Place includes an uncontrolled, two-lane off-ramp from the southbound I-405 to southbound Pacific Place, which screens it from further freeway impact
analysis per the City’s LOS/delay criteria. The I-710 southbound off-ramp to eastbound Wardlow Road includes an existing yield control, which results in a projected LOS of A in the PM peak hour for the southbound off-ramp. Given the City’s criteria for LOS/delay on the off-ramp, this location was also screened from further freeway impact analysis. As such, the Project would not have a significant impact on the freeway ramps.

In addition to freeway traffic analysis, potential effects on bicycle and pedestrian circulation was also assessed. Wardlow Road contains Class IV protected bike lane facilities, in both directions, east of the Project Site. The bike lane on the south side of Wardlow Road, in the eastbound direction, begins east of the proposed Project’s main driveway -east of 34th Street and continues east past Wardlow Road. The bike lane on the north side of Wardlow Road, in the westbound direction, begins east of Pacific Place and ends at Magnolia Avenue. There also exists a City Bike Share program, with the nearest stations located just over 1-mile east of the Project Site on Bixby Road, Wardlow Road and Atlantic Avenue.

The proposed Project is not expected to negatively affect or degrade bicycle modes or facilities within the study area, including the existing bicycle lane facilities on Wardlow Road east of the Project Site. The proposed Project related traffic is not expected to add substantial automobile delay to the nearby intersections in the AM and PM peak hours. Additionally, the limited access design of the main proposed driveway on Wardlow Road, with left-out turns prohibited, would minimize the amount of project related eastbound traffic through the Magnolia Avenue and Pacific Place intersections along Wardlow Road.

Pedestrian facilities in the study area include sidewalks, crosswalks, and pedestrian signals. The major streets that provide access to the proposed Project include Wardlow Road, Magnolia Avenue, and Baker Street. These roadways have well-connected and maintained sidewalk networks near the Project Site. Sidewalks are provided on both sides of these streets, except for portions of Wardlow Road (between Magnolia Avenue and the Project Site). Although, this section does have an adjacent local access road with sidewalk that is separated by a concrete, landscaped median, as well as a sidewalk on the south side of Wardlow Road between Maine Avenue and the Project Site. There is also an existing Wrigley Heights dog park adjacent to the proposed Project, immediately to the east on Golden Avenue, with two pedestrian points of access along Golden Avenue. The existing neighborhood Baker Street park at Baker Street & Golden Avenue is located east of the proposed Project, adjacent to the proposed open space area.

The proposed Project is not expected to negatively affect or degrade pedestrian modes or facilities within the study area. The Applicant would be required to construct a new 12-foot-wide walkway
(consisting of a 6-foot-wide concrete sidewalk, curb and curb gutter and 6-foot wide irrigated and planted parkway) sidewalk along the portion of the north side of Wardlow Road where no sidewalk pavement currently exists. The limited access design of the main Project driveway on Wardlow Road, with left-out turns prohibited, would minimize potential conflicts.

However, line-of-sight analysis of vehicle movements at the proposed access driveway on Wardlow Road determined that vehicles at the proposed driveway would lack adequate sight distance along Wardlow Road. This could substantially increase hazards. As such, the Project could have a significant impact and therefore mitigation has been identified below.

This mitigation would result in the installation of a traffic signal on Wardlow Road at the Project driveway. The signal would allow for right-in/right-out and left-in/left-out turn movements and would feature vehicle detection, pedestrian controls, and flashing beacons on both Wardlow Road approaches that would reduce potential roadway hazards to a less than significant level.

Appendices

A Burrowing Owl survey conducted for the site is included as part of the record and appears as Appendix B of this FEIR.

Finally, the following documents supporting the information contained in the revised Hazards and Hazardous Materials Section have been added to the record and are also included in Appendix C of this FEIR:

- Remedial Action Plan (RAP), by California Environmental for Integral Partners for the Oil Operators Inc. (OOI) property dated March 2022 (replacing the document of the same named dated August 2021 that was included with the Draft EIR)
- Tesoro Letter to LARWQCB dated January 19, 2017, transmitting update to SCM
- Tesoro Letter to LARWQCB dated October 31, 2018, transmitting Revised Expanded Interim Remedial Action Plan
- Tesoro Letter to LARWQCB dated April 11, 2019, transmitting Addendum to January 25, 2019, Pipeline Update
- LARWQCB Approval of Revised Expanded Interim Remedial Action Plan dated December 27, 2018
- Human Health Risk Assessment (HHRA), prepared by Mearns Consulting, dated October 16, 2020
• California Office of Environmental Health Hazard Assessment letter dated August 25, 2020, approving Mearns HHRA; and

• LARWQCB Letter transmitting Comments on Draft Conceptual Remedial Action Plan dated May 21, 2020
5.0 COMMENTS AND RESPONSES TO COMMENTS

Section 15088(a) of the State CEQA Guidelines states that “the lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the Draft EIR comment period and any extensions and may respond to late comments.” In accordance with these requirements, this section provides written responses to all comments received on the Draft EIR during its public review period from January 18, 2022, through March 21, 2022. The City received the following comments:

1. Miya Edmonson, Local Development Review Branch Chief, California Department Of Transportation, District 7 letter, dated March 9, 2022
2. Victoria Tang Signing for Erinn Wilson-Olgin Environmental Program Manager I South Coast Region, California Department of Fish and Wildlife (CDFW) email dated March 14, 2022
3. Renee Purdy Executive Officer, Los Angeles Regional Water Quality Control Board, letter dated May 9, 2022 (though outside the public review period, the City has decided to include it)
4. William Frankenfeld, Email dated January 24, 2022
5. Diana Ruan-McDonald, email dated March 17, 2022
6. Janet West, email dated March 21, 2022
7. Judith Anderson, email dated March 21, 2022, with the following Appendix:
   a. Copied version of Riverpark Coalition and Sierra Club Comment letter
8. Roger Holman, email dated March 21, 2022
9. Rae Gabelich, email dated March 21, 2022
10. Tillly Hinton, email dated March 21, 2022
11. Riverpark Coalition, contact person Ann Cantrell, emailed dated March 21 and including the following Appendixes:
   a. Air Quality DEIR Comments
   b. Biological Resources
   c. Cultural Tribal Comments
   d. Land Use & Zoning
   e. Transportation DEIR Comments
   f. Copied version of Fish and Wildlife’s Comment Letter
12. Madeline Worsnopp, AECOM on behalf of on behalf of Tesoro SoCal Pipeline Company LLC and Tesoro Refining & Marketing Company LLC, letter dated March 21, 2022
13. Anna Christiansen, email dated March 21, 2022

14. Riverpark Coalition, contact person Ann Cantrell, email dated March 24, 2022, including the following Appendix:
   a. “Corrected” Land Use Comments

On the following pages, each comment within each comment letter has been numbered according and provided with a corresponding response. The letters are reproduced in full, with the numbered comments indicated with brackets, as Appendix D of this Final EIR.¹

¹ The City also received an email from an Adrian Morales on March 21, 2022, which purported to include an Appendix, entitled “Comments – DEIR 712 Baker St. River Park Residential Development.pdf.” On March 23, 2022, City staff reached out to the commenter, and informed them that the Appendix could not be opened and asked the commenter to send a version that could be opened. As of the date of this document, the City has not received any additional comments or information from that commenter.
**COMMENT LETTER NO. 1: California Department Of Transportation**

**Comment 1-1**

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor’s Office of Planning and Research (OPR) for more information:

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, all future developments should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing. Overall, the environmental report should ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

For this project, we encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For additional TDM options, please refer to the Federal Highway Administration’s Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). This reference is available online at:


You can also refer to the 2010 Quantifying Greenhouse Gas Mitigation Measures report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at:


**Response 1-1**

The comment recognizes that the Project’s transportation impacts must be analyzed via a vehicle miles travelled (VMT) analysis.
The traffic impact analysis prepared for this project, and included as Appendix IV.M of the Draft EIR, utilized VMT as the transportation analysis metric. In addition, the project includes multi-modal circulation elements to promote alternatives to car use such as walking and bicycling as well as access to proximity to the Wardlow Metro light-rail station. In compliance with Section 21.45.400 of the Long Beach Municipal Code, the Project would incorporate bicycle parking. The traffic signal that would be installed at the proposed access drive would incorporate ITS applications to the most current City standards that would enhance vehicle and pedestrian safety at the intersection.

As such, no revisions are needed.

**Comment 1-2**

Since the Project VMT metric (10.2) is less than the significance threshold (11.8), the Project is presumed to create a less than significant VMT impact and no further VMT analysis is required. The Project has the following characteristics that make it perform well from a VMT impact analysis perspective:

1. The proposed residential land use matches the surrounding land uses of single-family and multifamily housing;
2. The Project’s proximity to the Wardlow Metro light-rail station;
3. The inclusion of affordable housing units; &
4. The traffic analysis zone is already a borderline low-VMT area based on the City’s VMT mapping.

Given the above finding of less than significant Project VMT impact, the identification of mitigation measures is not required at this time. However, a post-development VMT analysis with all mitigation measures should be prepared for monitoring purpose and for future project thresholds in the area. Additional mitigation measure should be implemented when the post-development VMT analysis discloses any traffic significant impact.

**Response 1-2**

The comment is noted that Caltrans concurs in the conclusion contained in the Draft EIR that the Project is presumed to create a less than significant VMT impact and no further VMT analysis is required. CEQA does not require a post-development VMT analysis for the Project. However, where applicable, the City will continue to conduct VMT analyses for future projects, and will require necessary mitigation measures when needed.

No further revisions to the DEIR are needed.

**Comment 1-3**

Caltrans concurs that “the Project features, location, and design generally support multimodal transportation options and would be consistent with policies, plans, and programs that support alternative transportation, including the Mobility Element 2035, the Housing Element and the Safe Streets Action Plan. The Project features are intended to minimize impacts to the public right-of-way and enhance the user experience by integrating multimodal transportation options, including on-site pedestrian...
infrastructure and trails to the 4.81 acres of dedicated open space north of the developed site area. The Project would encourage bicycle use to and from the Project Site by providing bicycle parking in accordance with the City requirements and in proximity to existing bicycle facilities along Wardlow Road, as well as future planned bicycle facilities within the vicinity of the Project, including along Magnolia Avenue south of Wardlow Road. The Project would encourage pedestrian and bicyclist activity because it concentrates the development near public transit, which provides residences and visitors access to the site that can be conveniently accessed by walking, biking, or taking transit. The Project would also accommodate pedestrian activity with its access locations and open space, which would be designed to City standards to provide adequate sight distance and pedestrian movement controls that would meet the City’s requirements to protect pedestrian safety. The Project design and features would not substantially increase hazards, conflicts, or preclude City action to fulfill or implement projects associated with these networks and will contribute to overall walkability through enhancements to the Project Site and streetscape.”

Response 1-3

The comment is noted that Caltrans concurs in the conclusion contained in the Draft EIR that the Project generally supports multimodal transportation options and would be consistent with policies, plans, and programs that support alternative transportation, including the Mobility Element 2035, the Housing Element and the Safe Streets Action Plan.

No revisions are needed.

Comment 1-4

California statues do not legally entitle owners of property who are building adjacent to or near freeways to any noise mitigation program funded by the State. Any necessary improvements to with new soundwalls are the sole responsibility of the property owner. The property owner is not entitled to any State sponsored soundwalls mitigation funding programs. We request that developers and prospective owners/occupants be made aware of this, and that the City exercise its powers and responsibility to minimize the impacts of freeway vehicle noise.

Therefore, residential construction next to freeways is an incompatible land use and local jurisdictions need to require soundwalls tall enough to reduce traffic noise. To ensure compliance with established noise standards and guidelines, and to protect future occupants from potential adverse effects associated with traffic noise levels exceeding these standards, soundwalls need to be implemented in the zoning, architectural design, and construction of units. Otherwise, future traffic noise controversy can be expected.

Response 1-4

While the project site is in proximity to the 405 and 710 freeways, the proposed residential units would not be next to the freeways. Ambient noise measurements reported in the Draft EIR indicate that existing noise levels did not exceed established noise standards. As such, the City’s experts do not believe that the Project will experience any deleterious impacts from the existing freeways.
Furthermore, while the relevant noise standards will not be exceeded on the Project site, it is important to note that CEQA does not require an analysis of the existing environment’s impact on the project. As such no further mitigation is required. (See California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369, 377 [“In light of CEQA’s text, statutory structure, and purpose, we conclude that agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents.”].)

Therefore, the City’s experts disagree that the Project requires the development of a new sound wall.

Comment 1-5

Since the project site is next to I-405 and I-710, please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications.

Response 1-5

The comment explains that any work within the referenced freeways would require an encroachment permit from CalTrans. While, the City and the applicant are aware of the Encroachment Permit requirements, no work within the rights of way of I-405 or I-710 would occur. As such, there will be no need for an encroachment permit for the Project. No revisions are necessary.

Comment 1-6

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without any storm water management plan.

Response 1-6

The comment addresses issues pertaining to potential storm water run-off that may be discharged from the Project Site.

Storm water run-off was discussed in Section IV.I, Hydrology and Water Quality of the Draft EIR. As that section explains any potential impacts have been mitigated to a less than significant level. Further, the Project will comply with all applicable Local, State and Federal laws pertaining to the regulation of storm water run-off.

Comment 1-7

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.
Response 1-7

The comment recognizes that certain construction equipment and/or materials require a permit before operating on a State highway, and further recommends that large truck trips be limited to off-peak commute period.

As to the permit requirement, the City and the applicant are aware of the Caltrans transportation permit requirements, and to the extent a permit is required, the applicant will be required to comply. As for the commenter’s recommendation, the City has reviewed the Project’s potential transportation impacts and determined that the potential VMT impacts are less than significant, and further concluded that the alterations to the LOS at relevant intersections would not result in a potentially significant impact as well. However, the DEIR did note that the arrange of the entrance on Wardlow could create a traffic safety impact, which has been mitigated through the inclusion of a mitigation measure requiring the installation of a traffic signal and other additions. As such, City staff disagrees that additional mitigation is required. Accordingly, no revisions are necessary.
COMMENT LETTER NO. 2: Department of Fish and Wildlife

Comment 2-1

Comment #1: Inadequate disclosure of impacts on burrowing owls

Issue: CDFW is concerned that burrowing owl (*Athene cunicularia*), a California Species of Special Concern (SSC), was not adequately analyzed and discussed in the DEIR. No avoidance or minimization measures were provided in the DEIR.

Specific impacts: Impacts to burrowing owls were not assessed in the DEIR. Project construction and activities such as vegetation removal and grading may impact wintering, breeding, and foraging habitat for the species.

Why impact would occur: Typical burrowing owl habitat is often dry open areas with sparse vegetation and available burrows. Although this habitat is associated with dry grasslands and agricultural land, burrowing owls have found habitat in urban settings such as golf courses or vacant lots (Urban Bird 2022). In an urban setting, burrowing owls have been known to use artificial burrows such as exposed pipes or concrete debris piles (LSA 2009). However, burrowing owls generally prefer burrows commonly dug by ground squirrels or badger dens. The Initial Study noted that the California ground squirrel (*Otospermophilus beecheyi*) was observed during the biological survey of the Project site. With California ground squirrel on-site, their burrows could provide potential cover sites for burrowing owls. In addition, the Biological Resources Technical Report indicated that burrowing owls could occur on the Project site for transient periods of time.

Furthermore, results from a wintering burrowing owl survey conducted along Interstate 710 freeway indicate presence of two burrows directly adjacent to the Project site (LSA 2009). In addition, burrowing owls were recently observed in vacant lots about one mile north of the Project site along the Los Angeles River (LSA 2016). The DEIR does not provide discussion or avoidance measures to minimize the impacts to burrowing owls. If a protocol-level burrowing owl survey was conducted, there is potential that species presence may be observed. Project activities without pre-construction surveys could result in injury or mortality of unidentified burrowing owl. Lastly, grading activities will result in loss of habitat if burrowing owls are present.

Response 2-1

The comment claims that the DEIR failed to adequately analyze the Project’s potential impacts to burrowing owls, and that the DEIR fails to provide a discussion of avoidance measures to minimize impacts to the burrowing owl. The comment continues to claim that without further study in the form of protocol study, or pre-construction activities, there is a chance that the Project could result in the injury or mortality of unidentified burrowing owls.

The City’s expert disagree that additional study or mitigation is necessary in this regard. However, in an abundance of caution, the City has determined that it will include CDFW’s requested additional mitigation measures to ensure that any potential impacts to burrowing owls would be less than significant.
Though not specifically burrowing owl surveys, in preparing the DEIR, the City’s consultants conducted two biological site surveys, both of which did not identify any burrowing owl habitat or evidence of the presence of burrowing owls. Further, the DEIR’s Biological section, concluded that the Project Site is generally not capable of supporting wildlife habitat due to no portion of the Project Site being undisturbed, and the fact that the Project Site would not otherwise be suitable for wildlife habitat. (See DEIR Section IV.C.)

That being said, in response to this and other similar comments, specific burrowing owl surveys have since been conducted and also found no evidence of burrowing owl or potential habitat on the site. While the City recognizes that prior Caltrans studies may have found evidence of burrowing owls outside of the Project Site, the subsequent studies above confirm that there is no evidence of burrowing owls either on, or using, the Project Site.

Additionally, the commenter’s claim that there are no avoidance measures in place is factually incorrect. To avoid impacts to any birds nesting onsite, Mitigation Measure No. MM-BIO-1 requires as follows:

- Proposed ground clearing activities within 300 feet of potential nesting sites should take place outside of the breeding bird season which generally runs from February 1–August 31.
- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

This mitigation measure will avoid any impacts to birds that may be nesting on site, including burrowing owls.

All that being said, in an abundance of caution the FEIR has been revised to include all of CDFW’s requested mitigation measures as follows:
• MM-BIO-2: The City shall perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation. Burrowing owl protocol surveys shall be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys state to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are identified, the applicant shall prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant shall contact CDFW to develop appropriate mitigation and management procedures. The applicant shall submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits.

• MM-BIO-3: If the Project will impact habitat supporting burrowing owls, Project Applicant shall be required to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There should be no net loss of burrowing owl habitat. The Project Applicant should set aside replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.

• MM-BIO-4: To avoid direct mortality of ground inhabiting species, a qualified biological monitor shall be on-site prior to and during ground and habitat disturbing activities to move out of harm’s way special status species or other wildlife of low mobility that would be injured or killed by grading or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires protected species to be removed, disturbed, or otherwise handled, the applicant shall obtain all required appropriate state and federal permits.

• MM-BIO-5: The Project applicant shall report any special status species detected by completing and submitting CNDDB Online Field Survey Form to the extent any such species are detected. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project Applicant shall provide CDFW with confirmation of data submittal.
Comment 2-2

Evidence impact would be significant: A California Species of Special Concern is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022a).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).

Impacts to any sensitive or special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. The Project and environmental document should be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat if burrowing owls are present. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Response 2-2

This comment claims that there could be a significant impact to burrowing owl populations on the Project Site.

For the reasons outlined in the Response 2-1, the City’s experts disagree. Furthermore, the City disagrees that the DEIR does not address the potential existence of California Special Species of Concern (“SSC”). In conducting the analysis, the DEIR concluded that “[n]one of the species observed on the site are considered particularly sensitive and none are specifically protected by State or federal law.” In making this conclusion, the DEIR was also concluding that none of the observed species were considered “Special Species of Concern.”

That said, as explained in Response 2-1, the City has amended the FEIR to include the recommendations and mitigation measures proposed by CDFW.
Comment 2-3

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends the City perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation (CDFW 2012). Burrowing owl protocol surveys should be conducted by a qualified biologist on the Project site and within 100 feet (minimum) of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owls are identified, the applicant should prepare an Impact Assessment and Burrowing Owl Mitigation Plan in accordance with the 2012 Staff Report on Burrowing Owl Mitigation. The Project Applicant should contact CDFW to develop appropriate mitigation/management procedures. The applicant should submit a final Burrowing Owl Mitigation Plan to the City prior to the City issuing construction permits.

Response 2-3

The comment claims that the City should conduct a protocol survey for burrowing owls.

For the reasons outlined in the Response 2-1, the City’s experts disagree that additional mitigation is required. That said, as explained in Response 2-1, the City has amended the FEIR to include the recommendations and mitigation measures proposed by CDFW.

Comment 2-4

Mitigation Measure #2: If the Project will impact habitat supporting burrowing owls, CDFW recommends that the City require the Project Applicant to offset impacts on habitat supporting a Species of Special Concern at no less than 2:1. There should be no net loss of burrowing owl habitat. The Project Applicant should set aside replacement habitat. Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity, which should include an appropriate endowment to provide for the long-term management of mitigation lands.

Response 2-4

The comment claims that the Project should include additional mitigation measures to address any potential impacts to the burrowing owl population that may be identified in protocol-level surveys conducted by the City.

For the reasons outlined in the Response 2-1, the City’s experts disagree that additional mitigation is required. That said, as explained in Response 2-1, the City has amended the FEIR to include the recommendations and mitigation measures proposed by CDFW.
Comment 2-5

Mitigation Measure #3: CDFW recommends that the City require the Project Applicant to avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.

Response 2-5

Without identifying any potential impacts, the comments recommends that the applicant be required to avoid using certain pesticides during the development of the Project.

While there is no identified impact that would be addressed by this mitigation measure, in an abundance of caution, the City will amend the FEIR to add the following mitigation measure.

- MM-BIO 6: Project Applicant shall avoid using any rodenticides and second-generation anticoagulant rodenticides during Project activities.

Comment 2-6

Additional Recommendations

Moving out of Harm’s Way. The proposed Project may result in impacting habitats on and/or adjacent to the Project site that may support ground dwelling wildlife. To avoid direct mortality of ground inhabiting species, CDFW recommends that a qualified biological monitor be on-site prior to and during ground and habitat disturbing activities to move out of harm’s way special status species or other wildlife of low mobility that would be injured or killed by grading or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. If the Project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

Response 2-6

The commenter claims that the Project may result in impacts to habitats on and/or adjacent to the Project Site, and thus recommends that the applicant be required to use a qualified biological monitor on site prior to and during ground and habitat disturbing activities, and that the DEIR be updated to reflect that the applicant will be required to procure all necessary permits prior to impacting certain species.

For the reasons outlined in the Response 2-1, the City’s experts disagree that additional mitigation is required. That said, as explained in Response 2-1, the City has amended the FEIR to include the recommendations and mitigation measures proposed by CDFW.

Comment 2-7

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species detected by completing and submitting CNDDB Online Field Survey Form (CDFW 2022b). The City should ensure that the Project
applicant has submitted data properly, with all data fields applicable filled out, prior to finalizing/adopting the environmental document. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred. The Project applicant should provide CDFW with confirmation of data submittal.

Response 2-7

The comment notes that CEQA requires a project applicant to upload any data pertaining to any special status species located that the Project Site to certain CDFW websites.

For the reasons outlined in the Response 2-1, the City’s experts disagree that additional mitigation is required. That said, as explained in Response 2-1, the City has amended the FEIR to include the recommendations and mitigation measures proposed by CDFW.

Comment 2-8

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the MND’s proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The City is welcome to coordinate with CDFW to further review and refine the Project’s mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Appendix A).

Response 2-8

The commenter asks that the City update the FEIR to include the additional mitigation measures identified in their comment letter. For the reasons outlined in the Response 2-1, the City’s experts disagree that additional mitigation is required. That said, as explained in Response 2-1, the City has amended the FEIR to include the recommendations and mitigation measures proposed by CDFW. These new mitigation measures will be incorporated in the final MMRP.

Comment 2-9

Filing Fees

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Long Beach and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).
Response 2-9

The comment claims that the Project will have an impact on fish and/or wildlife, and therefore the applicant will be required to pay CDFW’s filing fees. The City is aware of the filing fee requirement. However, the City’s experts disagree that Project will have a significant impact on fish and/or wildlife. That said, the Project will be conditioned on paying all required fees to secure all necessary permits.

Comment 2-10:

CDFW has attached a spreadsheet proposing the various mitigation measures discussed above.

Response 2-10:

For the reasons outlined in the Response 2-1, the City’s experts disagree that additional mitigation is required. That said, as explained in Response 2-1, the City has amended the FEIR to include the recommendations and mitigation measures proposed by CDFW. These new mitigation measures will be incorporated in the final MMRP.
COMMENT LETTER NO. 3: Regional Water Quality Control Board

Comment 3-1

1. Throughout the document, the Draft EIR references previous, less up-to-date versions of the OOI RAP. These references should be updated in the Final EIR to be consistent with the final OOI RAP approved by the Los Angeles Water Board. Correspondingly, the OOI RAP appended to the Draft EIR in Appendix IV.H.4 should be the most up-to-date version submitted to the Los Angeles Water Board.

Response 3-1

Comment noted. Final EIR has been revised to reflect applicant’s submittal of the recently submitted March 2022 revised Remedial Action Plan (“Revised RAP”), and the contents therein. The Revised RAP has been appended to the Final EIR as well.

Comment 3-2

2. Throughout the document, the Draft EIR states that implementation of the OOI RAP will lead to the issuance of a No Further Action determination by the Los Angeles Water Board. However, completion of the scope of work proposed in the OOI RAP may not be sufficient to satisfy the requirements for a No Further Action (NFA) determination. Regardless of whether an NFA issues, however, the OOI RAP will ensure that the Project Site will be cleaned up and that Site impacts are mitigated in accordance with the Los Angeles Water Board’s statutes, regulations, and policies, which require that cleanups are protective of water quality, human health and the environment for the anticipated land use. The statements in the Draft EIR should be revised to reflect this.

Response 3-2

Comment noted. Final EIR has been revised to reflect the foregoing.

Comment 3-3

1. II. Project Description, Page II-2

The amended Tesoro Expanded Remedial Action Plan involves the installation of twelve horizontal VES wells and four angled VES wells to extend beneath Golden Avenue from the east side of the Project Site and five vertical VES wells beneath the Project Site.

Comment: Due to site access issues due to the required setback for the proposed horizontal wells, the initial proposal to install twelve horizontal SVE wells and four angled SVE wells was revised. The final expanded SVE well network includes ten wells: two slant wells, TSO-VE8 and TSO-VE9, and eight vertical wells, VES-A, and TSO-VE1 through TSO-VE7.

Response 3-3

Comment noted. Final EIR has been revised to reflect the foregoing.
Comment 3-4

2. II. Project Description, Page II-3

The RAP needs to be completed to allow the issuance of a No Further Action determination by the lead enforcement agencies, ...

Comment: As stated in General Comment 2, completion of the scope of work proposed in the OOI RAP may not be sufficient to satisfy the requirements for a No Further Action determination, but it will ensure that the Project Site will be cleaned up and that Site impacts are mitigated in accordance with the Los Angeles Water Board’s statutes, regulations, and policies, which require that cleanups are protective of water quality, human health and the environment for the anticipated land use.

Response 3-4

Comment noted. See responses to comments above. Final EIR has been revised to reflect Applicant’s submittal of the Revised RAP. The Revised RAP has been appended to the Final EIR as well. Likewise, the Final EIR has been revised to reflect that the RAP that will be approved by the Regional Board will ensure that the Project Site will be cleaned up and that any impacts would be mitigated in accordance with the Los Angeles Water Board’s statutes, regulations, and policies, which require that cleanups are protective of water quality, human health and the environment for the anticipated land use.

Comment 3-5

3. II. Project Description, Page II-3

In August 2019, a Draft RAP was submitted to the LARWQCB for review. On May 21, 2022, the LARWQCB issued comments on the Draft RAP requesting additional discussion regarding cleanup goals and the preparation of an updated Human Health Risk Assessment (HHRA), consistent with current requirements, along with other updates. A revised RAP was prepared and submitted in August 2021. Approval and implementation of the RAP will be required prior to development of the proposed residential uses.

Comment: This section should be updated in the Final EIR to include a description of the additional revisions made to the OOI RAP since August 2021.

Response 3-5

Comment noted. However, a revised RAP was subsequently submitted in March 2022. The Final EIR has been revised to reflect applicant’s submittal of the Revised RAP of March 2022 and that Revised RAP has been appended to the Final EIR.

Comment 3-6

4. IV.H Hazards and Hazardous Materials, Page IV.H-4

To date, no remediation of the groundwater has been required of Oil Operators.
Comment: Based on discussions between Oil Operators and the Los Angeles Water Board, the scope of the most up-to-date OOI RAP submitted to the Los Angeles Water Board in March 2022 includes continued monitoring of the OOI Site groundwater, and that a contingency for groundwater mitigation be prepared for approval. Should review of groundwater monitoring determine that it is necessary, the groundwater mitigation contingency would be implemented.

**Response 3-6**

Comment noted. The Revised RAP includes the updated discussion of groundwater monitoring and references a contingency for groundwater remediation, should it be necessary. The Revised RAP has been appended to the Final EIR.

**Comment 3-7**

5. IV.H Hazards and Hazardous Materials, Page IV.H-4

*The Plan involves the installation of twelve horizontal SVE wells and four angled SVE wells to extend beneath Golden Avenue from the east side of the Project Site and five vertical SVE wells beneath the Project Site.*

Comment: As explained in Specific Comment 1, due to site access issues due to the required setback for the proposed horizontal wells, the initial proposal to install twelve horizontal SVE wells and four angled SVE wells was revised. The final expanded SVE well network includes ten wells: two slant wells, TSO-VE8 and TSO-VE9, and eight vertical wells, VES-A, and TSO-VE1 through TSO-VE7.

**Response 3-7**

Comment noted. The Final EIR has been amended to reflect the foregoing.

**Comment 3-8**


*Implementation of the RAP will lead to the issuance of a No Further Action determination by the LARWQCB, the lead enforcement agency.*

Comment: As stated in General Comment 2, completion of the scope of work proposed in the OOI RAP may not be sufficient to satisfy the requirements for a No Further Action determination, but it will ensure that the Project Site will be cleaned up and that Site impacts are mitigated in accordance with the Los Angeles Water Board’s statutes, regulations, and policies, which require that cleanups are protective of water quality, human health and the environment for the anticipated land use.

**Response 3-8**

Comment noted. Final EIR has been revised to reflect applicant’s submittal of the Revised RAP. The Revised RAP has been appended to the Final EIR as well. The Final EIR contains a mitigation measure requiring RAP approval by LARWQCB prior to Project development. This will ensure that the Project Site will be cleaned up and that Site impacts are mitigated in accordance with the Los Angeles Water Board’s
statutes, regulations, and policies, which require that cleanups are protective of water quality, human health and the environment for the anticipated land use.

Comment 3-9
7. IV.H Hazards and Hazardous Materials, Page IV.H-6

Comment: *Table IV.H-1: Proposed COC Mitigation Measures* is based on a version of the OOI RAP dated 2019 and needs to be updated in the Final EIR. For example, for arsenic in groundwater, the table states “Remediation not required - Monitor.” This should be updated to reflect the requirement for a groundwater mitigation contingency for arsenic.

Response 3-9
Comment noted. The Final EIR will reflect the submittal of the Revised RAP, and the contents therein. Likewise, the Final EIR has been updated to reflect the requirements addressed in the Revised RAP.

Comment 3-10
8. IV.H Hazards and Hazardous Materials, Page IV.H-8

Comment: Please ensure that the Soil Clean-Up Goals listed here match the most up-to-date values approved in the Final OOI RAP.

Response 3-10
Comment noted. The Final EIR will reflect the soil cleanup goals established in the Revised RAP and a mitigation measure has been added to require compliance with the RAP that is approved by LARWQCB, which will assure compliance with the soil cleanup goals set forth in the final RAP.

Comment 3-11
9. IV.H Hazards and Hazardous Materials, Page IV.H-8

*The concentrations of arsenic found in groundwater on the Project Site are correlated with the presence of TPH in the groundwater.*

Comment: As detailed in the Los Angeles Water Board’s *Comments on the Remedial Action Plan* letter dated June 28, 2021, concentrations of arsenic are generally, but not always correlated with the presence of TPH in groundwater.

Response 3-11
Comment Noted. This concept has been incorporated into the Revised RAP.

Comment 3-12
10. IV.H Hazards and Hazardous Materials, Page IV.H-30
Treated soils approved for reuse or imported in accordance with the standards in the RAP will be incorporated into Project grading (see Appendix IV.H.4). Verification sampling of all treated and imported soil prior to placement as engineered-compacted fill as required by the RAP will ensure conformance with the approved RBCs for the Project.

Comment: Note that standards for reuse of treated soils will be updated from the August 2021 version of the OOI RAP appended to the Draft EIR in Appendix IV.H.4.

**Response 3-12**

Comment noted. The Final EIR will append the Revised RAP, along with the updated standards for reuse of treated soils.

**Comment 3-13**

11. IV.I Hydrology and Water Quality, Page IV.I-10

Comment: Please ensure that the values listed in *Table IV.I-1: Site Specific RBGs for Soil* are consistent with the values in the most up-to-date OOI RAP in the Final EIR.

**Response 3-13**

Comment noted. The Final EIR has been revised to incorporate the updated site-specific RBGs for Soil and the Revised RAP has been appended to the FEIR.
COMMENT LETTER NO. 4: William Frankenfeld

Comment 4-1

I'm as resident of the Los Cerritos neighborhood and I support the proposed River Park development. The River Park development cleans up a polluted land in our city and adds needed housing and recreational space. Please approve the River Park project since it adds badly needed housing, especially due to its proximity to the Metro A Line and amenities in the Bixby Knolls neighborhood are within a short distance.

Response 4-1

This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.
COMMENT LETTER NO. 5: Diana Ruan-McDonald

Comment 5-1

The RiverPark Project is supposed to build 226 single-family homes on unsafe grounds. According to city reports, there are several contaminants among the project soil that are of great concern. These chemicals include hydrocarbons such as diesel and oil, as well as high concentrations of lead and arsenic. The vacant lot on Baker St has numerous chemicals in the soil due to it being a dumping ground for oil companies. Los Angeles Regional Water Quality Control Board ordered for oil companies such as BP Pipelines and Tesoro to clean up and start a remedial process.

Response 5-1

Generally stated, the comment claims that the Project should not be built on the Project Site due to existing contamination on the Project Site.

The City’s experts disagree.

As explained in the DEIR, and the Revised RAP, the Project will be required to either remediate any contaminated soil below the Project Site to a level that is safe for human habitation, excavate and transport any soil that cannot be remediated to the concentrations mandated by the LARWQCB, or to otherwise include certain other engineering solutions (i.e. engineered cap) or restrictive covenants (i.e. no groundwater usage) to protect future tenants from the effects of any remaining contamination on the Project Site once the remediation efforts have been completed. (See also Responses to Comment Letter No. 4.) These efforts will ensure that the Project Site is remediated to a level that is safe for the future inhabitants of the Project, as well as the neighboring property owners.

Additionally, the DEIR analyzes the potential impacts that could result from the excavation of the Project Site and highlights a series of different mitigation measures that will be implemented to ensure that there are no significant impacts caused by the development of the Project Site. To further protect both the surrounding environment and the future occupants and users of the Project, the Final EIR has been updated to include a new mitigation measure, which requires LARWQCB approval of a remedial action plan for the Project Site, and then the implementation of that plan.

Lastly, to the extent the comment is concerned with the environment’s impact on the future Project, those concerns are not relevant for the purposes of the City’s CEQA analysis.

Comment 5-2

Sadly, the chemical-filled soil is not the only reason as to why this 20-acre lot is uninhabitable. The air quality does not meet State or Federal standards and with the building of this project, it could potentially make it worse.
Response 5-2

The comment claims that the Project is not suitable for development because the existing air quality does not meet State or Federal standards and expresses a concern that the development of the Project would make air quality worse.

The comment has no bearing on the conclusions reached in the EIR and the City’s experts disagree.

The comment does not identify any particular State of Federal standard that is allegedly not met, and further does not explain how the development could make the “air quality” “worse.” As such, the City cannot respond to this comment with specificity.

That being said, the Project’s potential impacts to air quality, along with the related mitigation measures, are already identified and addressed in the DEIR. (See DEIR, Section IV.B: Air Quality.) Per that analysis, the Project will comply with all State or Federal standards, and, with appropriate mitigation, would not result in any significant impacts.

Additionally, to the extent the comment is concerned with the environment’s impact on the future Project, those concerns are not relevant for the purposes of the City’s CEQA analysis. However, as explained in various responses to comments, the Project will be required to be developed in a manner that protects the health and safety of any of the future residents and users of the Project.

Comment 5-3

Building 226 homes and 500 parking spaces on a 20-acre lot will crowd the future residents, which can cause negative psychological effects. The air quality can cause several respiratory and developmental problems. Exposure to the contaminated soil can cause several types of disorders and increase the risk of cancer. Please help us prevent the negative environmental and humanitarian impact the Long Beach RiverPark Residential Project can potentially cause if they are able to build on Baker St.

Response 5-3

The comment claims that the development of the Project at the Project Site would be detrimental to the health of the future residents of the Project.

The City’s experts disagree.

The density of the Project would be consistent with the density that was envisioned for the location by the City in the Land Use Element of the General Plan. As was noted in Section IV.J, Land Use of the DEIR, the FCN general plan designation corresponds to a density of 7-18 dwelling units per acre (du/ac). The Project is within this range, which is also comparable to surrounding neighborhoods. Thus, the City disagrees that the Project would crowd future residents.

As explained in the DEIR, and the Revised RAP, the Project will be required to either remediate any
contaminated soil below the Project Site or excavate and transport any soil that cannot be remediated to the concentrations mandated by the LARWQCB. These efforts will ensure that the Project Site is remediated to a level that is safe for the future inhabitants of the Project, as well as the neighboring property owners.

The DEIR and proposed RAP require that the Project be developed to with certain vapor recovery systems within the foundation of the residence, while the proposed open space will also have an engineered cap. These improvements will ensure that any risks associated with any potential vapor releases from the existing contamination below the Project Site will not negatively impact the future residents and users of the Project Site.

Additionally, to further protect both the surrounding environment and the future occupants and users of the Project, the Final EIR has been updated to include a new mitigation measure, which requires LARWQCB approval of a remedial action plan for the Project Site, and then the implementation of that plan.

Additionally, the Project’s potential impacts to air quality, along with the related mitigation measures, are already identified and addressed in the DEIR. (See DEIR, Section IV.B: Air Quality.) In particular, the DEIR does recognize that the Project could result in some potentially significant impacts (e.g., localized impacts of PM2.5 emissions & NOX emissions), but then incorporates certain mitigation measures that ensure that the Project would result only in less than significant impacts. Likewise, the DEIR includes certain mitigation measures to ensure that the Project’s future tenants are protected from the air quality impacts that are coming from the neighboring freeways.

Lastly, to the extent the comment is concerned with the environment’s alleged impact on the future Project, those concerns are not relevant for the purposes of the City’s CEQA analysis. However, the DEIR has imposed mitigation measures and the Project has been designed in a manner that will be protective of human health.
COMMENT LETTER NO. 6: Janet West

Comment 6-1

I would like to advocate for not only the preservation of green space but also the development of the entire land parcel in an Eco-Friendly Design. The area is pollution impacted and as such should be developed in a way which best mitigates the negative pollution impacts. Development of hard structures on that land is a permanent destruction of green space which I strongly oppose.

Response 6-1

The comment asks that the Project Site be developed into green space, and that development of the Project would result in the destruction of green space. The comment also states that Project Site is impacted by pollution and should be developed in a way that mitigates “negative pollution impacts.”

The City’s experts disagree that the Project will result in the destruction of green space. The Project includes a 5-acre park as well as other greenspace around the residential units, which does not currently exist at the Project Site. Rather, the existing condition of the Project Site is not usable greenspace and thus the Project would result in a net increase in green space for the community, not a “destruction of green space” as alleged in the comment.

In addition, as described in the Draft EIR and FEIR, a new mitigation measure is being required that will ensure that a remedial action plan, such as the Revised RAP, will be approved and implemented prior to the development of the Project that would ensure that the Project Site is suitable for human habitation and the public, and mitigate any potential impacts that could result from the development of the Project Site.

Lastly, through the incorporation of additional mitigation measures, the Project would not result in any significant air quality impacts to the Project’s future tenants.
COMMENT LETTER NO. 7: Judith Anderson

Comment 7-1

I have copied the letter written by The Riverpark Coalition and the Sierra Club because I find it despicable that the area along the river is being sold for development and the trees are being cut down. I have had it with you greedy people and I wish you would go away. Life on earth is dying because all you want is money. And guess what? You can't eat or breathe money and your grandchildren are going to hate you.

Response 7-1

The comment letter attaches another letter that was provided by the Riverpark Coalition and the Sierra Club. The City has responded to those comments in its Responses to Comment No. 11. (See Responses to Comment Letter No. 11.) The comment also claims that the Project will result in the destruction of trees on the Project Site.

In responding to the issues raised in the attached copy of Comment Letter No. 11, the City incorporates its responses here. (See Response to Comment Letter No. 11.)

Further, the Project site is private property that has been used in the past for the treatment of oil field production brines, water, and wastewater, and other fluid by-products generated by oil production activities in the area.

While the existing trees on the site would be removed, the DEIR also recognizes that more trees will be planted on the Project Site than currently exists, with one estimate being as high as approximately 520 trees to be planted.
**COMMENT LETTER NO. 8: Roger Holman**

**Comment 8-1**

This plan does nothing good for the shortage of park space in West Long Beach. The "River Park Residential Project" will take the last available large open space that could all be open park space, a much more equitable choice for the West side, to move closer to parity with the East side's 16+ acres per 1000 residents.

West Long Beach gets the short end of the stick every time - and there's more people of color here, so that's no surprise. Easily, a trillion dollars worth of imported goods have moved through Long Beach in the last 20 years, thanks to the ports of LA and LB. These ports breathe through the lungs of people on the west side. Do we get any open space improvements to show for it?

**Response 8-1**

The comment states that the Project would result in the removal of “the last available large open space that could all be open park space,” and further claims that the Project Site should be developed into park space only. The City’s experts disagree.

As explained throughout the DEIR, and these Responses to Comments, the Project Site is currently a contaminated piece of real property that is not used as open space. The Project will actually result in the remediation of the Project Site to a level that is protective of human health, and actually adds 5-acres to the park space available to the community, which is an open space improvement over the existing condition of the site.

Additionally, the City was not required to consider the purchase and development of the Project Site into a public park only as a viable alternative. Under the requirements of CEQA, the Alternatives evaluated in an EIR are intended to (1) achieve the objectives of the project while (2) reducing or avoiding the significant impacts of the project. Here, the objective of the Project is the development of new residences while also cleaning up the property and providing some additional park space on the land that is privately owned. A primary goal of the project is to provide more housing. For the City to purchase the site from the owner and use it for a different purpose is not a feasible alternative that meets the objectives of the Project. As such, the City was not required to analyze an alternative wherein the Project is not developed to accommodate housing. (See also, DEIR, Section V – Alternatives.)

**Comment 8-2**

No, we get even more traffic on Wardlow, which is already a mess at peak hours.

And what about prior attempts to build projects there, that died because of concerns with entry/exit on Wardlow, at a turn going uphill? And who will get sued for this in the future if something bad comes of it? The taxpayers, as usual.
Response 8-2

The comment claims that the configuration of the proposed Wardlow entrance to the Project could result in a significant traffic safety impact that is not mitigated.

The City’s experts disagree.

The potential traffic safety impacts at the entry/exit on Wardlow has been evaluated as part of the Draft EIR process (see Section IV.M of the DEIR). In fact, the DEIR recognizes that “the line-of-sight analysis of vehicle movements at the proposed access driveway on Wardlow Road determined that vehicles at the proposed driveway would lack adequate sight distance along Wardlow Road[,]” which means that the Project could have substantially increased hazards. However, as explained by the DEIR, this potential impact would be mitigated through the implementation of the mitigation measures identified in the DEIR, including requiring the development of a traffic signal at the entry/exit on Wardlow. (See MM Trans-1 [requiring the installation of a traffic signal, and other equipment, at the entry of the Project Site].)

Further, while impacts to LOS are no longer considered transportation impacts, it is important to note that the DEIR has already analyzed the Project’s potential LOS impacts to seven nearby intersections and concluded that the Project would have less than a significant impact because the Project would not worsen those intersections to a level that is considered a significant impact.
COMMENT LETTER NO. 9: Rae Gabelich

Comment 9-1

1. These 20 acres of open space are adjacent to the LA River and should be incorporated into the LA River restoration master plan as public open space. The current zoning will be changed to eliminate the right to ride and keep horses along an historic river trail.

Response 9-1

The comment claims that the Project Site should be developed into “public open space”, and further claims that the Project requires a change in the Project Site’s zoning in a manner that will eliminate the right to ride and keep horses along a historic river trail.

The City’s experts disagree.

As an initial matter, the Project Site is private property, which means that converting it to public open space would require the City or other public entity to purchase the property.

Further, when looking for alternatives, the City is only required to analyze those alternatives that still further the stated purpose of the Project – one of which is to provide additional housing. As such, the City was not required to consider an alternative that calls for the development of only a park at the Project Site. (See also Response 8-1.)

Furthermore, the commenter’s request that the City incorporate the Project Site into the restoration and master plan as public open space, is not a comment that raises issues that are germane to the City’s analysis under CEQA. As such, no response is needed.

Lastly, the Project site does not include the river trail, nor does development of the Project effect the uses that are allowed on the river trail. In addition, the existing H Overlay District that applies to a portion of the site would not be removed. As such, no revisions are needed.

Comment 9-2

The City of Long Beach acknowledges the need for additional park space on the west side of our city. This is a perfect opportunity to fulfill this need. The CLB lost the opportunity for the 10.5-acre parcel known as Will J. Reid Boy Scout Park with this same developer. They took millions of dollars back to OC from that development.

They were allowed to take what had been open space for decades and instead create greater density with few community benefits. The park that they built was city property that we acquired/purchased with RDA dollars in the early 2000’s. They did the window dressing!

Response 9-2

The comment reiterates the request that the Project Site be developed into additional park space only. The City’s expert disagree that such an alternative is appropriate.
As explained in Responses 8-1 and 9-1, the Project site is not currently open space, but project would create a new 5-acre park. As such, the Project helps address the need for additional park space on the west side of the City. (See also Response 8-1.)

**Comment 9-3**

2. The land is highly contaminated and remediation may not be possible. Methane gas continues to leak and air quality so bad residents will be warned to keep windows closed. Is that providing higher quality of life standards for the current LB residents?

**Response 9-3**

The comment raises concerns regarding the development of the Project Site that is contaminated, and presents a potential risk for vapor intrusion exposure to the future tenants of the Project Site.

As explained throughout these responses (see Responses to Comment Letters 3 and 12), a mitigation measure has been imposed requiring that the remedial action plan be approved and implemented prior to development of the Project. Approval and implementation of a remedial action plan, like the Revised RAP, will require the use of various remediation technologies, including the remediation and/or removal of contaminated soils on the Site, and will ensure that Project Site is cleaned up to a level that meets the standards mandated by the LARWQCB. These efforts will ensure that the Project Site is remediated to a level that is safe for the future inhabitants of the Project, as well as the neighboring property owners. The DEIR and FEIR, including the revised Hazards sections, analyze the potential impacts that could result from the excavation of the Project Site, and highlights a series of different mitigation measures that will be implemented to ensure that there are no significant impacts caused by the development of the Project Site.

In regard to the alleged threat posed by methane, the DEIR already acknowledges that methane may be released from certain portions of the Project Site. Moreover, the DEIR explains that any potential methane impacts will be mitigated through a vapor mitigation system incorporated into the building foundation plans for the Project.

As such, no additional revisions are needed in this regard.

**Comment 9-4**

The neighborhood wants and needs parks space and open space, not a high-end, high-density gated development with clubhouse and private swimming pool with a semi-private parklet.

**Response 9-4**

The comment reiterates the request that the entire Project Site be developed into park space and open space. As stated previously, the project would create a new 5-acre park that would help address the community need for additional park space. (See Responses 8-1 and 9-1.)
Comment 9-5

3. The location of the entrance on Wardlow, on a curve and a hill, 1/2 mile from the Blue Ling, will create a traffic hazard.

Response 9-5

The comment claims that the configuration of the proposed Wardlow entrance to the Project could result in a significant traffic safety impact that is not mitigated.

The City’s experts disagree.

The potential traffic safety impacts at the entry/exit on Wardlow has been evaluated as part of the Draft EIR process (see Section IV.M of the DEIR). In fact, the DEIR recognizes that “the line-of-sight analysis of vehicle movements at the proposed access driveway on Wardlow Road determined that vehicles at the proposed driveway would lack adequate sight distance along Wardlow Road[,]” which means that the Project could have substantially increased hazards. However, as explained by the DEIR, this potential impact would be mitigated through the implementation of the mitigation measures identified in the DEIR, including requiring the development of a traffic signal at the entry/exit on Wardlow. (See MM Trans-1 [requiring the installation of a traffic signal, and other equipment, at the entry of the Project Site].) With mitigation, the intersection will not result in any potentially significant impacts.

Comment 9-6

The DEIR states:

2. REASONS WHY THE PROJECT IS BEING PROPOSED, NOR (sic) WITHSTANDING SIGNIFICANT UNAVOIDABLE IMPACTS The overall purpose of the proposed Project include cleaning up the existing contaminated Project Site, adding public park space (While reducing what could be 20 acres for the westside of our city)

Response 9-6

The comment claims that the Project will result in the reduction of 20 acres of public park space at the Project Site.

The City’s experts disagree.

The Project would provide 5-acres of park space where there are currently zero acres of park space, as such, the Project is not reducing the total amount of open space within the City, but rather increasing it. (See also Responses 8-1, and 9-1.)

Further, the comment is correct that the Project will result in the remediation of the Project Site in accordance with the requirements of the LARWQCB. Likewise, the comment is correct that the Project is increase the inventory of existing public park space.
Comment 9-7

... and developing a range of attached and detached single-family residential homes in the area. The proposed Project would help accommodate the need for housing in the area (NEED for affordable housing should not be at the expense of today's residents. THIS PROJECT WILL NOT BE "AFFORDABLE") Included in the proposed Project would be 226 single-family residential homes consisting of approximately 15 acres and 5 acres of public Open Space. (THE WILL J. REID PROJECT BUILT 133 HOMES ON 10 ACRES. THIS IS EVEN GREATER DENSITY.)

Under existing conditions, the Project Site is undeveloped except for remnants of the previous water treatment plant that existed on the property from the 1920's to the 1980's. Prior to development, the contaminated soil and groundwater on the Project Site will be remediated under an approved Remedial Action Plan (RAP) by the Los Angeles Regional Water Quality Control Board (LARWQCB). The proposed Project would enhance the image of the community through attractive and high-quality development and create additional housing that is next to a major transit stop. (HIGH QUALITY DEVELOPMENT IS NOT AFFORDABLE DEVELOPMENT) A 5-acre public recreational space would also be available with multiple passive and active uses. In addition, the Project would further the goals of the Long Beach General Plan Elements.

Response 9-7

The comment raises concerns that the residential density proposed by the Project is not needed and would not be considered “affordable housing.” The City’s experts disagree.

This comment does not raise any concerns regarding potential impacts from the Project, as such responses are not required under CEQA, and no additional revisions are required. That said, the City of Long Beach needs additional housing of all types and market segments. This Project would provide and meet some of that need. Denser development that also includes open space and strong multimodal connectivity, as proposed by the Project, is in line with the City’s policy goals.

Comment 9-8

COMMENTS :- It would be possible to clean up this contaminated site and provide much more park space without building houses. THE TRUST FOR PUBLIC LANDS HAS NEVER BEEN CONTACTED TO PARTICIPATE IN THE EFFORT TO ACQUIRE THIS PROPERTY WHEN ON THE MARKET. WHO IN THE CITY OR 7TH DISTRICT COUNCIL OFFICE AGREED TO ASSIST WITH APPROVING A ZONE CHANGE TO ALLOW THIS?

Response 9-8

The comment claims that the Project Site should not be developed into housing, but rather be developed into park space.

The City’s experts disagree that development of the Project Site into a 20-acre public park is appropriate. The Project site is private property, and it is not a feasible alternative for the applicant to build no housing. (See Alternatives Analysis; see also Responses 8-1 and 9-1.)
Comment 9-9

Needed housing should not be at the expense of the owners’ health. It is acknowledged in the Mitigations that the location will remain unhealthy and detrimental to the health of the residents.

Response 9-9

The comment claims that the Project Site should not be developed into housing due to the existing contamination on the Project Site, and the existing air quality issues posed by the neighboring freeways. The City’s experts disagree, and no further revisions are needed.

The presence of the existing contamination, and air quality impacts, at the Project Site is a fact of the existing environment and not an effect of the Project. Instead, as explained throughout the DEIR, FEIR and these Response to Comments, the Project imposes a mitigation measure requiring the approval and implementation of a final approved remedial action plan. To that end, the applicant has submitted a Revised RAP to the LARWQCB review and approval. As a result of the new mitigation measure, and implementation of a RAP, the Project Site will be cleaned up in accordance with the standards of the LARWQCB, which will ensure that the Project Site is safe for human habitation.

Additionally, regional and local air quality has been improving over time. Additionally, locating housing that is connected to open space and multimodal transportation options, such as in this case, will support continued improvement. Furthermore, the DEIR has imposed certain mitigation measures on the Project to ensure that any potential air quality impacts to the future tenants of the Project would be less than significant. (See DEIR, pp. IV.B-53—57.)

Comment 9-10

At minimum, any residential project within our city limits should be required to upgrade the sewer/water infrastructure in their area, provide solar for each unit as well as any other conservation equipment that is available. The property tax increase is not enough to grow our Fire and Police needs and provide additional support for our Parks & Recreation programs that will be impacted.

Response 9-10

The comment raises concerns that the Project will not adequately upgrade existing sewer/water infrastructure, and solar and other conservation equipment. It further claims that the Project will impact the City’s ability to continue to provide Fire and Police services, as well as Parks & Recreation programs. The City’s expert disagrees.

The Project will be required to upgrade its utility connections and meet existing city and state energy requirements. Indeed, the DEIR explains how the Project would not result in any potentially significant impacts to the utilities in the area. (See DEIR, Section IV.O – Utilities). The property taxes and impact fees associated with the Project would support public services and no evidence has been presented that the Project would have a significant effect on the provision of public services, such as fire, police, or parks. *(See generally DEIR Section VI – Other Environmental Considerations; see DEIR, p. VI-15)*
compliance with LBMC Ch. 18.23 – Fire Facilities Impact Fee, would ensure that impacts to fire protection services would be less than significant]; p. VI-16 [noting compliance with LBMC Ch. 18.22 would ensure that sufficient development fees are paid so that the Project would have a less than significant impact on the provision of police services]; pp. VI-18-19 [finding no significant impact to park facilities].)
COMMENT LETTER NO. 10: Tilly Hinton

Comment 10-1

Habitat: The DEIR is manifestly unsatisfactory in giving a ‘Less than significant’ threshold regarding ‘substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species’ (p. I-5) and also the dire impact of eliminating any possibility that the site could immediately or in the future become public open space. The problem with this is twofold. Firstly, the surveying of biological resources is inadequate. Secondly the argument is framed in a way that eliminates the realities of ecological function. In this regard, the most egregious claim is that ‘the Project Site is surrounded by urban development and has no natural connections to any large areas of natural habitat in the region.’ (p. IV. C-17). In reality, the site is a keystone land parcel directly adjoining one of Southern California’s most important waterways, the Los Angeles River. Yes, it is substantially altered and is in every sense a hybrid landscape but this is all the more reason to protect it, not to further debilitate fragile remnant habitat through an in-the-wrong-place housing development. The proposal pays no attention to habitat connectivity and scarcity, both crucial factors given that within the 9-quad area there are 124 sensitive species, 23 of those threatened or endangered (p. IV.C-14). The characterization of the site as merely ‘disturbed vacant land’ (p. IV. D-18) hides the ecologically significant impact on the entire watershed of protecting this site from development, or in the inverse what damage would be caused by allowing the development to proceed.

Response 10-1

The comment claims that the DEIR’s conclusion that the Project would have a less than significant impact in the form of a “substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species” is erroneous because (1) the City’s biological resources survey is inadequate, and because the conclusion is phrased in a that ignores “the realities of ecological function.” In support of this argument, the comment claims that the DEIR does not address the alleged connection between the Project Site and the Los Angeles River.

The City’s experts disagree.

As explained in Section IV.C of the DEIR, the Project would not result in any potentially significant impacts to a biological resource. However, as explained above in the Response to Comment Letter No. 2, the City has decided to include additional mitigation measures to further offset any additional potential impacts to certain species.

Furthermore, the Project Site is land contaminated from former oil water treatment activities and is located between major roadways and an existing residential neighborhood, limiting habitat connectivity. Furthermore, the remediation activities that would be completed in association with the Project and the development of new open space would improve the ecological function of the site. For instance, the provision of a public park on the North of Baker parcel will ensure interconnectivity to and from the Los Angeles River.
Accordingly, the DEIR accurately depicts the Project Site’s relationship with its existing environment, and no additional revisions are needed.

**Comment 10-2**

Pollution: There is manifestly inadequate discussion of air pollution risks. It is unethical to intentionally house several hundred people in a dangerously polluted corridor such as this one, rather than using the land as a restorative site for air pollution remediation which is, obviously, desperately needed. Although public comment from me and others in the Initial Study phase raised this, the DEIR has not adequately considered the ethical and public health implications. Locating a large and dense residential development in an area known as the Diesel Death Zone, with residents at high risk of adverse health outcomes including cancer, asthma, and diabetes, is reckless and unacceptable.

**Response 10-2**

The comment claims that the DEIR has not adequately considered the potential impacts that could be inflicted on the Project from existing sources of air pollution located in proximity to the Project Site. The City’s experts disagree.

As an initial matter, the purpose of the EIR is to disclose the effects the Project could have on the environment; the effect of the existing environment on the Project is not normally within the scope of CEQA.

That being said, as noted in the Draft EIR, ambient air quality in the region has been improving. Providing greater housing options that allow for alternative modes of transportation and include greenspace and trees will help support improving the air quality of the region. Further, certain mitigation measures have been imposed that will ensure that the occupants of the Project will be protected from the existing air quality pollution, and further ensure that any air quality impacts would be less than significant. (See, e.g., MM AQ-2 [requiring the installation of certain HVAC systems, placement of certain air intakes, and disclosure requirements to avoid any potential impacts to the future occupants of the Project].)

**Comment 10-3**

Equestrian: The multigenerational equestrian culture of the neighborhood is under threat from this project, and the EIR does not address this.

**Response 10-3**

The comment claims that the Project will impact the existing equestrian culture on the neighborhood. The City’s experts disagree.

The Project Site currently does not accommodate any horse facilities or trails, and none are proposed for that portion of the site that is within the H Overlay District. As such, development of the Project would not result in the removal of any equestrian uses on areas that were within the H Overlay District. (See DEIR, p. IV.J-21.) In addition, the proposed zone change would not remove the H Overlay District from
that portion of the site that is currently within it. Furthermore, the Project would not limit the use of the LA river trail or the use of any other property that is part of a multigenerational equestrian culture.

**Comment 10-4**

Existing plans and community priorities: There is almost no attention paid to the interplay of this proposed development with the Los Angeles River Master Plan (draft 2021), the longstanding RiverLink Plan (2007), the extensive Lower LA River Revitalization Plan (2018) or even the City of Long Beach Park Acquisition Feasibility Report (2021). These need to be addressed in specific terms in relation to this land parcel, one of the most important opportunity sites to realize the public open space and revitalization goals long-discussed and completely jeopardized by the proposed 712 Baker St development.

**Response 10-4**

The comment claims that the DEIR fails to address the Project’s relationship with the City’s existing plans and policies listed in the comment.

The City’s experts disagree.

The relationship of the Project site to the various plans dealing with the river an open space along the river is addressed in the Land Use Section of the Draft EIR. (See DEIR, Section IV.J – Land Use; see e.g., pp. IV.J-20-26.) As such, no revisions are needed.

**Comment 10-5**

Flooding: There is even less about flood risk zones in the DEIR than in the Initial Study. FEMA remapping, actual on-the-ground flooding in recent years, and climate change must be adequately considered, and have not been in the DEIR.

**Response 10-5**

The comment claims that the DEIR fails to consider potential flood zone risks to the Project should it be developed.

The City’s experts disagree.

As stated in the Initial Study, based on FEMA mapping, the Project Site is not located within a designated 100-year flood hazard area. Further, per the FEMA Firm Map (see Initial Study, p. IS-49). The DEIR recites this fact, and further reiterates that the Project Site is located in Zone X, which is an area of minimal flood hazard. (See DEIR, p. IV.F-9.)

**Comment 10-6**

Outreach: There is scant evidence that the City and the consultants have done all they can to facilitate engagement of the general public with the EIR process, accommodating linguistic diversity, socioeconomic status, education, as well as differentials in cultural and social capital. Environmental injustices disproportionally impact disadvantaged, minority, and marginalized communities and the City has a
responsibility to address this in the current CEQA process, and in general. Outreach initiatives should be documented in the DEIR.

Response 10-6

The comment claims that the City has failed to conduct sufficient outreach with the community.

The City disagrees.

The EIR was circulated for public review in accordance with state law and the City provided for an extended review period. In addition, the City conducted an EIR scoping meeting in compliance with state law. Other outreach efforts and opportunities for public input the have been conducted by the developer are outside of the CEQA process.

Comment 10-7

An environmentally superior alternative is the land parcel being protected as public green space. The developer should be encouraged to build in a more suitable manner on a more suitable site. The protection of this land parcel as open green space would be game-changing for Long Beach, and the entire river – in terms of human and habitat health, environmental justice, and the city’s future.

Response 10-7

The comment claims that the EIR should have analyzed “protecting” the Project Site as “public green space,” as one of the alternatives, and to incentivize the applicant to develop another parcel of property.

The City’s experts disagree that such an alternatives analysis is appropriate.

First, the Project Site is not “public green space,” it is disturbed vacant land that is currently contaminated. It is not suitable for public space in its current condition. As such, there is no existing “public green space” that can be protected. Furthermore, the Project Site is private property and thus converting the entire site to public green space is not a feasible alternative. (See Responses 8-1 and 9-1.) Further, it should be noted that the Project results in the addition of 5 acres of public park.
COMMENT LETTER NO. 11: River Park Coalition

Comment 11-1

1. These 20 acres of open space are adjacent to the LA River and should be incorporated into the LA River restoration master plan as public open space.

Response 11-1

The comment claims that the Project Site is “20 acres of open space” that should be incorporated into the LA River restoration master plan as public open space.

The City’s experts disagree with the comment.

The Project Site is private property and is not currently public open space. In fact, the Project Site is currently simply private land that is contaminated due to past industrial activities that took place on an around the site. As such, the City cannot unilaterally incorporate the land into the LA River Master plan as public open space. That said, City staff reiterates that the Project would create 5-acres of new public open space, as well as the remediation of contamination at the site, which would be a benefit for the City and the surrounding properties. (See also Responses 8-1 and 9-1.)

Comment 11-2

The current zoning will be changed to eliminate the right to ride and keep horses along an historic river trail.

Response 11-2

The comment claims that the Project will alter the uses that are allowed along the historic river trail.

The City’s experts disagree.

The Project, including the proposed zone change for the Project, would have no effect on the uses or zoning of the trail. The Project Site currently does not accommodate any horse facilities or trails, and none are proposed for that portion of the site that is within the H Overlay District. As such, development of the Project would not result in the removal of any equestrian uses on areas that were within the H Overlay District. (See DEIR, p. IV.J-21.) In addition, the proposed zone change would not remove the H Overlay District from that portion of the site that is currently within it. Furthermore, the Project would not limit the use of the LA river trail or the use of any other property that is part of a multigenerational equestrian culture. (See also Response 10-3.)

Comment 11-3

2. The land is highly contaminated and remediation may not be possible. Methane gas continues to leak and air quality so bad residents will be warned to keep windows closed.

Response 11-3

The comment claims that the land is contaminated, and that the Project Site should generally not be
developed into housing.

The City’s experts disagree and further note that the comment has no bearing on the conclusions reached in the DEIR.

This comment raises a concern related to the potential impact of the existing environmental conditions on the proposed project and the future residents/occupants of the project. However, the California Environmental Quality Act does not require an analysis of the existing environment’s impact on the project. *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377 [“In light of CEQA’s text, statutory structure, and purpose, we conclude that agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents.”]. As such, there is no need to revise the DEIR in response to this comment.

Additionally, as explained in these Response to Comments, and reflected in the FEIR, the Project will be conditioned on the approval and implementation of a RAP that will ensure that the Project Site is remediated to a level that ensures the protection of any future residents/occupants and/or the neighboring community.

In regard to the alleged threat posed by methane, the DEIR already acknowledges that methane may be released from certain portions of the Project Site. Moreover, the DEIR explains that any potential methane impacts will be mitigated through a vapor mitigation system incorporated into the building foundation plans for the Project.

These efforts will ensure that the Project Site is remediated to a level that is safe for the future inhabitants of the Project, as well as the neighboring property owners

**Comment 11-4**

The neighborhood wants and needs park space and open space, not a high-end, high-density gated development with clubhouse and private swimming pool.

**Response 11-4**

The comment states a desire for park space and open space to be developed on the Project Site and states a general opposition to the proposed Project.

The Project Site is private property and is not currently public open space. In fact, the Project Site is currently simply private land that is contaminated due to past industrial activities that took place on an around the site. As such, the City cannot unilaterally incorporate the land into the LA River Master plan as public open space. That said, City staff reiterates that the Project would create 5-acres of new public open space, as well as the remediation of contamination at the site, which would be a benefit for the City and the surrounding properties. (See also Responses 8-1 and 9-1.)
As such, no additional revisions are needed in this regard.

**Comment 11-5**

3. The site is culturally significant to the Tongva and other culturally related tribes. Subsurface tribal cultural artifacts will be bulldozed or buried beneath buildings and streets. Tribal access to 3/4 of the property will be permanently denied.

**Response 11-5**

The comment states that the Project Site is culturally significant to Tongva and other culturally related tribes. The comment further states that development of the Project will result in subsurface artifacts being bulldozed or buried beneath the Project. Lastly, the comment states that the complete development of the Project will result in tribal access being denied to three quarters of the Project Site.

The City’s experts have reviewed the comment and determined that no additional review or analysis is required.

Per the DEIR, the City followed the tribal consultation process required by the California Public Resources Code. (See DEIR, Section IV.N – Tribal Cultural Resources.) The Draft EIR discussed the potential impacts of the Project on tribal cultural resources and included mitigation measures that include construction monitoring and appropriate handling of any artifacts unearthed. With implementation of those identified mitigation measures, the City has determined that the Project would have less than significant impacts on tribal resources.

Furthermore, tribal access to the Project Site will remain unaffected at the worst or be increased. As it stands, the Project Site is private property that is surrounded by fences and undergoing constant remediation. Upon completion, the Project will be developed, and the park at the North of Baker parcel will be open to the public.

**Comment 11-6**

4. The site has existing plants and wildlife, including endangered and native species, which will be removed or driven from the property.

**Response 11-6**

The comment claims that the Project will impact endangered and native species of plants and wildlife at the Project Site.

The City’s experts disagree.

As explained above, and in the DEIR, the City has now conducted numerous surveys on the Project Site and has not identified any endangered or otherwise protected species on the Project Site. (See Section IV.C – Biological Resources); see e.g., p. IV.C-17 [“None of the species observed on site are considered
particularly sensitive and none are specifically protected by State or federal law.”). Additionally, the proposed landscaping would provide additional trees and greenspace not currently present on the site.

That being said, as explained in the Responses to Comment Letter No. 2, the City has included additional mitigation measures to further protect any potential sensitive species or habitat that may be present on the Project Site. The FEIR will be revised to reflect these additions.

**Comment 11-7**

5. The location of the entrance on Wardlow, on a curve and a hill, 1/2 mile from the Blue Ling, will create a traffic hazard.

**Response 11-7**

The comment claims that the configuration of the proposed Wardlow entrance to the Project could result in a significant traffic safety impact that is not mitigated.

The potential traffic safety impacts at the entry/exit on Wardlow has been evaluated as part of the Draft EIR process (see Section IV.M of the DEIR). In fact, the DEIR recognizes that “the line-of-sight analysis of vehicle movements at the proposed access driveway on Wardlow Road determined that vehicles at the proposed driveway would lack adequate sight distance along Wardlow Road[,]” which means that the Project could have substantially increased safety hazards. However, as explained by the DEIR, this potential impact would be mitigated through the implementation of the mitigation measures identified in the DEIR, including requiring the development of a traffic signal at the entry/exit on Wardlow. (See MM Trans-1 requiring the installation of a traffic signal, and other equipment, at the entry of the Project Site.) The traffic signal would allow for all turn movements in and out of the proposed access driveway in a manner that would not result in a substantial safety hazard.

Further, while impacts to LOS are no longer considered transportation impacts, it is important to note that the DEIR has already analyzed the Project’s potential LOS impacts to seven nearby intersections and concluded that the Project would have less than a significant impact because the Project would not worsen those intersections to a level that is considered a significant impact.

**Comment 11-8**

The DEIR states:

2. **REASONS WHY THE PROJECT IS BEING PROPOSED, NOR (sic) WITHSTANDING SIGNIFICANT UNAVOIDABLE IMPACTS**

The overall purpose of the proposed Project include cleaning up the existing contaminated Project Site, adding public park space, and developing a range of attached and detached single-family residential homes in the area. The proposed Project would help accommodate the need for housing in the area. Included in the proposed Project would be 226 single-family residential homes consisting of approximately 15 acres and 5 acres of public Open Space. Under existing conditions, the Project Site is undeveloped except for remnants of the previous water treatment plant that existed on the property from the 1920’s to the
1980’s. Prior to development, the contaminated soil and groundwater on the Project Site will be remediated under an approved Remedial Action Plan (RAP) by the Los Angeles Regional Water Quality Control Board (LARWQCB). The proposed Project would enhance the image of the community through attractive and high-quality development and create additional housing that is next to a major transit stop. A 5-acre public recreational space would also be available with multiple passive and active uses. In addition, the Project would further the goals of the Long Beach General Plan Elements.

Comment: It would be possible to clean up this contaminated site and provide much more park space without building houses. Needed housing should not be at the expense of the owners’ health. It is acknowledged in the Mitigations that the location will remain unhealthy and detrimental to the health of the residents.

Response 11-8

This comment raises concerns about the existing environment’s potential impact on the future residents of the Project, and further requests that the Project Site be developed into parkland.

As explained above, developing the Project Site into parkland is not a feasible project alternative. (See Responses 8-1 and 9-1.)

Furthermore, as explained in the DEIR, the Project applicant will be required to implement an approved RAP that will ensure that the Project Site is safe for the future residents of the Project.

That being said, as noted in the Draft EIR, ambient air quality in the region has been improving. Providing greater housing options that allow for alternative modes of transportation and include greenspace and trees will help support improving the air quality of the region. Further, certain mitigation measures have been imposed that will ensure that the occupants of the Project will be protected from the existing air quality pollution, and further ensure that any air quality impacts would be less than significant. (See, e.g., MM AQ-2 [requiring the installation of certain HVAC systems, placement of certain air intakes, and disclosure requirements to avoid any potential impacts to the future occupants of the Project].)

Comment 11-9

3. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

Based on input received during the scoping process, issues known to be of concern in the community include but are not necessarily limited to: the aesthetic look of the project, the impact on open space and recreational amenities, and the remediation of the site. This DEIR addresses each of these issues.

There were also many concerns about the increased traffic and dangerous backups on Wardlow due to the proximity of the Blue Line and Transportation should be added to this list. (Further comments in Transportation/Traffic comments).
Response 11-9

The comment notes that concerns were raised regarding the Project’s potential traffic impacts in the form of increased traffic and backups on Wardlow.

The City’s experts have considered the comment and determined that no additional analysis or revisions are needed.

The Draft EIR was supported by a traffic impact study that examined the increase in traffic and traffic safety and concluded that the Project would not result in any potentially significant “level of service” or “vehicle miles traveled” impacts. (See Appx. IV. M; see DEIR, p. IV.M-27 [“Since the proposed Project VMT metric of 10.2 is less than the significance threshold of 11.8 residential VMT per capita, the proposed Project is presumed to create a less than significant VMT impact and no further VMT analysis is required.”]; p. IV.M-21 [“Therefore, the addition of Project traffic would not be responsible for LOS deficiencies with respect to average delay the intersections, or queuing at the turn bays and thus no hazard or safety impacts would occur.”].)

However, the DEIR did note that the configuration of the Wardlow entrance to the project could result in a significant impact due to the lack of sufficient line of sight. To mitigate this potential impact to a less than significant level, the DEIR imposed a mitigation measure which required the installation of a traffic signal at the entrance amongst other related improvements. (See MM Trans-1 [requiring the installation of a traffic signal, and other equipment, at the entry of the Project Site].)

Comment 11-10

We find this DEIR inadequate, starting with the ALTERNATIVES EVALUATED

Alternative 1. No Project/No Development

Alternative 2: Reduced Density Planned Development

Alternative 3: Single Family Residential Neighborhood

We would argue there is another Alternative which should be included. This would be for the City to purchase the property and follow the approved River Link and LA River Master Plans listed in the Land Use section for park and open space use. This alternative would satisfy the overall purpose of the cleaning up the existing contaminated Project Site, adding public park space and eliminate the need for the many mitigations connected with building a housing development on the site.

Another possibility for funds is Governor Gavin Newsom’s proposal to give California’s Indigenous nations $100m so they can purchase and preserve their ancestral lands as this property was first Tongva land.

Response 11-10

The comment asks that the DEIR be amended to include a new alternative that would call for the City to purchase the Project Site, and to develop it to only include a public park.

The City’s experts disagree that such an alternative is appropriate.
Under the requirements of CEQA, the Alternatives evaluated in an EIR are intended to (1) achieve the objectives of the project while (2) reducing or avoiding the significant impacts of the project. Here, the objective of the Project is the development of new residences while also cleaning up the property and providing some additional park space on the land that is privately owned. A primary goal of the project is to provide more housing. For the City to purchase the site from the owner and use it for a different purpose is not a feasible alternative that meets the objectives of the Project. As such, the City was not required to analyze an alternative wherein the Project is not developed to accommodate housing. (See also, DEIR, Section V – Alternatives.)

**Comment 11-11**

In addition, we have questions about issues not addressed in the DEIR.

1. “The public park would be maintained by the residential Homeowners Association (HOA) but would be available to the public.” Since RiverPark is a gated community, is there pedestrian access to and from the park for residents and the public? How will the public be kept out of the gated community?

**Response 11-11**

The comment raises concerns about the accessibility of the park to be developed on the northern portion of the Project Site. This comment does not raise a concern about potential impacts resulting from the Project. As such, a response is not needed.

That said, and to address the question, to limit access to the Project Site, the proposed site plan depicts a gate at the access point to the residential portion of the project site. Conversely, the park space to the north is outside of the gate. Furthermore, the park will be open to the public in the same manner as a City park.

**Comment 11-12**

Will all the residents, including those living in the ‘low-cost housing’ be paying the same maintenance dues as those in the rest of the development? How much will this be a month?

**Response 11-12**

The comment asks questions regarding how the future tenants of the Project Site will fund their maintenance obligations. However, homeowner costs are not part of the CEQA process. Ultimately, the Project’s conditions will ensure that the HOA and future property owners meet their obligations under the relevant approvals, regardless of the how the future tenants decide to finance their operations.

**Comment 11-13**

2. There is no information as to the materials used to fence off this gated community. Will the same type of walls as used at Riverwalk/Dale be used? What efforts will be made to discourage graffiti?
Response 11-13

This comment raises concerns regarding, which types of fencing material will be used for the Project.

The City’s experts have considered the comment and determined that no additional revisions are needed.

As explained in Section IV.A, the Project Site is currently surrounded by a chain link fence along with sections of wooden fence. The final design of the fences and walls will be approved during site plan review and is required to be consistent. (See DEIR, Section IV.J – Land Use, p. IV.J-19 [“Consistent design of fences and walls throughout the development and especially on its perimeter will be required.”].) Further, the DEIR recognizes that the Project will be developed in a manner that utilizes specific architectural styles, such as Spanish Colonial, Italianate, and Santa Barbara architectural styles, which complement the surrounding vicinity. (See DEIR, p. IV.A.-18.)

As to the concern regarding graffiti, while this comment does not claim that graffiti will be an impact of the Project, the City notes that it has an enforceable procedure for the abatement of graffiti. (See LBMC Ch. 8.58, § 8.58.010 [“This Chapter is enacted for the purpose of providing a system to keep all privately owned real property within the City free of graffiti and providing a system for levy and collection to cover the cost of such removal by the City.”].)
COMMENT LETTER NO. 11a: Riverpark Coalition Air Quality Comments

Comment 11a-1

The DEIR agrees that this housing development project is being proposed at a location with highly polluted air which can cause cancer. We find the few mitigation measures totally inadequate.

(Comments below in bold).

8. MITIGATION MEASURES MM AQ-2

Contractor shall achieve emissions reductions that are no less than what could be achieved by Final Tier 4 emissions standards for a similarly sized engine, as defined by the CARB’s regulations. Successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. The Project representative will make available to the lead agency and SCAQMD a comprehensive inventory of On-Site Health Risks.

The proposed Project shall incorporate the following design features to reduce potential cancer risk: Install, operate, and maintain an HVAC system that uses high-efficiency filters of MERV 14 or higher for the residential units (suggested use of MERV 16); If MERV 16 is better, it should be required.

Response 11a-1

The comment states that the Project should be required to use the MERV 16 HVAC system rather than the MERV 14 HVAC system.

The City’s experts disagree with this recommendation.

This comment does not identify an impact potentially resulting from the Project, but rather focuses on the environment’s impact on the Project. As explained above, the environment’s impacts on the Project are generally outside of the scope of CEQA.

That said, while the MERV 16 may be considered a more effective unit than the MERV 14, either will ensure that the potential cancer risks resulting from off-site emissions, are adequately reduced, and also achieves the same goal of lowering any potential significant impact to a less than significant level. Accordingly, requiring MERV 14 is sufficient for the purposes of mitigating any potential air quality impact to a less than significant level, and is therefore sufficient for the purposes of CEQA.

Comment 11a-2

- Locate the air intakes for the uses as far from the freeway as possible;
It is doubtful this will make any difference as the air is polluted in all directions.

Response 11a-2

The comment challenges whether the condition will be effective because “air is polluted in all directions.”
The City’s experts disagree. This mitigation measure is intended to protect future Project tenants from potential airborne pollutants from the neighboring freeways. Diesel particulate is dispersed in a directional manner from the freeway. As such, the location of air intakes makes a substantial difference in the exposure to diesel particulate.

The City therefore disagrees that the proposed mitigation would be ineffective.

Comment 11a-3

- Provide a disclosure letter to all new residents that discusses the potential risk from living within close proximity of the freeway and roadway segment, and points out that opening windows reduces the effectiveness of implemented reduction measures and increases individuals’ exposure and hence risk.

Why would this City allow building houses in an area so dangerous that the owners could never open the windows? Does this also mean they should never go outside? Who will be liable if the buyers contact cancer in spite of these mitigations?

Response 11a-3

This comment does not identify an impact potentially resulting from the Project, but rather focuses on the environment’s impact on the Project. As explained above, the environment’s impacts on the Project are generally outside of the scope of CEQA.

The City’s experts disagree with the comment’s statements.

First, nothing in this condition prohibits anyone from ever opening their windows. Indeed, the DEIR recognizes that future tenants of the Project will likely keep their windows and doors open, and further notes that the use of MERV 14 HVAC systems, even assuming windows are open 100% of the time, would be sufficient to reduce risk exposure at the MEIR and result in SCAQMD suggested significance criteria of 10 per one million not being exceeded, meaning that the impacts would be less than significant with mitigation incorporated, even if windows were opened. (See DEIR, Section IV. B – Air Quality, p. IV.B-62.)

Second, the inclusion of a disclosure letter as described in the mitigation measure in the DEIR is intended to go beyond what is required to ensure that future tenants of the Project are fully aware of the risks posed by the surrounding the environment, which the DEIR notes is not dissimilar to other communities within the City.

Accordingly, because the Project’s potential air quality impacts have been sufficiently mitigated in the DEIR, no additional analysis or mitigation is needed.
COMMENT LETTER NO. 11b: Riverpark Coalition Biological Resources Comments

Comment 11b-1

1. Biological Technical Resources Report surveys done on 3/31/2020 and 3/25/21 found no Bats and stated: “Any local bat species may forage over the site. Several may roost in the tunnels and bridges associated with the river and freeway. There is no opportunity for natal roosting on the property.”

However, CA Department of Fish and Wildlife/CDFW wrote on March 26, 2021: “Bats have been shown to utilize palm trees as habitat for roosting throughout the Los Angeles region.” (See attached letter).

It is possible that bats roosting in the Washingtonia Palms on the site, which requires a Bat survey.

Response 11b-1

The comment raises concerns that the Project may impact certain bat populations that may be present at the project Site.

The City’s experts disagree.

As stated in Section IV.C of the Draft EIR, and Appendices IV.C.1, IV.C.2, and IV.C.3, multiples survey have been conducted on the site, and none of these surveys have found any bats on the Project Site.

As such, no additional analysis or revisions are needed in this regard.

Comment 11b-2

2. There appears to have been no surveys done for Burrowing Owls, in spite of the biology report stating burrows were observed on the site. In their 3/26/21 letter, CDFW commented on the need for a survey for Burrowing Owls:

“1) Burrowing Owl. Burrowing owls (Athene cuniculara), a California Species of Special Concern (SSC), have been observed as recently as 2015 in empty lots about 1 mile north of the Project site along the Los Angeles River (LSA 2016). The same studies identified multiple potential burrows on a vacant lot adjacent to the Project site. Page IS-7 of the IS indicates that “some old foundations, roads, and pipes are still present on the site.” Burrowing owls are known to use artificial sources for burrows, such as debris piles or exposed pipes. a) CDFW recommends the City perform a protocol-level survey for burrowing owls adhering to survey methods described in CDFW’s March 7, 2012, Staff Report on Burrowing Owl Mitigation (CDFW 2012). All survey efforts should be conducted by a qualified biologist. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Full disclosure of the presence/absence of burrowing owls is necessary to help the City’s determination of whether the Project would impact burrowing owls, thus requiring mitigation. The Project and environmental document should be conditioned to avoid and/or mitigate for potential impacts to burrowing owl and habitat.”
Response 11b-2

The comment echoes the comments raised in CDFW’s letter of March 26, 2021, concerning alleged potential impacts to burrowing owls resulting from the Project.

As explained above (see Response 2-1), the City’s experts disagree that any additional analysis or mitigation is required. However, the City has incorporated CDFW’s proposed mitigation measures as a mitigation measure for this Project. The FEIR will be amended to reflect this.

Comment 11b-3

3. The March 25, 2021 DEIR Biological Technical Resources Report, pg. 4 states: “No species listed as Rare, Threatened, or Endangered by the state or federal governments were found on the property or are thought likely to occur there”; however, page IV.C-6 of the DEIR states: “Many of the species present are halophytes or salt-tolerant plants, indicating that the soils on site may have originated as dredge materials from the LA River channel when the area was tidally influenced area and salt-water intrusion was occurring. These species include, but are not limited to, Coulter’s goldfields (Lasthenia glabrata ssp. Coulteri), beach spectaclepod (Dithyrea maritima), estuary seablite (Suaeda esteroa), and woolly seablite (Suaeda taxifolia).”

All are not only CA NATIVE PLANTS, but are considered rare, threatened or endangered. COULTER’S GOLDFIELDS California Rare Plant Rank: 1B.1 (rare, threatened, or endangered in CA and elsewhere).

The beach shieldpod, Dithyrea maritima, a rare plant found only on the coast of California and Baja California,

Woolly sea-blite is a shrub, hairy to hairless, covered with white blooms, and leaves fleshy. It is only found on the south coast of California and Estuary Seablite (Suaeda esteroa), a dicot, is a perennial herb that is native to California, and also found in Baja California. California Rare Plant Rank: 1B.2 (rare, threatened, or endangered in CA and elsewhere).

In their March 26, 2021 letter CA Fish and Wildlife wrote:

“CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. The DEIR should include the following information: a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity. CDFW considers these communities as threatened habitats having both regional and local significance. Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.),
or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.)

The DEIR contains no mitigations or measures for dealing with the taking of rare plants on site.

The only Mitigation Measures concerns construction during bird nesting season.

Response 11b-3

The comment is noted.

The comment identifies an error in the Draft EIR that is corrected in the Final EIR. The biological surveys, included as appendices to the Draft EIR, did conclude that many of the species found on the site were halophytes or salt-tolerant plants. However, the biological surveys actually concluded that the species referenced in this comment are not present on the Project Site. The Draft EIR inadvertently identified those species in the text. Section 4.0 of this Final EIR includes revisions incorporated into the FEIR to clarify that those species are not located on the Project Site.

Accordingly, as explained above (see Response 2-1), the City’s experts disagree that any additional analysis or mitigation is required as to impacts to biological resources located on the Project Site. However, the City has incorporated CDFW’s proposed mitigation measures as mitigation measures for this Project. The FEIR will be amended to reflect this.

Comment 11b-4

8. MITIGATION MEASURES

MM-Bio-1:

Migratory Birds

To avoid impacts to birds nesting onsite, the following mitigation shall be implemented:

- Proposed ground clearing activities within 300 feet of potential nesting sites should take place outside of the breeding bird season which generally runs from February 1–August 31.

- If project activities cannot feasibly avoid the breeding bird season, beginning thirty days prior to the disturbance of suitable nesting habitat, the applicant shall arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within properties adjacent to the project site, as access to adjacent areas allows. The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest or as determined by a qualified biological monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. The buffer zone
from the nest shall be established in the field with flagging and stakes. Construction personnel shall be instructed on the sensitivity of the area. The applicant shall record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

The two reports by Biological Technical Resources state: “Sixteen bird species were observed on the Project Site at the time of the surveys. . . There were many killdeer present and many of these exhibited typical nesting behavior, feigning injury, and acting as decoys to lure a predator away from the nest. Several showed great fidelity to one spot, indicating the likely presence of a nest. To avoid nest disturbance, these areas were not approached. There are undoubtedly other avian species that utilize the Project Site as residents or transients . . . None of the species observed on site are considered particularly sensitive and none are specifically protected by State or federal law. “

This is not correct. All birds are protected during nesting season. Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests.

It is very difficult for even a qualified biologist to locate nests and construction activity during nesting season is very likely to destroy nests. A three hundred foot buffer will not prevent ground nesting birds from abandoning their nests. Please restrict all land clearing and tree removal to nonnesting season of September through January.

Also, please follow Fish and Game’s suggestions of replacing native trees (Washingtonia Palms) with a 3:1 ratio.

CDFW letter: “Tree trimming and removal are also likely to impact bird species found to be nesting or foraging among street trees. Habitat loss is one of the leading causes of native biodiversity loss.

a) To compensate for any loss of trees, CDFW recommends replacing all non-native trees removed as a result of the proposed work activities with at least a 1:1 ratio with native trees. CDFW recommends replacing native trees with at least a 3:1 ratio with a combination of native trees and/or appropriate understory and lower canopy plantings. 3) Nesting Birds. As stated in the IS, multiple on-site trees and shrubs will be removed as part of the proposed Project. This vegetation may provide potential nesting habitat where Project activities may impact nesting birds. Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary.”

Response 11b-4

The comment claims that the DEIR conclusion that none of the observed birds on the Project Site are protected by federal and state law is incorrect. Further, the comment states to avoid impacts to nesting birds, land clearing and tree clearing removal should occur between September and January, or the nonnesting season. The comment also recites CDFW’s request that the project be required to include a native tree replacement ratio of 3:1 for the Project Site to offset impacts to potential bird species. Lastly, the
comment raises concerns that the Project could result in impacts to bird species on and adjacent to the Project Site due to potential habitat removal.

After considering the comment, the City’s expert disagree that any additional analysis or mitigations is needed. However, as explained in Response 2-1, the City has agreed to include additional mitigation measures to further mitigate any potential impacts.

Additionally, while it is true that the MBTA protects all migrating nesting birds, it is also true that none of the species observed on site are considered particularly sensitive and none are specifically protected by State or federal law. Further, the DEIR did not ignore the MBTA. Rather, the City is imposing mitigation to limit impacts on existing trees during nesting season. The DEIR concluded that with implementation of that mitigation, the proposed Project would have a less than significant impact on biological resources. (See DEIR, p. IV.C-18.) Nothing raised in this comment alters this conclusion.

In regard to CDFW’s recommendation to include additional mitigation measure to offset any alleged habitat loss, the City has agreed to include those mitigation measures, and the FEIR will be revised to reflect as much.
**COMMENT LETTER NO. 11c: Riverpark Coalition - Tribal Cultural Resources**

**Comment 11c-1**

SECTION IV.D CULTURAL RESOURCES

2. ENVIRONMENTAL SETTING

Cultural Setting

Prehistoric Setting

The Gabrielino tribe were some of the earliest people to assume territory in what is now known as the City of Long Beach. This tribe had occupied almost the entire Los Angeles basin including the mountainous areas and the coast between Los Angeles and Orange counties. Early Spanish settlers in the area had recorded populations of 50-200 Gabrielino people living in permanent villages, and by 1770, the total population in the Los Angeles basin was over 5,000. The Gabrielino tribe had developed multiple types of structures within their villages consisting of domed, circular structures covered in tule, ferm, or Carrizo used for family and communal housing as well as sweathouses, menstrual huts, and ceremonial enclosures. The Puvungna-Gabrielino community was among the most researched and consisted of a large settlement and important ceremonial site most likely located in the area occupied by Rancho Los Alamitos and currently occupied by California State University, Long Beach. It is assumed to have served as a ritual center for the surrounding Gabrielino communities in the region. Sites associated with Puvungna were added to the National Register of Historic Places in 1974 and 1982. Santa Catalina island, which the Gabrielino people took as their territory, received Spanish contact in 1542 when Juan Rodriguez Cabrillo arrived on the island.3 Gaspar de Portola tried to colonize this Gabrielino territory and it is said that he made contact with the chief Hahamovic in the Hahamog-na village and in 1771, the Spanish established the Mission San Gabriel Archangel.3 See LCWTF’s comments on this same “Prehistoric Setting” description below under IV.N TRIBAL CULTURAL RESOURCES

**Response 11c-1:**

The comment incorporates their comments from Comment 11c-6.

For the reasons explained below, the City’s experts disagree with the comments raised therein. (See Response 11c-6.)

**Comment 11c-2**

The project site itself has cultural and historic significance, regardless of archaeological evidence or lack of same. For thousands of years, the Tongva village of Tibihangna Tibabhangnawas [sic] located along the river in this area. Sacred objects (cogstones) and other tribal cultural materials (obsidian flakes) have been unearthed nearby. As stated in LSA’s Cultural Resource Study for the nearby Pacific Place project, “Creeks and rivers are of importance to humans - pre-contact populations included - and archaeologists acknowledge that archaeological sites are often located near natural water sources.... there is always a
potential for archaeological resources to be uncovered during grading activities, thus resulting in a potentially significant impact.” LSA further acknowledged that, “the absence of specific site information in the sacred lands file database does not indicate the absence of cultural resources.”

From the Spanish Rancho Period until the late 20th century, the project site was part of Rancho Los Cerritos and home to some Tongva peoples who continue to live in the area to this day. The report makes no mention of the historic horse trail along the river, nor of the fact that the Rancho Los Cerritos buildings, near the project area, are on the National Register of Historic Places.

**Response 11c-2**

The comment raises a variety of conclusory arguments regarding the potential of historical artifacts at the Project Site and claims that the DEIR is inadequate for having discussed these various issues.

The City’s experts disagree.

As an initial matter, the City reached out to several tribes as part of the consultation process spelled out in Public Resources Code (PRC) Section 21080.3.1 and only one tribe responded. The City consulted with that tribe, the Gabrieleno Band of Mission Indians—Kizh Nation, and determined upon mitigation that addressed the impacts identified through this process. (See DEIR, p. IV.N-1.)

Furthermore, aside from acknowledging the existence of the potential for some historical significance of the Site, the comment fails to identify any potential impacts that would result from the development of the Project.

In this case, the DEIR sets out a long background of the history of the Project Site and the surrounding areas, and ultimately acknowledges that the Project, and the necessary ground disturbing activities has the potential to unearth or impact on site TCRs or result in substantial adverse change in the significance of TCRs. Lands within the footprint of the proposed Project are not known to contain any unmarked graves or human remains. However, the loss of any previously unknown human remains, including Native American remains, may be significant.

A Tribal Monitor would be retained to oversee all Project-related ground disturbing construction activities in accordance with MM TCR-1. Monitoring would ensure any unknown TCRs that are unearthed during ground disturbing activities are identified and protected. MM TCR-2 and MM TCR-3 discuss the discovery of any tribal cultural or archaeological resources and the proper treatment of each resource if found. Tribal resources are to be evaluated and qualified to determine treatment and curation of the item, while unique archaeological resources would be preserved in place until assessed. MM TCR-2 and MM TCR-3 ensures unearthed TCRs are properly processed post discovery. If Native American human remains are unearthed, MM TRC-4 through MM TCR-7 state that a County Coroner must be contacted to identify the remains and if they are those of a Native American, the coroner must contact the NAHC and PRC 5097.98 shall be followed. Construction work would be diverted while identification of the remains is in progress.

If the Gabrieleno Band of Mission Indians—Kizh Nation is designated as a Most Likely Descendent (MLD), traditional Koo-nas-gna Burial Policy would take place. Additionally, in the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be protected until
an arrangement is made for the remains relocation or re-burial. With the implementation of MM TRC-4 through MM TCR-7, Native American human remains would be properly processed and impacts to human remains found on site would be reduced to a less than significant level.

With implementation of MMs TCR-1 to MM TCR-7, potentially significant impacts to TCRs and human remains would be reduced to a level that is less than significant. These measures would work to prevent the destruction and loss of sensitive TCRs and ensure the proper disposition of human remains. There are no significant unavoidable adverse impacts of the proposed Project related to TCRs. The proposed Project would have less than significant impacts with mitigation measures incorporated.

In light of the foregoing, the City has determined that no additional mitigation measure is required.

**Comment 11c-3**

Inadequate research, totally lacking in information and sensitivity. See further comments below under IV.N TRIBAL CULTURAL RESOURCES, 4. Tribal Consultation.

**Response 11c-3:**

This comment claims that the DEIR’s research is lacking.

The City’s experts disagree.

The DEIR explains the City’s research into the cultural literature review and records search of the California Historic Resource information System (CHRIS), the Native American Heritage Commission, and requested a search of the Sacred Lands File (SLF), as well as reaching out to numerous tribes, and consulting with the Gabrieleno Band of Mission Indians—Kizh Nation, which was the only tribe that responded to the City’s letters.

Accordingly, the City disagrees with commenters claim that it has not conducted sufficient research to support the conclusions found in the DEIR.

**Comment 11c-4:**

6. PROJECT IMPACTS / 7. CUMULATIVE IMPACTS Threshold IV.CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? The cultural resources inventory search indicated that the Project Site has been developed since the 1950s and no prehistoric or historical archaeological resources have been previously identified on the Site....The Site was noted to be highly and frequently disturbed by historic and modern urban encroachment, utilities, homeless encampments, and the demolition of the wastewater treatment facility. Portions of the Site were also observed to have been regularly tilled in accordance with bioremediation efforts to treat contaminated soil. In addition, grading of the Project Site is not expected to exceed 8-feet in depth which is likely within the depth of existing disturbance due to demolition and bioremediation activities. Because of the disturbances noted, it is highly unlikely that any intact buried archaeological remains would be present in the Project area. For these reasons, no impacts to archeological resources are anticipated. Impacts would be less than significant...cumulative impacts during construction and operation would not be cumulatively considered significant.
Records may confirm the presence of cultural resources, but not their absence. Individual tribal human remains, tribal cemeteries, and tribal cultural deposits have been documented and continue to be exposed in low lying areas along rivers and creeks and in wetlands as well as in highly disturbed areas such as refineries and former agricultural lands. It is illogical and faulty to conflate what one anticipates with the significance of an actual impact should it occur: “it is highly unlikely that any intact buried archaeological remains would be present in the Project area...no impacts to archaeological resources are anticipated,” “Impacts would be less than significant.” In other words, one cannot decide, beforehand, that impacts which are not known are “less than significant.”

Response 11c-4:

The comment raises concerns that the developing the Project could result in impacts to previously undiscovered archeological remains at the Project Site.

The City’s experts disagree.

As explained in the DEIR, the Project Site has been heavily developed and disturbed for nearly a decade, with recent bioremediation efforts resulting in the Project having been repeatedly tilled. Accordingly, based on the fact that the cultural resources inventory did not identify any prehistoric or historical archaeological resources on the Project Site, and because the recent activities on the Project Site have not revealed the potential for any such resources at the Project Site, the City was correct in determining that the Project would result in a less than significant impact to any architectural resources on or near the Project Site. In fact, the DEIR has properly included that no such impacts are likely to result.

Comment 11c-5:

8. MITIGATION

The Project’s impacts, cumulative impacts, and contribution to cumulative impacts would be less than significant. Therefore, no mitigation measures are required.

No salvage archaeology is proposed for this project. Therefore, the archaeologist and tribal monitor can only hope to spot evidence of human occupation in soils as they are exposed, scooped up, graded, and bulldozed by heavy machinery during construction itself. This is not really a legitimate methodology or valid scientific approach, but simply a cost effective way of moving the project forward at the expense of both academic and tribal cultural knowledge.

Response 11c-5:

The comment does not describe any potential impact of the Project, but rather claims that the Project must also include salvage archaeology as a mitigation measure without any analysis.

The City’s experts disagree.

As already explained in the DEIR, the Project will not result in the potential of any significant impacts to cultural resources, which is why no mitigation is required. (See Response 11c-3.)
Further, while the DEIR has determined that the Project could result in significant impacts to certain TCRs, the City has imposed sufficient mitigation measures to mitigate those impacts to a less than significant level.

Accordingly, no additional revisions are needed.

Comment 1c-6:

IV.N TRIBAL CULTURAL RESOURCES 1. INTRODUCTION

This section of the Draft EIR discusses existing tribal cultural resources and applicable laws and regulations and provides analysis of the potential effects to Tribal Cultural Resources from the proposed Project. This incorporates information from the following materials:  


Prior to the preparation of this Draft EIR, an Initial Study (Appendix I.1) was prepared using the CEQA Guidelines Environmental Checklist Form to assess potential environmental impacts resulting from construction and operation of the proposed Project associated with tribal cultural resources. Public Resources Code (PRC) Section 21080.3.1 (Assembly Bill [AB] 52) provides Native American tribes the opportunity to consult on a proposed public or private project should the tribe(s) be concerned there are potential impacts to tribal cultural resources. Seven tribal groups have requested notification by the City of any proposed projects. These tribes include the Gabrielino-Tongva Tribe, the Gabrieleno Tongva Indians of California Tribal Council, the Gabrielino/Tongva Nation, the Torres Martinez Desert Cahuilla Indians, the Gabrieleno/Tongva San Gabriel Band of Mission Indians, the Soboba Band of Luiseno Indians, and the Gabrieleno Band of Mission Indians—Kizh Nation. City initiated consultation with these tribes by letters dated January 28, 2020, and the 30-day period for responses ended on March 2, 2020. Only one response requesting for consultation was received from Gabrieleno Band of Mission Indians—Kizh Nation.

2. ENVIRONMENTAL SETTING Prehistoric Setting

The Gabrielino tribe were some of the earliest people to occupy the territory in what is now known as the City of Long Beach. This tribe had occupied almost the entire Los Angeles basin including the mountainous areas and the coast between Los Angeles and Orange counties. The Gabrielino tribe had developed multiple types of structures within their villages consisting of domed, circular structures covered in tule, ferm, or Carrizo used for family and communal housing as well as sweathouses, menstrual huts, and ceremonial enclosures. The Puvungna-Gabrielino community was among the most researched and...
consisted of a large settlement and important ceremonial site most likely located in the area occupied by Rancho Los Alamitos and currently occupied by California State University, Long Beach. It is assumed to have served as a ritual center for the surrounding Gabrielino communities in the region. Sites associated with Puvungna were added to the National Register of Historic Places in 1974 and 1982. Santa Catalina island, which the Gabrielino people took as their territory, received Spanish contact in 1542 when Juan Rodriguez Cabrillo arrived on the island. Early Spanish settlers in the area had recorded populations of 50-200 Gabrielino people living in permanent villages and by 1770 the total population in the Los Angeles basin was over 5,000. Gaspar de Portola tried to colonize this Gabrielino territory and it is said that he made contact with the chief Hahamovic in the Hahamog-na village and in 1771, the Spanish established the Mission San Gabriel Archangel.

Historic Setting

The Spanish arrived in the geographic area of the City of Long Beach around the late 18th century. During the Spanish and Mexican reign over Alta California, ownership of southern Los Angeles was largely distributed to government workers through land grants. A man named Manuel Nieto, a Spanish soldier, was given around 300,000 acres of land by the governor of California in 1784 and following his death, the property was passed down to his heirs and divided into Rancho Los Alamitos and Rancho Los Cerritos. These two properties encompass what is now the City of Long Beach as well as Rancho Los Alamitos to the east and Rancho Los Cerritos to the west.

The “Prehistoric Setting” description of tribal history and culture is incredibly DEROGATORY, IGNORANT, AND RACIST! When referring to local indigenous peoples, use/include the tribes own/chosen descriptors: Tongva, Kizh, Acjachemen. Do not continue to exclusively reference the names of the Spanish Missions that tribal peoples were forced to build and live in as prisoners - Gabrieleno=Mission San Gabriel, Juaneno=Mission San Juan Capistrano.

“Prehistoric” is no longer an appropriate term to use when discussing the history of indigenous cultures prior to contact with Europeans. It was and is based on an antiquated and Eurocentric model of history and “civilization.” We all know that tribal history was always known to tribal peoples. Indigenous cultures are now understood in the context of human history, and what was once presumed to be unknowable is now recognized as factual evidence. Yet this report has nothing to say, even less info than the average cookie cutter archaeological report. Zero reference to the length of tribal occupation - thousands of years. No mention that the project area was likely at or near Tevaaxaanga and Tibahanga, Tongva village sites along the river in Long Beach. The highly significant cogstones found at Rancho Los Cerritos should be referenced. Not referencing spiritual beliefs, skill in land management, navigation and trade, and the Tongva’s considerable status and influence on Southern CA tribal culture but instead writing about “menstrual huts” is perverse.

The Sacred Site of Puvungna is registered with the NAHC. For location of Tongva village sites see https://www.tongvapeople.org/?page_id=696

WHITETWASHING GENOCIDE, IGNORING THE SURVIVORS
There is no mention of tribal life after invasion and colonization, including tribal contributions to/suffering at Mission San Gabriel, Rancho Los Cerritos, Rancho Los Alamitos, and into modern times. Nor is the history of tribal resistance to genocide, including that of contemporary Tongva descendants who continue to maintain tribal lifeways, protect tribal lands, and advocate for indigenous rights, acknowledged here. While the Flints and the Bixby’s and Mr. Wilmore are presumed to have a cultural connection to the project site, the Tongva who continue to live in Long Beach and contribute community knowledge and to cultural events in the neighborhood at Rancho Los Cerritos are MIA.

Response 11c-6:

The comment generally claims that the DEIR’s background and historical analyses were inadequate. However, the comment does not identify any additional potential impacts that could result from the Project.

The City disagrees with the comment’s critique within the DEIR’s analysis. The extensive research and consultation efforts conducted by the City are documented in the DEIR and these Response to Comments. The DEIR’s analysis is therefore supported by substantial evidence. (See also Response 11c-2.)

While the commenter may wish that the DEIR included other information that has no connection to the Project or the Project’s impacts, that is not the purpose of CEQA. Accordingly, no additional revisions are required.

Comment 11c-7:

3. REGULATORY SETTING

State Assembly Bill 52

The NAHC identifies a primary goal for Lead Agencies under AB 52 to “Build working relationships with tribes that are traditionally and culturally affiliated to the project area or to your agency’s geographic area of jurisdiction.” The City of Long Beach, most especially the Department of Development Services, has failed to do so. As a result, tribal leaders who seek to protect tribal Sacred Sites, village sites, and natural open spaces from development have NO ALLIES at any level of City government. As individual projects are proposed and move through the regulatory process, the response from City staff to tribal groups is lacking in cultural sensitivity if not outright hostile.

Response 11c-7:

The comment claims that the City has failed to work and consult with the tribes that are affiliated with project areas, including those that would be affiliated with the Project Site.

The City disagrees. The City’s efforts and attempts to work with all affiliated tribes is well documented in the DEIR. (See IV.N-1.) Furthermore, the City has incorporated the additional mitigation measures that were requested by one of those tribes, the Gabrieleno Band of Mission Indians—Kizh Nation. Accordingly, no additional revisions are required.
Comment 11c-8:

California Register of Historical Resources California Environmental Quality Act (CEQA);
California Health and Safety Code (HSC);
California Public Resources Code Section 5097.98 Office of Historic Preservation

City of Long Beach

The General Plan of the seventh largest City in California, home to Puvungna, the origin site of the Tongva and Acjachemen, as well as to residents from tribes from throughout the Americas, “does not identify any goals or policies related specifically to tribal resources or tribal cultural preservation ordinance or program in effect.” The City has no policy or practice of respecting or protecting known tribal/archaeological sites by placing them into open space in advance of any proposed development. Nor does the preferred option of leaving disturbed tribal remains and cultural objects “in situ” result in changes to approved projects.

Response 11c-8:

The comment claims that the City’s General Plan does not have any policies pertaining to tribal resources or tribal cultural preservation. However, the comment does not address any impacts or issues pertaining to the Project. Accordingly, no response is needed.

Comment 11c-9:

4. TRIBAL CONSULTATION

A Cultural Resource Inventory search was conducted, and a literature review was completed on February 25, 2020, to provide information on tribal cultural resources in the Project area. The search included a cultural literature review and records search of the California Historic Resource Information System (CHRIS).

There are multiple sources that document tribal culture in the immediate vicinity of the project site at Rancho Los Cerritos, including the discovery of highly significant and rare cogstones. Additionally, both Rancho Los Cerritos and Rancho Los Alamitos have their own archives and publications (ie Ancestor, Oh My Ancestor), documenting local tribal history. UCLA has a mapping project of Tongva village sites, several in Long Beach. Additionally, there are interviews with tribal historians and scholars - the problem is not a lack of information, it is the systemic refusal to consult anything other than what someone dug up and decided to write about as an ‘archaeological’ find.

Response 11c-9:

The comment claims that there might have been additional resources the City could have research to determine if there is evidence of any additional tribal resources. However, the comment does not explain that any of the cited sources has any information pertaining to the Project Site, or the Project.

The City’s experts have reviewed the comments and determined that the DEIR’s analysis is adequate. Accordingly, no additional research or analysis is warranted.
Comment 11c-10:

Also, as part of the Cultural Resources Inventory search, PaleoWest contacted the Native American Heritage Commission (NAHC) to request a search of the Sacred Lands File (SLF). The SLF would determine if the NAHC had any knowledge of Native American cultural resources within the immediate vicinity of the Project area. The SLF search returned with a negative result for cultural resources in the area, but the NAHC recommended that tribal groups be contacted to elicit information regarding cultural resource issues related to the proposed Project (see Appendix 4.D.1).

It is wrong and misleading to say that the Sacred Lands File research was negative as the NAHC will not disclose information about Sacred Sites directly, but simply refers project applicants to those tribes impacted by the proposed project who may or may not wish to share this information with developers.

Response 11c-10:

The comment claims that DEIR is wrong and misleading because the SLF refers requesting parties to tribes impacted by the proposed Project.

The City’s experts disagree with the comment’s conclusion. As acknowledged by the comment itself, the DEIR discloses that when the city sought to search the Sacred Lands File, the NAHC recommended that the City contact tribal groups to determine if there is any additional information pertaining to cultural resource issues related to the proposed Project. (See DEIR, p. IV.N-9.) The DEIR further discloses that the City reached out to numerous California Native American tribes affiliated with the project area, and only one requested consultation, which entity did consult with the City.

Comment 11c-11:

The City has on file eight requests from individuals representing seven California Native American tribes traditionally and culturally affiliated with the project area who have requested notice pursuant to PRC Section 21080.3.1(d). As required by PRC Section 21080.3.1 (added to the PRC by AB 52), the City initiated consultation with these tribes by letters dated January 28, 2020 and the 30-day period for responses ended on March 2, 2020 (Appendix 4.N.1). The following individuals were contacted by the City: Mr. Charles Alvarez – Gabrieleno-Tongva Tribe, Ms. Linda Candelaria – Gabrieleno-Tongva Tribe, Mr. Robert F. Dorame – Gabrieleno Tongva Indians of California Tribal Council, Ms. Sandonne Goad – Gabrieleno/Tongva Nation, Mr. Michael Mirelez – Torres Martinez Desert Cahuilla Indians, Mr. Anthony Morales – Gabrieleno/Tongva San Gabriel Band of Mission Indians, Mr. Joseph Ontiveros – Soboba Band of Luiseno Indians, and Mr. Andrew Salas – Gabrieleno Band of Mission Indians—Kizh Nation.

One response was received by the City from Mr. Andrew Salas of the Gabrieleno Band of Mission Indians—Kizh Nation requesting consultation. The tribal response letter dated February 3, 2020, confirmed that the proposed Project location was within the tribe’s Ancestral Tribal Territory (Appendix 4.N.2). Their Tribal Government had thus requested to schedule a consultation with the lead agency to discuss the Project and surrounding location in further detail. Consultation was conducted via phone and email. A second letter was provided identifying suggested mitigation measures appropriate for the proposed Project. Mitigation measures included Native American Monitoring/Consulting provided by a documented lineal
descendant from the ancestral Tribe of the project area, Unanticipated Discovery of Tribal Cultural and Archaeological Resources, PRC Sections

21083.2(b), Unanticipated Discovery of Human Remains and Associated Funerary Objects, Resources Assessment & Continuation of Work Protocol, Kizh—Gabrieleno Procedures for burials and funerary remains, Treatment Measures, and Professional Standards. As a result of these outreach efforts, the City has agreed to incorporate the mitigation measures recommended by the Gabrieleno Band of Mission Indians—Kizh Nation. Consultation on the Project was completed in September 2021.

Especially as the Native American Heritage Commission currently recognizes five tribal governments of Tongva/Gabrieleno/Kitz and two tribal governments of Acjachemen as having a connection to this site and this project, it is inappropriate for the developer and/or the City to create an EIR that preferences a single tribal government over others. For the Lead Agency to incorporate specific language in this EIR granting the Gabrieleno Band of Mission Indians-Kizh Nation Tribal Government the right to define tribal culture/tribal cultural practices, to determine the nature of tribal engagement in the project, and to select who will be allowed to participate and when that will occur, violates both legal standards and ethical best practices.

To state that only tribal governments who have previously commented on the project may submit requests to provide a sole Native American monitor denies equal access to the site and the project. To approve a CEQA document that grants a single tribal entity the sole right to approve or disapprove of who is retained as the Tribal monitor/consultant fails to acknowledge the rights of other equally legitimate bodies to monitor the project and to determine the outcome. To limit the number of tribal monitors to a single individual at the request of the Kizh is also self-serving and wrong.

Impacts to tribal culture are not limited to “ground disturbing activities,” therefore, tribes and tribal monitors may determine that monitoring is required in addition to “ground disturbing activities.” To empower a single tribal group to own or negotiate the fate of an entire tribes’ cultural objects is both divisive and disrespectful.

Additionally, multiple references to “the Tribe” in the EIR need to be clarified. While the Kizh Nation Tribal Government used this term exclusively to refer to themselves in their comments, hopefully this does not have the same meaning in the DEIR. The Kizh Nation Tribal Government does not represent the Tongva tribe as a whole, only in part, regardless of who choses to comment on this project. With respect to the Tongva, multiple tribal governments have been recognized by the State of California. This document lays out no plan to communicate or coordinate tribal involvement in this project between these tribal stakeholders.

Response 11c-11:

The comment generally claims that the DEIR’s mitigation measure requiring a singular tribal monitor is inadequate because there are numerous other tribes that may be affiliated with the area surrounding the Project Site. The comment further claims that the EIR should be revised to clarify which “Tribe” is being referred to.
The City’s experts disagree with the comment’s conclusion. As an initial matter, the City had previously reached out to eight different tribes in accordance with AB 52, and yet only one responded to the City’s requests – the Gabrieleno Band of Mission Indians—Kizh Nation. The Kizh Nation was the only entity that responded that also stated that the Project’s location was within the tribe’s Ancestral Tribal Territory, and further requested additional mitigation measures to avoid impacts to any potential tribal cultural resources that may be impacted as a result of the Project. Consultation was completed in September of 2021.

Furthermore, the few references to the “Tribe” are references to the Gabrieleno Band of Mission Indians—Kizh Nation, which is clear from the context of the language provided therein.

Accordingly, no additional revisions are needed.

Comment 11c-12:

5. ENVIRONMENTAL IMPACTS

Thresholds of Significance To assist in determining whether the proposed Project would have a significant effect on the environment, the City finds the proposed Project may have a significant impact related to tribal resources if it would: a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Threshold 4. TCR-1: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC § 5020.1(k). Threshold 4. TCR-2: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

6. METHODOLOGY

Existing available data provided by the cultural literature review and records search of the California Historic Resource Information System (CHRIS) and SLF, and AB 52 consultation with the Gabrieleno Band of Mission Indians—Kizh Nation tribe were used to determine the known location of TCRs and sensitive locations, which would have a high probability to encounter TCRs. The data on sensitive locations would help determine the level of potential impact the proposed Project would have on tribal resources and if any mitigation measures would be required. The potential project impact level on TCRs after incorporation of mitigation measures, if any, would also be assessed to determine the final proposed Project impacts on TCRs.

7. PROJECT IMPACTS

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: ‘
Threshold TCR-1: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC § 5020.1(k)

For purposes of this analysis, a tribal cultural resource (TCR) is considered a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe. A records search was conducted, which included the Project Site and a quarter-mile radius, for the purpose of identifying any known cultural resources within the vicinity of the Project Site. The records search included a review of the Office of Historic Preservation Archaeological Determination of Eligibility, the Office of Historic Preservation Directory of Historic Properties Data File, and a literature review by the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. The records search indicated that the Project Site has been developed since the 1950s and historical archaeological resources may exist on site. Additionally, a cultural resources field survey was completed to assess historic resources on-site. During the field visit, the archaeologist walked over the Project Site and inspected landforms which were likely to contain or exhibit archaeological or historical remains. Cultural resources identified during the survey were recorded on appropriate California Department of Parks and Recreation (DPR) Series 523 forms. For this study, a cultural resource is defined as any archaeological remains or standing building or structure that are greater than 45 years of age...In addition, the Project Site has been highly and frequently disturbed by the construction, removal, and bioremediation of the former wastewater treatment facility site. As such, it is unlikely that any intact buried archaeological remains are present in the Project area. Regardless, ground disturbance has the potential to unearth unknown TCRs which would be addressed by mitigation measures included later on in this section. The proposed Project would not cause a substantial adverse change in the significance of TCRs eligible for CRHR or local register listing. Impacts to TCRs eligible for listing would be less than significant.

Threshold TCR-2: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

As previously mentioned, a cultural resources inventory search was conducted, concluding that no historic or prehistoric archaeological resources were identified within the recorded search area. The NAHC reported that the results of the SLF search were negative for cultural resources identified in the Project area, but they recommended that the City reach out to any tribal contacts relevant to the area in order to ensure that no TCRs might be present. AB 52 consultation letters were sent out on January 28, 2020 and a request for consultation was received on February 3, 2020 from the Gabrieleno Band of Mission Indians—Kizh Nation. At the conclusion of the consultation process, the City received the Protection of TCRs Letter, including mitigation measures recommended by the Gabrieleño Band of Mission Indians—Kizh Nation. The letter with recommended mitigation measures can be found in Appendix IV.N.3 of this Draft EIR. In accordance with AB 52, the City contacted local tribes to request consultation regarding the project and have received the Protection of Tribal Cultural Resources letter from the Gabrieleño Band of Mission Indians—Kizh Nation.22 The letter includes mitigation measures recommended by the Tribe. The mitigation measures focused on monitoring procedures during construction, which would be conducted
by a Tribal monitor/consultant who is both ancestrally affiliated with the Project area and approved by Gabrieleño Band of Mission Indians—Kizh Nation. These measures are incorporated into this proposed Project and are discussed below. Ground disturbing activities that would be employed during construction of the proposed Project would include site clearing, bioremediation, grubbing, and grading. As a result, these activities may disturb unknown TCRs as well as human remains, including those interred outside of dedicated cemeteries. Lands within the footprint of the proposed Project are not known to contain any unmarked graves or human remains. However, the proposed Project includes ground disturbance activities which has the potential to expose previously unknown human remains, including Native American remains. No tribal cultural resources as defined in PRC Section 21074(a) and (b) have been identified as a result of the inventory searches, field survey, or consultation conducted for the proposed Project. Operation of the proposed Project would not involve ground disturbing activities with the potential to unearth or impact on site TCRs or result in substantial adverse change in the significance of TCRs. Potential construction Impacts to PRC Section 5024.1 resources would be less than significant with mitigation measures implemented below.

The mitigations in the DEIR lack a basic commitment to tribal survival and continue to rely on the power of the state over the lands and the culture of the indigenous peoples of California. The LCWTF acknowledges the right of California’s tribal peoples to define tribal culture and determine the significance of certain places and tribal cultural resources. We do not accept as legal or ethical the current practice of allowing the archaeologist, the Lead Agency, and/or the property owner to determine mitigation measures for tribal lands, human remains, and objects because this denies both tribal sovereignty and equity.

An alternative approach to counter some of this settler dominance is outlined in BOEM’s 2015 OCS Study, A Guidance Document for Characterizing Tribal Cultural Landscapes.

TRIBAL CULTURAL LANDSCAPE: Any place in which a relationship, past or present, exists between a spatial area, resource, and an associated group of indigenous people whose cultural practices, beliefs, or identity connects them to that place. A tribal cultural landscape is determined by and known to a culturally related group of indigenous people with relationships to that place. Generally, an indigenous worldview recognizes broad interconnections and does not consider a single artifact or a single species as existing without complex relationships. This perspective places cultural resources within a contextualized mosaic of a landscape. For example, an archaeological site can have culturally significant plants and modified trees above ground (peeled bark, coppiced [pruned to encourage new growth], etc.), a lithic component (stone tools) underground, and possess a viewshed of an important cultural or spiritual location, such as a mountain. The complexity inherent in these types of places is understood by the communities that inhabit and interact with them. By contrast, many studies tend to focus solely on the archaeological components of a site, rendering the interpretation of the place incomplete. Over-emphasis on material culture skews the understanding of a location by narrowly focusing on artifacts and potentially obscuring its cultural context. Additionally, cultural resources have been damaged or lost because their meanings and connections with other resources found within the mosaic of cultural landscape have gone unrecognized.
The Secretary of the Interior’s Guidelines for the Treatment of Cultural Landscapes define a cultural landscape as “a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values” (Birnbaum and Peters 1996:4).

Two types of cultural landscapes, in particular, share defining characteristics with TCLs. Historic vernacular landscapes “evolved through use by the people whose activities or occupancy shaped them,” and ethnographic landscapes “contain a variety of natural and cultural resources that associated people define as heritage resources” [italics added for emphasis] (Birnbaum and Peters 1996:4).”

Response 11c-12:

The comment claims that the DEIR is lacking because only the city, applicant or an archaeologist determined the mitigation measures for the Project.

The City’s experts disagree.

As explained above, the mitigation measures that were included in the Project were included after consultation with the Gabrieleno Band of Mission Indians—Kizh Nation, and were imposed at their request.

Accordingly, no additional revisions are needed.

Comment 11c-13:

8. CUMULATIVE IMPACTS

A cumulative analysis for TCR’s evaluates whether impacts of the proposed Project and related projects, when taken as a whole, would have a significant environmental impact on TCR’s. The geographic area for cumulative analysis of TCR’s is the City of Long Beach. The City is almost completely built out with most new development occurring as in-fill development, such as the proposed Project. The cumulative context for TCRs is within the Gabrieleno Tribal Territory which encompasses land within Los Angeles County. As previously stated, there were no TCRs identified within the Project Site. Additionally, the City has consulted with Tribal representatives and recognizes the potential sensitivity. The possible impacts to TCRs and human remains are mostly local and would not include surrounding areas unless a significant resource was identified. Since no TCRs are identified on site, and impacts to TCRs are typically highly localized, the proposed Project would result in a less than significant cumulative impact related to TCRs after the implementation of the proposed Mitigation Measures. No impacts to TCR’s are anticipated during operation of the proposed Project since no ground disturbance is anticipated.

According to CEQA, the importance of tribal cultural resources is the value of the resource to California Native American tribes culturally affiliated with the Project Area. Therefore, the issue that must be explored in a cumulative analysis is the cumulative loss of tribal cultural resources. For tribal cultural resources that are avoided or preserved through dedication within open space, no impacts would occur. However, if avoidance or dedication of open space to preserve tribal cultural resources is infeasible, those
impacts must be considered in combination with tribal cultural resources that would be impacted by other projects.

The cumulative impact of construction on unceded tribal lands, with or without salvage archaeology, is the ongoing erasure of recognizable and ancient landforms that hold the history of the first peoples and possibly their ancestors as well. Especially in urban areas, this is of little consequence to private and public landowners and regulatory agencies who see land as without spirit, without agency, without power. There is no mitigation for this lack of consciousness and the fact that it continues to destroy tribal places and ways of life.

Response 11c-13:

The comment claims that the DEIR’s cumulative impacts analysis as to Tribal Cultural Resources is lacking because it fails to consider the impacts to tribal resources that would be impacted by other projects within the area.

The City’s experts disagree. As stated in the DEIR’s cumulative impacts analysis:

The cumulative context for TCRs is within the Gabrieleno Tribal Territory which encompasses land within Los Angeles County. As previously stated, there were no TCRs identified within the Project Site. Additionally, the City has consulted with Tribal representatives and recognizes the potential sensitivity. The possible impacts to TCRs and human remains are mostly local and would not include surrounding areas unless a significant resource was identified. Since no TCRs are identified on site, and impacts to TCRs are typically highly localized, the proposed Project would result in a less than significant cumulative impact related to TCRs after the implementation of the proposed Mitigation Measures. No impacts to TCR’s are anticipated during operation of the proposed Project since no ground disturbance is anticipated.

In other words, the DEIR did analyze the cumulative impact throughout the Gabrieleno Tribal Territory which encompasses land within Los Angeles County, not just the Project Site.

Comment 11c-14:

9. MITIGATION MEASURES

The following Mitigation Measures (MMs) have been identified and are based on available information and the AB 52 consultation process with the identified tribes as described in sub-heading 4: Tribal Consultation of this section.

MM TCR-1: Retain a Native American Monitor/Consultant

During ground disturbing construction activity, the Project Applicant shall be required to retain and compensate for the services of a single Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians—Kizh Nation Tribal Government, listed under the Native American Heritage Commission’s (NAHC) Tribal Contact list for the area of the project location. The Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all initial project-related, ground-disturbing construction activities,
defined by the Gabrieleño Band of Mission Indians—Kizh Nation as activities that 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 will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project Site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the Site has a low potential for impacting Tribal Cultural Resources.

MM TCR-2: Unanticipated Discovery of Tribal Cultural and Archaeological Resources

Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians—Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If the qualified archaeologist determines a resource to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

MM TCR-3: PRC Section 21083.2(b)

Preservation in place (i.e., avoidance) is 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. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

MM TCR-4: Unanticipated Discovery of Human Remains and Associated Funerary Objects

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone, within 24 hours, the NAHC and PRC 5097.98 shall be followed.
MM TCR-5: Resource Assessment & Continuation of Work Protocol. Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by State law who will then appoint a Most Likely Descendent (MLD).

MM TCR-6: Kizh—Gabrieleno Procedures for Burials and Funerary Remains If the Gabrieleno Band of Mission Indians—Kizh Nation is designated MLD, the Koo-nasgna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

MM TCR-7: Treatment Measures

Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project 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 will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure complete 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 Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The Site of reburial/repatriation shall be on the Project Site but at a location agreed
upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

The Lead Agency must not limit the number of tribal monitors to a single individual, especially at the request of the Kizh Nation Tribal Government.

Impacts to tribal culture are not limited to “ground disturbing activities” therefore tribes and tribal monitors may determine that monitoring is required in addition to “ground disturbing activities.” To empower a single tribal group to own or negotiate the fate of an entire tribes’ human remains and cultural objects is both divisive and disrespectful.

Additionally, multiple references to “the Tribe” in the EIR need to be clarified. While the Kizh Nation Tribal Government used this term exclusively to refer to themselves in their comments about the project, this term is inappropriate and confusing in the DEIR. The Kizh Nation Tribal Government does not represent the Tongva tribe as a whole, only in part, regardless of who choses to comment on this project. With respect to the Tongva, multiple tribal governments have been recognized by the State of California. “The Tribe” must be replaced with a term referencing multiple and/or specific groups.

Response 11c-14:

This comment is essentially identical to Comment 11c-10. Accordingly, see Response 11c-10.

Comment 11c-15:

10. LEVEL OF SIGNIFICANCE AFTER MITIGATION

Construction

Ground-disturbing activities that would be employed during construction of the proposed Project would include site clearing, bioremediation, grubbing, and grading. As a result, these activities may disturb TCRs and/or human remains, including those interred outside of dedicated cemeteries. Lands within the footprint of the proposed Project are not known to contain any unmarked graves or human remains. However, the loss of any previously unknown human remains, including native American remains, may be significant. A Tribal Monitor would be retained to oversee all Project-related ground disturbing construction activities in accordance with MM TCR-1. Monitoring would ensure any unknown TCRs that are unearthed during ground disturbing activities are identified and protected. MM TCR-2 and MM TCR-3 discuss the discovery of any tribal cultural or archaeological resources and the proper treatment of each resource if found. Tribal resources are to be evaluated and qualified to determine treatment and curation of the item, while unique archaeological resources would be preserved in place until assessed. MM TCR-2 and MM TCR-3 ensures unearthed TCRs are properly processed post discovery. If Native American human remains are unearthed, MM TRC-4 through MM TCR-7 state that a County Coroner must be contacted to identify the remains and if they are those of a Native American, the coroner must contact the NAHC and PRC 5097.98 shall be followed. Construction work would be diverted while identification of the remains is in progress. If the Gabrieleno Band of Mission Indians—Kizh Nation is designated as a Most Likely Descendent (MLD), traditional Koo-nas-gna Burial Policy would take place. Additionally, in the case
where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be protected until an arrangement is made for the remains relocation or re-burial. With the implementation of MM TRC-4 through MM TCR-7, Native American human remains would be properly processed and impacts to human remains found on site would be reduced to a less than significant level. With implementation of MMs TCR-1 to MM TCR-7, potentially significant impacts to TCRs and human remains would be reduced to a level that is less than significant. These measures would work to prevent the destruction and loss of sensitive TCRs and ensure the proper disposition of human remains. There are no significant unavoidable adverse impacts of the proposed Project related to TCRs. The proposed Project would have less than significant impacts with mitigation measures incorporated.

We have no City sites honoring the Tongva, nor, in spite of SB 18, has there been an effort to set aside known tribal village and tribal cultural sites, as protected/undisturbed public open space. Instead, it is routine to undervalue and under-report the significance of sites slated to be developed in terms of both known and potential tribal cultural and archaeological value. While the Lead Agency (the City of Long Beach) has not yet determined that the project site is a Tribal Cultural Landscape/Tribal Cultural Property, we ask that the City consider doing so and set aside funds to purchase the land as park space in a park poor section of the city.

Response 11C-15:

The comment asks that the City consider acquiring the Project Site as a Tribal Cultural Landscape/Tribal Cultural Property, and to also purchase the land as parks space.

As explained previously, the DEIR has already conducted an Alternatives Analysis. Having the City purchase and develop the Project Site into a public park is not a viable alternative because it would fail to meet the key objective of providing additional housing in the area.

Further, as explained above, and in the DEIR, there is no evidence showing that the Project Site would be considered a Tribal Cultural Property. (See also Responses 8-1 and 9-1 [explaining requirements of alternatives analysis].)
COMMENT LETTER NO. 11d: Riverpark Coalition – Land Use comments

Comment 11d-1

The project site, undeveloped property along the LA River, currently provides flood control and wildlife habitat and has the potential to become public park space. Due to both high levels of contamination and its location along the river is not suitable for a residential development which will both risk occupants’ health and prevent the option to connect existing and potential public open spaces along the river.

Response 11d-1

This comment raises a concern related to the potential impact of the existing environmental conditions on the proposed project and the future residents/occupants of the project. However, the California Environmental Quality Act does not require an analysis of the existing environment’s impact on the project. ([California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369, 377 “In light of CEQA’s text, statutory structure, and purpose, we conclude that agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents.”]) As such, there is no need to revise the DEIR in response to this comment.

That being said, to protect the health of both the future residents/occupants of the project as well as the surrounding neighbors, a Remedial Action Plan (RAP) will be approved by the LARWQCB, and will be implemented in the initial phase of the Project. The LARWQCB is the lead environmental agency tasked with reviewing and approving any RAP for the project, and has the expertise to ensure that the RAP sufficiently addresses the contamination within the project site.

The applicant has submitted a revised RAP (following LARWQCB comment), dated March 2022 (the “Revised RAP”) to the LARWQCB, which includes certain cleanup strategies, such as bioremediation and/or removal of soil that contains contaminants in levels that exceed the risk-based cleanup standards (RBCs) approved by the LARWQCB for the project. Post-excavation, confirmation soil sampling under the oversight of LARWQCB will confirm that the contaminated soil has been satisfactorily remediated or removed from the site to ensure the protection of any future residents/occupants and/or the neighboring community. The contaminated soil removed from the site will be transported to a facility licensed to accept the waste under State and Federal law. Clean, imported soil will replace the soil that is removed from the site. Additionally, to address TPH-g, VOCs, and methane in soil vapor, engineered vapor mitigation systems approved by LARWQCB will be installed as an element of the foundation systems beneath homes or other occupied structures. The other remediation strategies that will be required are further detailed in the recent RAP, which has been appended to the Final EIR. As a result of these actions, and the imposed mitigation measure below, there is no concern that the site cannot be made suitable for a residential project.

Mitigation measure HAZ-2 has been added to the Hazards section of the FEIR. HAZ-2 requires (1) approval of a RAP, like the Revised RAP, by the LARWQCB prior to earthwork activities; and (2)
implementation of the remedial activities prescribed by the RAP during the site development process under LARWQCB oversight.

To the extent not already discussed in the DEIR, the Final EIR will reflect the foregoing.

The comments claims that the Project Site is currently being used for flood control purposes and wildlife habitat and that it has the potential to become public park space. This is incorrect. The Project Site is not currently being used for flood control purposes, and as explained in the DEIR, and above, the Project would not result in any significant impacts to wildlife or wildlife habitat with sufficient mitigation.

Comment 11d-2

Accommodation for horses and horseback riding should not be eliminated. This zoning is both historic and culturally significant and its loss would impact minority communities with local and cultural ties to the project area.

Response 11d-2

The comment claims that the Project will result in a zone change that does not allow equestrian uses on the Project Site.

As an initial matter, this is an attribute of the Project (i.e., the rezoning), not an impact of the Project. As such, no additional response is required to this comment.

That said, the proposed zone change would not remove the H Overlay District from that portion of the site that is currently within it. The Project would have no impact on the use of the existing trail or any existing equestrian communities offsite. Further, the Project is not currently accommodating any equestrian uses. As such, the Project does not propose to eliminate such a use. (See also Response 10-3.)

Comment 11d-3

ZONING

Topic: Equestrian Overlay

The EIR recommends removing the equestrian overlay that protects the land for the equestrian user group.

The proposed project violates the intent of the LA River Masterplan that advocates for supporting ALL COMMUNITIES that share the river under the overarching philosophy that each user group has a place in the world.

The density plans require complete destruction of all previous protections given to equestrian uses. This project has plans to expand their driveway at a location such that they have to cross over the equestrian trail easement.
It violates the intent of the Long Beach Land Use Element (LUE) that clearly states support for the equestrian lifestyle and specifically in this particular Wrigley neighborhood. See the LUE implementation section for Wrigley LUE (LU-24 Westside & Wrigley) item 11 page 147

“Respect and maintain the equestrian uses within Wrigley Heights and promote shared use and maintenance of the area trail system.”

Question: will the LUE be amended to say “disrespect the equestrian uses….?”

Response 11d-3

The comment claims that the Project will be inconsistent with equestrian uses on the Project Site and will further be inconsistent with the Los Angeles River Master Plan, and Long Beach Land Use Element because it will not accommodate equestrian uses.

The City’s experts disagree. As an initial matter, the site is not currently used for the keeping, training or riding of horses, or other equestrian uses. As such, there will be no change in use for the Project Site.

Further, the DEIR explicitly explains how the proposed Project does not conflict with the LA River Master Plan:

The proposed Project would not conflict with any of the goals identified in the LA River Master Plan. The approximately 5-acres of public open space and connected pathways included in the proposed Project would further the goal mentioned in the LA River Master Plan to make the LA River resources more accessible to the public. The sidewalks within the proposed residential development in the Project would connect to the park space area trails. Additionally, the Project would not conflict with or impede the open space trail along the river and would integrate the public ROW to the west in order to connect the Project’s park space with the LA River pedestrian, bicycle, and horse paths. With the potential development of the northern parcel located north of I-405 and east of the Los Angeles River by the City as well as the proposed Project recreational features, the Project would not conflict with the intentions of the LA River Master Plan. (DEIR, p. IV.J-24.)

A similar analysis regarding the Project’s compatibility with the LUE is available in DEIR Table IV.J-2.

The project will not remove the H (Horse) overlay zoning and as such and will not alter any of the permitted equestrian uses on the Project Site. (See Response 10-3.)

Accordingly, no other revisions are required.

Comment 11d-4:

This small neighborhood was historically settled by those interested in making use of the regional trail along the LA River and is one of 6 equestrian zones established in 1967. Zoning was established to protect both horses and humans by establishing non-dense lots that require people structures on the front half and animal structures and area on the back half of the lots which maintains hygiene, health and safety.
Removing the horse overlay is prejudicial and discriminatory. It gives precedence to biking and motocross which is not equitable. It removes the ability to maintain horses on the properties. There is no point in wasting our time on visions and plans if at the first opportunity to exchange land use for dollars, we abandon those plans. Changing the zoning of this property is in direct opposition to what the LUE states as the intended protections to be given to equestrian uses.

**Response 11d-4:**

The comment claims that removing the Horse Overlay District is inconsistent with the City’s Land Use Element. The City’s experts disagree. (See Response 11d-2 and 11d-3.) The H (Horse) Overlay District currently in place on a portion of the project site will not be removed as part of the project.

**Comment 11d-5:**

**TOPIC: LAND USE**

Long Beach Land Use Element adopted Dec 2019


The EIR finds the project compatible with LU 12-4 (EIR page IV.J-14)

**LU 12-4:** Allow new high-density residential growth to occur within Multi-Family neighborhoods in a manner that is context sensitive and compatible to surrounding uses and buildings and that provides a range of housing types and options that meets the needs of Long Beach residents.

However, this area is not designated for multi-family neighborhoods in the Long Beach Land Use Element approved at City Council in Dec 2019. This location is designated as FCN Founding and Contemporary Neighborhood, which is a two story low density designation.

**Response 11d-5:**

The comment claims that the project is inconsistent with the Land Use Element because the location is designated as FCN Founding and Contemporary Neighborhood, which is a two-story low-density designation.

The City’s experts disagree. As explained in the DEIR, while it is true that the General Plan generally limits the height of structures at the Project Site are limited to a height of two stories, those limitations may be waived where the Project qualifies for a density bonus. As explained by the DEIR:

The applicant proposes to use a development standards waiver or regulatory concession under California Government Code Section 65915 in exchange for providing affordable housing on-site. In order to qualify for the waiver or regulatory concession, the applicant will provide either (i) no less than five percent (5%) of the total housing units for very low income households as defined in Section 50105 of the California Health & Safety Code, or (ii) no less than ten percent (10%) of the total housing units for lower income households as defined in Section 50079.5 of the California Health & Safety Code. The development standards waiver or regulatory concession would allow
the Project to include 3-story buildings in an area designated for 2-story buildings under the General Plan. The City is required to approve the waiver or concession if the provisions of state law are met, unless it finds the waiver or concession will not result in cost reductions, would have a specific, adverse impact, or would be contrary to state or federal law. (DEIR, p. II-7.)

Accordingly, while the General Plan does not generally allow taller than 2-story buildings, through application of this density bonus, the applicant would be entitled to exceed the 2-story limitation, meaning that the Project would not be inconsistent with the LUE.

Comment 11d-6

The statement in the EIR seems only to be hopeful that the Planning Commission and City Council will override their own Land Use Element (LUE) to make this a higher density 3 story development site.

It is not compatible with the surrounding neighborhoods.

Response 11d-6:

The comment claims that the Project’s development of 3-story structures would be inconsistent with the surrounding neighborhoods.

The City’s experts disagree. As explained in Response 11d-5, the Project would be entitled to density bonus that allows for certain concessions, including the allowance of three-story buildings. Furthermore, the DEIR otherwise confirms that the Project would be compatible with the surrounding neighborhoods through the use of similar architectural styles:

The completed Project would include a total of 226 homes, 53 of which would be three-stories in height and the remaining would be two-stories. While this would constitute a visual change from the existing conditions, the character would be consistent with the surrounding area and the three-story homes would be concentrated near the southern portion of the Project Site adjacent to Wardlow Road. This would create less influence on the existing views looking west from the existing Wrigley Heights neighborhood since the location of these three-story structures would be offset from the view on Golden Avenue and from the viewpoint of residential homes east of the Project Site.

As the ground level within the Project site is lower the neighborhood to the east, the proposed building heights would be consistent with the existing one- and two-story single-family homes in the surrounding area. In addition, access to views along the Los Angeles River from the Project Site as well as the park space located to the north of the Project, are within the design of the Project. An extension would be created from Baker Street leading to a pedestrian pathway that connects to the Los Angeles River, allowing for public access to the bike/pedestrian path that follows the river. Access to the LA River trails would also be provided through the park space pathway connections.

The Project would include similar low-density residential housing as seen by the existing neighborhood and would reference existing development to create compatible architectural
design of the proposed homes. Refer to Section 2: Project Description, Figures 2.7-2.16 for the proposed Architectural Style Plan of the residential development. The proposed Project include Spanish Colonial, Italianate, and Santa Barbara architectural styles which complement the character of the Project vicinity. *Overall, with the proposed architectural design and building elements, the Project would be consistent with the existing character of the community.* (DEIR, pp. IV.a-16-18.)

Accordingly, no additional revisions are required.

**Comment 11d-7:**

The plan denies the public their desire to purchase this property for a park.

**Response 11d-7:**

The comment claims that the Project Site should be purchased by the City and developed into a park.

For the reasons explained above, the City’s purchase and development of the Project Site is not a viable Project Alternative. (See Responses 8-1 and 9-1.) However, it should be noted that the Project will result in the provision of an additional 5 acres of parkland that currently does not exist.
COMMENT LETTER NO. 11e: Riverpark Coalition - Transportation

Comment 11e-1

“The Project site is located within 0.5-mile of the major transit stop at Wardlow Road & Pacific Place; the LA Metro Blue Line (or “A” Line) Wardlow station.” A study of 7 nearby intersections show 4 of them with current peak hour Levels of Service/LOS at grade D, E and F. However, the conclusion that in 2026, even with the addition of the Project, none of intersections would become worse, appears questionable.

Response 11e-1

Without analysis, the comment questions the City’s experts’ analysis and conclusion that the Project would not worsen any of the seven studied intersections.

The City’s experts disagree that the results are questionable. The impacts discussed in the comment were already analyzed in the traffic impacts study that was prepared in accordance with professional standards and the City’s requirements. (See DEIR, Section IV.M-Transportation; Appendix IV.M.1.) Accordingly, no additional analysis or revisions are needed.

Comment 11e-2

“The Project site would provide a total of 514 parking stalls, including 452 off-street parking (i.e., garage), 59 on- street parking for visitors/guests and 3 van accessible ADA (Americans with Disabilities Act) stalls.” It is unlikely that two car families will park both cars in the garage and will have to seek parking places outside the gated community.

Response 11e-2

The comment claims that the DEIR should have assumed that two-car families would have to use parking located off-site, rather than assuming the Project would have sufficient parking available.

The City’s experts disagree. Given the Project’s provision of parking at the residences and the gated access, it is unlikely that the Project’s tenants will have to or even will want to utilize off-site parking. Furthermore, in conducting its analysis of potential impacts, the City’s experts are entitled to assume that the Project’s tenants will use the provided spaces.

Lastly, as noted by the DEIR, the Project would include more parking for residents and visitors than is required by the City’s regulations. (See DEIR, p. IV.M-26; see also Appendix IV.M.)

Comment 11e-3

“Within the Project Site, there is an informal path along Baker Street that provides direct access to the LA River walking path.” Will this path be open to the public?

Response 11e-3

As was shown in Figure II.17: Open Space Conceptual Landscape Plan of the Project Description in the DEIR, the existing right of way of Baker Street would be vacated and replaced with a pedestrian path from
the public right of way at the eastern edge of the proposed park to the property line on the western edge. A public access easement would be maintained over this portion of the former Baker Street right of way. As such, the existing pedestrian route along the Baker Street right of way to the boundary with County Land would remain. However, connectivity within the open space along the LA River is not a feature of this project and cannot be guaranteed by the City as the open space along the river is County land.

Comment 11e-4

“Pedestrian access to the Project Site would be provided via sidewalks around the perimeter of the Project Site. Residents and visitors arriving to the Project Site by bicycle would have the same access opportunities as pedestrians” Does this mean the bicycles will also be using the sidewalks?”

Response 11e-4

Bicyclists will be able to access the same walkways that are accessible to pedestrians. However, bicyclists will be required to comply with all applicable laws, rules and regulations, including any traffic laws that prohibit the riding of bicycles on sidewalks. (See, e.g. Long Beach Municipal code § 10.48.070 [regulating the ability to ride bicycles on sidewalks]; see also LBMC § 10.48.070(B) [“Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian, and when overtaking and passing a pedestrian, shall give an audible signal and shall pass to the left of the pedestrian only under conditions permitting such movement in safety.”].)

Comment 11e-5

“Street trees and other potential impediments to adequate driver and pedestrian visibility would be minimal.” With the deadly air quality in this area, the developer should be required to plant more street trees. Fish and Wildlife suggested removed trees be replaced by at least a 1-1 ratio. Washingtonia Palms are a native tree and should be replaced 3-1.

Response 11e-5

The comment raises concerns that there would be insufficient street trees and proposes that the Project be required to replace trees at a 1:1 ratio and replace native trees at a 3:1 ratio.

The City’s experts disagree that additional mitigation measures are needed. However, as explained above in Response 2-1, the City has agreed to incorporate CDFW’s requested mitigation measures including the replacement ratio discussed above. That being said, as reflected in the DEIR, the proposed number of trees that would be planted for the development of the Project would exceed a 3:1 ratio for any trees that were removed during the development of the Project.

Comment 11e-6

“The bike lane on the north block of Wardlow Road (in the westbound direction) ends at Magnolia Avenue, approximately one quarter mile from the proposed main access driveway.” With no bike lane on Wardlow for one quarter mile, it would appear it will be very dangerous for bikers to get to the project going west. This needs mitigation.
Response 11e-6

The comment claims that the Project must include additional mitigation measures to address the lack of a bike lane outside of the Project Site.

The City’s experts disagree. The lack of a bike lane west of the Project site is not an impact of the Project that must be mitigated.

Comment 11e-7

Section IV.M TRANSPORTATION, Page IV.M-28

"The main access driveway would be located on Wardlow Road, with right-in/right-out and left-in/left-out turn movements allowed."

However, it is also stated on the same page:

“The proposed Project was also evaluated to determine if the proposed Project would have a significant impact on the I-710 and I-405 north and south off-ramps. Given the proposed Project access is confined to the Wardlow Road driveway and designed for left-in and right-in/right-out movements, the I-710 northbound on-ramp were analyzed for potential freeway impacts. The proposed Project is projected to result in a less than 1 percent increase in trips based on the freeway mainline capacity in both the AM and PM peak hours on the I-710 northbound on-ramp. Therefore, this location will have a less then significant impact on hazard and safety issues.”

Please clarify if the traffic signal allows left turns when exiting the project. If not, this is hazard which needs mitigation.

Response 11e-7

The comments point out an inconsistency within the DEIR when describing the site access. Section 4.0 of this Final EIR includes revisions incorporated into the FEIR to clarify that the signalized intersection will offer a left turn out option, and that, as stated in the DEIR, the incorporation of this access control format would mitigate the potential for significant impacts due roadway design. The traffic signal would allow for all turn movements in and out of the proposed access driveway in a manner that would not result in a substantial safety hazard.

Comment 11e-8

IV.M-28

Threshold TRA-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

MITIGATION

TRA-1: Traffic Signal The Project Applicant shall install traffic signal related equipment to current CA MUTCD and/or City of Long Beach Standards, at the intersection of Wardlow Road and the proposed entry
to the project, generally in conformance with the “Conceptual Traffic Signal Design” prepared by Subdivider, dated August 25, 2020. Installation of the traffic signal related equipment may include, but not be limited to the following i. Traffic Signal indicators to the most current City standard. ii. Vehicular detection shall be installed on all approaches to the signalized intersection. This may include presence, mid or advance detection per City direction. Options will include standard Type E loops or video detection. iii. All pedestrian push buttons and indicators shall be to the most current City Standards. iv. The Subdivider shall install Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be completed per the most current City Standard. v. The Subdivider shall install a GPS Module at the traffic signal. The GPS Modules create accurate time-based communications between nearby traffic signals. vi. The Subdivider shall install a new traffic signal controller based on the most current City Standard [McCain 2070 Controllers]. vii. Subdivider shall install 96 count fiber interconnect cable to the satisfaction of the City’s Traffic Engineer, but at a minimum from the proposed traffic signal to Magnolia Avenue. viii. Subdivider shall install flashing beacons, on overhead mast arms attached to utility poles, on both approaches to the proposed traffic signal, 450 feet from the stop limit line.

This mitigation is not adequate to solve the dangers of having this entrance on a curve, on a hill, with traffic backups created by the Metro Blue Line.

**Response 11e-8**

The comment claims that the proposed mitigation measure would be insufficient to offset the impacts resulting from the Wardlow intersection.

The City’s experts disagree.

The DEIR did note that the configuration of the Wardlow entrance to the project could result in a significant impact due to the lack of sufficient line of sight. To mitigate this potential impact to a less than significant level, the DEIR imposed a mitigation measure which required the installation of a traffic signal at the entrance amongst other related improvements. (See MM Trans-1 [requiring the installation of a traffic signal, and other equipment, at the entry of the Project Site].)

Further, traffic engineer evaluated the potential traffic of the project and the proposed signal and concluded that the signal would adequately address the potential hazard of the intersection. See Appendix IV.M, p. 35-36.)
COMMENT LETTER NO. 12: AECOM on Behalf of Tesoro

Comment 12-1

- Section II, Project Description

o SUBJECT TEXT - Page 1 under “Historic Uses”:

"From 1926 to 1988, the Project Site was used for the treatment of oil field production brines, water, and wastewater, and other fluid by-products generated by oil production activities in the area. Initially, the water treatment process occurred in settling basins designed and constructed to remove oil and sediment from the production water."

COMMENT:

This description of Oil Operators Inc. (OOI) operations, repeated in OOI reports submitted to the LARWQCB over many years, contains substantial omissions regarding its operations including OOI’s acceptance of other non-permitted waste streams. The LARWQCB is the regulatory agency that oversees cleanup of soil and groundwater at the OOI site. OOI’s own records, including meeting minutes and refinery tickets that have been provided to the LARWQCB, document that OOI accepted refinery waste and chlorinated solvents, tank bottoms, drilling mud, and other forms of mixed wastes.

Previous investigations of the OOI property documented high concentrations of benzene in OOI waste streams and basin soil and water. Gasoline additives (such as DIPE and TBA) have been detected in groundwater beneath OOI Basins confirming the release of refined products on the OOI Property. OOI’s records also document its inability to regulate the incoming waste streams over multiple decades. These records were documented in the Tesoro 2016 SCM Update submitted to the LARWQCB on January 19, 2017. OOI’s insistence of having only treated oil field brine is used repeatedly as a basis for why OOI is not a source of impacts on the OOI Property, including where light nonaqueous phase liquids (LNAPL) impacts were identified directly beneath their wastewater discharge infrastructure.

The Historic Uses section of the Final EIR should acknowledge that OOI not only accepted and treated oil field production brines, water, and wastewater, and other fluid byproducts generated by oil production but OOI also accepted refinery waste and chlorinated solvents, tank bottoms, drilling mud, and other forms of mixed wastes, which explains the detection of contaminants in soil and groundwater beneath the Project Site.

Response 12-1

The comment has no bearing on the conclusions reached in the EIR and the City’s experts disagree.

The comment does not raise any issues or concerns regarding the condition of the existing contamination at the Project Site, nor have they identified any new potential impacts that could potentially result from the Project, but instead claims that the DEIR failed to characterize OOI’s prior operations at the Project Site.
The purpose of the EIR is to evaluate potential environmental impacts that could result from the applicant’s proposed residential Project. The source and origin of contaminants in soil and groundwater beneath the Project Site have been the subject of litigation involving Tesoro, OOI and the LARWQCB. Those disputes were resolved through a legal process that was, and is, unrelated to the City’s environmental review and potential approval of the Project.²

The focus of the EIR is to evaluate the current site conditions, and assess whether development of the Project would potentially result in any new significant environmental impacts, and to further confirm that the remedial measures set forth in the remedial action plan (RAP), along with the other measures, will render the site safe for workers and future site residents, as well as the surrounding environment and neighborhood.

The comment does not take issue with the DEIR’s assessment of the existing contamination at the Project Site, nor does it claim that the Project will result in an impact that was not adequately addressed in the DEIR. As such, the comment does not address an issue that is relevant for the purposes of CEQA, and no revisions to the DEIR are necessary in that regard.

That being said, the existing site conditions were assessed and delineated based on comprehensive site assessments and other environmental reports that are listed in the DEIR. The revised RAP, dated March 2022 ("Revised RAP"), further details the remedial measures that will be implemented, including bioremediation and/or removal of soil containing contaminants that exceed the risk-based cleanup levels (RBCs) approved by LARWQCB for the Project. Per the RAP, the RBCs serve as performance-based standards for the remedial work, with the Project Site ultimately being remediated to levels that protect the future residents of the Project and surrounding environment. The LARWQCB’s review and approval of the RAP is occurring concurrently with the City’s project approvals.

To ensure approval and implementation of a RAP, mitigation measure HAZ-2 has been added to the Hazards section of the FEIR. HAZ-2 requires (1) approval of a RAP, like the Revised RAP, by the LARWQCB prior to earthwork activities; and (2) implementation of the remedial activities prescribed by the RAP during the site development process under LARWQCB oversight. The Final EIR has been revised to reflect this new condition.

Additionally, while not relevant for the purposes of the City’s environmental analysis, the discussion of the historical uses at the Project Site is accurate. The description of historical site uses was derived from the research summarized in the applicant’s Phase I Environmental Site Assessment and the Remedial Action Plan (RAP) prepared for the Project. Based on the findings of those reports/plans, the OOI facility carried out wastewater treatment functions associated with the production of crude oil and natural gas. Oil-field brine (produced water) was transported to the OOI facility directly from oil and gas wells in the

² See Declaration of L. Allan Songstad, Jr. Esq. in support of Oil Operator’s Motion for Order Approving Settlement and Barring Claims against Oil Operators, Inc. (March 9, 2020). A copy of the declaration, which includes the referenced settlement is attached hereto in Appendix B to this Final EIR.
Long Beach Field. In addition, certain OOI member refineries transported oil-field produced water from their facilities directly to the OOI facility. These findings are consistent with the types of contaminants identified during applicant’s soil and groundwater investigations at the site. Chlorinated solvents were not detected (except for trace amounts) in soil and groundwater samples collected during the applicant’s subsurface investigations.

**Comment 12-2**

**o SUBJECT TEXT - Page 2 under “Historic Uses”:**

“As illustrated by Figure II.3: Former Water Treatment Facility Diagram, the treatment plant was located north of the two rectangular-shaped, clay-lined settling basins in the southern portion of the site, south of Baker Street. A settling pond was located north of Baker Street. The facility ceased operations in 1988.”

**COMMENT:**

The Former Water Treatment Facility Diagram does not show sewer discharge locations along the eastern property line which correlate with groundwater impacts on the OOI property. The former Water Treatment Facility Diagram in the Final EIR should depict these discharge locations. The sewer locations shown in the Tesoro 2016 SCM Update submitted to the LARWQCB on January 19, 2017 are provided in Figure 1 of Appendix E to the AECOM Comments on the Draft RAP dated August 24, 2020.

Records indicate that OOI operations ceased in 1998 and not 1988. The year 1998 is stated elsewhere in the DEIR. This should be corrected in the Final EIR.

**Response 12-2**

There is no evidence that the sanitary sewer connections that carried processed wastewater to the publicly owned treatment works (POTW) are active. Nor is there any evidence that the sanitary sewer connections were a source or conduit for the observed on-site contamination.

In developing the Project, during future grading work, these connections will be removed. In removing and/or abandoning the connections, the applicant will be required to comply with all applicable health and safety regulations. Based on what is known, these sub-structures have no bearing on the proposed remediation at the Project Site, and no revisions to the Final EIR need to be made in this regard.

As for the comment regarding OOI’s operational period, the comment is noted, and the date has been corrected throughout the Final EIR.

**Comment 12-3**

**o SUBJECT TEXT – Page 2 under “On-site Remedial Actions”:**

“The amended Tesoro Expanded Remedial Action Plan involves the installation of twelve horizontal VES wells and four angled VES wells to extend beneath Golden Avenue from the east side of the Project Site and five vertical VES wells beneath the Project Site.”
COMMENT:
The plan for horizontal wells was replaced with a Revised IRAP due to property access restrictions from OOI. The horizontal wells were replaced with 10 wells – 2 slant wells and 8 vertical wells. The current Soil Vapor Extraction (SVE) system utilizes these 10 wells. Details can be found in AECOM’s *Expanded Interim Remedial Action – Installation and Startup Report*, submitted to the LARWQCB on March 31, 2020. The subject text should be replaced with the correct type and number of wells installed at the site in the Final EIR.

**Response 12-3**
Comment noted. These revisions have been made in the Final EIR.

**Comment 12-4**
- Section IV.H, Hazards and Hazardous Materials

> SUBJECT TEXT – Page 1 under “Introduction:

COMMENT:
The *Expanded Interim Remedial Action – Installation and Startup Report*, dated March 31, 2020, is attached in the Appendix IV.H.1 of the DEIR. This is a separate document from the *Expanded Interim Remedial Action Plan and Conceptual Design Report for the SVE Area*, dated November 10, 2016, and from the *Revised Expanded Interim Remedial Action Plan*, dated October 31, 2018. The Final EIR should accurately reference the correct document attached to its appendix rather than the “Expanded Interim Remedial Action Plan.” Similarly, Appendix IV.H.4 contains the Revised RAP rather than the Draft RAP referenced in the text. The Final EIR should accurately reference the Appendix. Additional comments on the Revised RAP are presented below and in the attached Comments on the Draft RAP for the Oil Operator’s Inc Property at 712 Baker Street, submitted to the LARWQCB on August 24, 2020. Although these comments were prepared in response to the Draft RAP they remain relevant to the Revised RAP as well.
Response 12-4

Comment noted. These revisions have been made in the Final EIR.

Comment 12-5

- **SUBJECT TEXT** – Page 4 under “Remediation Activities”:

  “Three subsurface pipelines that historically contained petroleum products, including crude oil and gasoline, are present beneath Golden Avenue to the east of the Project Site. These pipelines are owned and operated by independent oil companies including Tesoro Logistic Operations, successor to BP Pipelines, the previous pipeline operator.”

  **COMMENT:**

  - The subject text needs to be corrected as there are four petroleum pipelines in Golden Avenue along the east side of the project site. Two are Tesoro pipelines (Lines 32 and 34), the third is a Plains All American Pipeline, L.P. (Plains) pipeline (Line 52), and the fourth is an abandoned Golden Eagle pipeline that is still present in the right-of-way. Detailed pipeline information is available in the Tesoro 2016 SCM Update submitted to the LARWQCB on January 19, 2017, and the Tesoro letters to the LARWQCB, “Pipeline Updates Pursuant to California Water Code Sections 13267 and 13304” dated January 25, 2019, and “Addendum to January 25, 2019 Pipeline Update Pursuant to California Water Code Sections 13267 and 13304” dated April 11, 2019. The below additional information pertains to the most current condition of the pipelines along Golden Avenue adjacent to the OOI property.

  - On June 2018, the Plains Line 52 was discovered to be corroded with visible holes in the Plains line near the intersection of Golden Avenue and Baker Street, and hazardous liquids were detected adjacent to the holes. Additional details about the pipeline damage were presented in Tesoro letters to the LARWQCB, “Pipeline Updates Pursuant to California Water Code Sections 13267 and 13304” dated January 25, 2019, and “Addendum to January 25, 2019 Pipeline Update Pursuant to California Water Code Sections 13267 and 13304” dated April 11, 2019.

  - The Tesoro owned pipelines are regularly monitored and maintained in accordance with the California State Fire Marshall requirements, the agency responsible for safety, regulatory, and enforcement authority over hazardous liquid pipelines in California.

  - As noted above, the abandoned Golden Eagle pipeline is still present in Golden Avenue.

The Final EIR should accurately represent the pipeline owners along Golden Avenue.

Response 12-5

Comment noted. The information regarding the number and ownership of pipelines along Golden Avenue has been revised in the Final EIR.

Comment 12-6

- **SUBJECT TEXT** – Page 4 under “Remediation Activities”:
“Cleanup orders were issued by the LARWQCB to multiple oil companies, including BP Pipelines in 2012 and Tesoro Logistic Operations LLC (successor to BP Pipelines) assumed responsibility for the vapor extraction and related remedial work required under the order. This led to the development, approval, and the implementation of the Tesoro Expanded Remedial Action Plan for additional SVE wells in 2017 and the plan was further amended in 2018. The Plan involves the installation of twelve horizontal SVE wells and four angled SVE wells to extend beneath Golden Avenue from the east side of the Project Site and five vertical SVE wells beneath the Project Site.”

COMMENT:

The subject text as written is incorrect. A Cleanup and Abatement Order under Water Code Section 13304 was issued solely to BP Pipelines (Tesoro), despite the presence of numerous other pipelines along Golden Avenue and Baker Street owned by other parties, and evidence of historical leaks of other pipelines in the area. The other pipelines were issued directives under Water Code Section 13267 only requiring information about their pipeline records. These directives are not cleanup orders. The Final EIR should correct the record.

Due to access restrictions imposed by OOI, the SVE system expansion did not include horizontal wells but instead included an additional 9 SVE wells installed along the right-of-way on OOI property. Details can be found in the SVE Installation and Startup Report, submitted to the LARWQCB on March 31, 2020. The Subject Text should be corrected in the Final EIR to accurately describe the SVE System expansion.

Response 12-6

Comment noted. Revisions have been made in the Final EIR consistent with these comments.

Comment 12-7

SUBJECT TEXT – Page 4-5 under “Remedial Action Plan”:

“In August 2021, a Remedial Action Plan (RAP) was prepared by California Environmental for the Project Site and submitted to the LARWQCB for review and approval (see Appendix IV.H.4). The RAP identifies additional actions to address the remaining soil and groundwater contamination present on the Project Site and to achieve risk-based cleanup goals approved by LARWQCB that will assure the site is safe for residential land use. Implementation of the RAP will lead to the issuance of a No Further Action determination by the LARWQCB, the lead enforcement agency.”

COMMENT:

The subject text is misleading as there have been no specific groundwater remedies proposed to be undertaken in the Revised RAP to address impacts to groundwater from past OOI operations. Instead, the Revised RAP proposes that the groundwater remedy be undertaken by Tesoro to address the impacts from the OOI Property. The Revised RAP refers to “Tesoro’s groundwater remediation plan (for Tesoro’s numerous gasoline fuel pipeline releases)” and acknowledges that the plan “has not been defined or approved by the LARWQCB” and that “the scope, magnitude and timing of Tesoro’s groundwater remediation program is not known.” Such statements do not address the issue with respect to
responsibility for groundwater cleanup at the subject property (such as beneath OOI basins, former clarifiers, and waste discharge pipelines) which is OOI’s responsibility and not Tesoro’s. To date no groundwater remediation plan exists for the OOI property.

Tesoro is conducting remediation for a localized area near the SVE system under its Cleanup and Abatement Order, which is unrelated to OOI contamination beneath its former facilities. The Tesoro CAO addresses soil vapor – not groundwater – impacts at the Golden Avenue Site. It is inappropriate for OOI to rely on Tesoro’s remedies for closure of its soil vapor cleanup site to address chemicals of concern in groundwater attributable to OOI operations. Tesoro submitted Comments on the draft RAP for the Oil Operator’s Inc Property at 712 Baker Street to the LARWQCB on August 24, 2020. The Final EIR should recognize the limitations of the Revised RAP and that an approved groundwater remedy for the Subject Site has not been proposed or approved.

Response 12-7

The comment has no bearing on the conclusions reached in the EIR, and the City’s experts disagree.

The comment does not raise any issues or concerns regarding the condition of the existing contamination at the Project Site, nor have they identified any new potential impacts that could potentially result from the Project.

The focus of the EIR is to evaluate the current site conditions, and assess whether development of the Project would potentially result in any significant environmental impacts, and to further confirm that the remedial measures set forth in the RAP, along with the other mitigation measures, will render the site safe for workers and future site residents, as well as the surrounding environment/neighbors.

The Project would not impact the existing groundwater contamination beneath the Project Site. Groundwater level is below the area that would be disturbed by the development of the Project. As such, there is no evidence that development of the Project will require the adoption and implementation of any particular groundwater remedy.

Furthermore, the Project Site history, and the existing contamination in and around the Project Site, as well as the Project’s potential impact to the existing environment, has been characterized by various environmental reports as detailed in the DEIR and the recently submitted Revised RAP, which were prepared by environmental consultants. The City has reviewed these reports and finds them persuasive. Additionally, while the LARWQCB has previously reviewed the prior version of the RAP, the Revised RAP, including the analysis therein, will ultimately be reviewed and approved by LARWQCB.

Subsequent to the publication of the DEIR, the Revised RAP was submitted to the LARWQCB responding to some of that Board’s previous comments on the original RAP. The Revised RAP proposes steps to further evaluate the origin and extent of the existing contamination within groundwater, primarily related to TPH-diesel and arsenic. Contingencies for remedial treatment of groundwater utilizing in-situ methodologies are described in the Revised RAP as a component of the Groundwater Monitoring Plan.
In particular, the Revised RAP requires the additional groundwater monitoring with specific emphasis on evaluating the presence of arsenic and TPH-d in the groundwater. To that end, the Revised RAP requires that a “Groundwater Monitoring Plan (GMP) to be submitted to the Board that contains the final monitor well network, groundwater testing requirements. The GMP will include a contingency plan for treatment of residual arsenic in groundwater that remains above background concentrations following cessation of the Tesoro TPH-gas remediation program.” The Revised RAP also requires that a contingency be provided to “treat arsenic impacted groundwater in the event arsenic concentrations persist above regional background levels following completion of the TPH-gas remediation.”

Additionally, the Revised RAP (as well as the prior version of the RAP), and the DEIR explain that the Project will be required to include certain protections to be installed either in the foundation of the residential structures or as an engineering cap on the open space. These measures will further mitigate any potential risks to the future inhabitants/users of the Project from any potential vapor exposure.

The Final EIR has been updated to reference the requirements of the Revised RAP, and to further clarify that the Project will not otherwise impact the existing contamination on the Project Site.

**Comment 12-8**

> “Groundwater beneath the eastern portion of the Project Site is impacted with TPH-g and VOCs that migrated onto the Site from off-site pipeline releases as illustrated in Figure IV.H-5: TPH in Groundwater and Figure IV.H-6: Benzene in Groundwater below. Accumulations of gasoline products from Tesoro were found in groundwater on the Project Site during monitoring from 2013 to 2019.

**COMMENT:**

The statement that “Groundwater beneath the eastern portion of the Project Site is impacted with TPH-g and VOCs that migrated onto the Site from off-site pipeline releases” is not entirely correct, because not all TPH-g and VOCs in groundwater are attributable to offsite pipeline releases. As acknowledged in pages 3-4 under “Remediation Activities” of this section, “Removing contaminants from the soil also removes the source of contaminants that can affect the groundwater through infiltration. Oil Operators maintains a number of groundwater monitoring wells on the Project Site and samples the wells periodically to monitor the level of chemicals present in the groundwater. The levels of contaminants in groundwater are expected to decrease over time as the contaminants in the overlying soil are remediated. Contaminants in groundwater also decrease through degradation by natural processes. To date, no remediation of the groundwater has been required of Oil Operators.” Indeed, the concentrations in groundwater have declined over time as OOI ceased operations and cleaned up the soil. However, leaching of contaminants from the OOI basins will continue to impact groundwater from pockets of contamination that are found below the proposed “remedial earth interval” of the former basins and sludge ponds. Proposed soil sampling within and beneath the basins is limited, but even based on the limited data available, benzene
concentrations on the OOI Property north parcel and within the OOI Property south parcel Basin 1 were historically as high as 3.4 milligrams per kilogram (mg/kg) and 18 mg/kg, respectively.

Data have demonstrated that the SVE Area being treated by Tesoro is a localized impact with no relationship to other impacted areas on the OOI Property, which are likely sourced by historical OOI operations. Across most of the OOI Property contaminants appear at depths that align with OOI’s deep sources of pollution (e.g., basins, sumps, wastewater lines, sewer connections), and most of these areas are impacted with gasoline additives, like TBA, which indicates by its distribution that OOI accepted wastewaters with gasoline and chlorinated solvents, like methylene chloride, which are not found in petroleum pipelines. OOI’s operations were a source of benzene, lead, and myriad other contaminants.

Light non-aqueous phase liquid (LNAPL) is also found in groundwater on the OOI property approximately 800 feet south of the SVE operations and attributed to Tesoro operations. The soil and groundwater data show the LNAPL is sourced from OOI and unrelated to the pipelines on Golden Avenue, as described in more detail in comments related to the Hydrology Section below.

The Final EIR should be updated to accurately reflect the extent of impacts from OOI historical operations as documented in Tesoro’s Site Conceptual Model Report dated December 31, 2015 and Tesoro’s 2016 Site Conceptual Model Report Update dated January 19, 2017.

Response 12-8

The comment does not raise any new concerns regarding the condition of the existing contamination at the Project Site, nor have they identified any potential impacts that could potentially result from the Project, but instead claims that the DEIR failed to characterize impacts from OOI’s prior operations at the Project Site.

The focus of the EIR is to evaluate the current site conditions, and assess whether development of the Project would potentially result in any significant environmental impacts, and to further confirm that the remedial measures set forth in the RAP, along with the other mitigation measures, will render the site safe for workers and future site residents, as well as the surrounding environment and neighborhood.

In this case, the Project Site history, and the existing contamination (including the existence of arsenic within the groundwater) in and around the Project Site, and the Project’s potential impacts on the environment, have been characterized by various environmental reports as detailed in the DEIR and the Revised RAP, which were prepared by environmental consultants. Furthermore, as the DEIR already notes, the Project Site must be remediated and developed to a point that mitigates potential health risks to the future tenants/occupants of the Project and the surrounding environment. The City has reviewed these reports and finds them persuasive. Additionally, while the LARWQCB has previously reviewed the prior version of the RAP, the Revised RAP, including the analysis therein, will be reviewed and approved by LARWQCB.
In light of the foregoing, no revisions to Final EIR are needed to address any potential impacts to the Project Site that resulted from the prior operations in and around the Project Site. However, the Final EIR has been revised to reflect the requirements and contents of the Revised RAP.

Lastly, according to a prior version of the RAP, which had been reviewed by the LARWQCB, the source of refined petroleum products in groundwater was determined to be numerous historical releases from the pipelines beneath Golden Avenue. The Revised RAP remains unchanged in this regard. The City will defer to the LARWQCB, as the responsible agency, to review and approve the statements in the final RAP, along with the ultimate remediation plan for the Project Site.

Comment 12-9

o SUBJECT TEXT – Page 8 under “Arsenic in soil ≤ 10 mg/Kg (upper 5 ft; 12 mg/Kg 5-10 ft) Groundwater”:

Arsenic is present in groundwater at concentrations up to 0.711 mg/L, which is more than the maximum contaminant level (MCL) of 0.01 mg/L. The MCL is the drinking water standard. Figure IV.H-7: Arsenic in Groundwater shows the concentration contour of arsenic within the groundwater on-site. The concentrations of arsenic found in groundwater on the Project Site are correlated with the presence of TPH in the groundwater.”

COMMENT:
The distribution of arsenic in groundwater, shown in Figure IV.H-7 of the DEIR, is concentrated beneath the OOI basins similar to methane (shown in Appendix F to the AECOM Comments on the draft RAP dated August 24, 2020). OOI processed petroleum hydrocarbons (from crude oil production wells, refineries, and other sources) for seven decades. Arsenic can be mobilized from iron minerals under the reducing conditions produced by anaerobic biodegradation of the hydrocarbons. Arsenic is detected in groundwater on the OOI property and appears to have a similar footprint to the methane gas present in the deep vadose zone on the OOI property, indicating that anaerobic biodegradation took place and the arsenic in groundwater is sourced from this process beneath their basins. The low groundwater gradient and the stable localized impacts detected in groundwater indicate that migration of impacts is generally not significant at the Site or on OOI property. Therefore, the arsenic found in groundwater on OOI property is likely sourced from in-situ conditions associated with OOI operations rather than migrating from another location (as suggested by OOI and repeated in the DEIR). The processes responsible for arsenic mobilization are described in greater detail in the Tesoro letter, “Response to Oil Operators, Inc. Presentation regarding Arsenic in OOI Groundwater” dated August 16, 2019.

In their May 21, 2020, comments on the Draft RAP, the LARWQCB acknowledged that “historical activities at the Site may have also contributed to the occurrence of arsenic in Site groundwater. The well containing the highest concentration of arsenic in groundwater is TMW6, which is located centrally on the Site, not on the eastern portion” and that “additional technical justification should be presented to the Regional Board to support the claim that Site historical operations did not contribute to the elevated arsenic concentrations detected in Site groundwater.” Otherwise, the LARWQCB indicates “a plan to remediate the Site’s release of arsenic to groundwater should be developed and included in the final remedial action
In the Revised RAP, California Environmental provides additional reasons for why the arsenic in groundwater cannot be sourced from the basins beneath which it is concentrated. First, California Environmental presents an argument related to the basins having a clay liner for a portion of the operating period, which would have potentially slowed percolation to groundwater. However, little is documented about installation of the clay lining, how much sludge remained beneath the liner, or how effective this may have been in preventing percolation to groundwater. California Environmental presents additional reasons to eliminate OOI as the source for arsenic based on a limited number of soil samples, mostly shallow, which do not contain arsenic, and so California Environmental concludes the basins are not the source of arsenic in the groundwater. However, it is unknown when most the arsenic may have been mobilized from soil into groundwater and from which areas within or beneath the basin that mobilization would have predominately occurred. Finally, California Environmental states that samples of wastewater from 1981 and 1982 did not contain arsenic and therefore the wastewater is not the source of arsenic in groundwater. However, there is no reason to believe these limited wastewater samples are representative of deep subsurface conditions existing beneath a basin that accumulated many decades of petroleum sludge. The arsenic concentrations in groundwater have been consistently higher beneath the OOI basins than along Golden Avenue. Similarly, the methane plumes are highest beneath the basins, indicating appropriate conditions for arsenic mobilization existed due to anaerobic biodegradation of hydrocarbons. Based on the evidence, OOI’s basins are the likely source of arsenic in groundwater directly beneath them.

The Revised RAP includes contingency funds to address potential future arsenic treatment of groundwater, but no groundwater remediation plan has been developed. The Final EIR should be updated to accurately reflect the extent of impacts from OOI historical operations as well as recognize that an approved groundwater remedy for the Subject Site has not been proposed or approved.

Response 12-9

The first part of the comment does not raise any new concerns regarding the condition of the existing contamination at the Project Site, nor does it identify any new potential impacts that could potentially result from the Project, but instead claims that the DEIR failed to characterize OOI’s prior operations at the Project Site.

The focus of the EIR is to evaluate the current site conditions, and assess whether development of the Project would potentially result in any significant environmental impacts, and to further confirm that the remedial measures set forth in the RAP, along with the other mitigation measures, will render the site safe for workers and future site residents, as well as the surrounding environment/neighbors, not arguing over what operations may have occurred on or near the Project Site in the past.

In this case, the Project Site history, and the existing contamination in and around the Project Site, and the Project’s potential impacts on the environment, have been characterized by various environmental reports as detailed in the DEIR and the Revised RAP, which were prepared by environmental consultants.
The City has reviewed these reports and finds them persuasive. Likewise, the Revised RAP, including the analysis therein, will be reviewed and approved by LARWQCB.

As such, no revision is necessary in regard to the first part of this comment. As explained above, in response 12-7, the Revised RAP added contingency procedures for in-situ remediation of arsenic in groundwater, if the LARWQCB determines such remediation is necessary.

Additionally, mitigation measure HAZ-2 has been added to the Hazards section of the FEIR. HAZ-2 requires (1) approval of a RAP, like the Revised RAP, by the LARWQCB prior to earthwork activities; and (2) implementation of the remedial activities prescribed by the RAP during the site development process under LARWQCB oversight.

By requiring LARWQCB review and approval of a RAP for the development of the Project, the RAP will ensure that the Site is remediated to a standard that protects both the environment and the future residents/occupants of the Project.

The Final EIR has been revised to reflect this.

Comment 12-10

o SUBJECT TEXT – Page 31 under Threshold IV. HAZ-3: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment:

“As discussed under Threshold IV.HAZ-2, the RAP identifies recommendations that would be implemented on the Project Site prior to approval of the Project to allow for construction of the residential development (see Appendix IV.H.4).”

COMMENT:

The Revised RAP does not provide a remedy associated with impacts from OOI historical operations. The Revised RAP inappropriately relies on Tesoro for remediation of chemicals of concern in groundwater attributable to OOI operations. The Final EIR should recognize the limitations of the Revised RAP and that an approved groundwater remedy for the Subject Site has not been proposed or approved.

Response 12-10

In regard to the comment concerning the groundwater remedy, the comment has no bearing on any potential impacts of the Project on the environment. There is no indication that the Project will impact the existing groundwater contamination at all. Nor does, the comment claim that the Project will impact the existing groundwater contamination. As such, no revisions are required to the DEIR in this regard.

The Revised RAP proposes a groundwater monitoring network that will be sampled to document the long-term trends regarding arsenic and TPH-d and a contingency to treat arsenic-impacted groundwater in the
event that arsenic concentrations persist above the regional background levels following Tesoro’s completion of the TPH-gas remediation.

Mitigation measure HAZ-2 has been added to the Hazards section of the FEIR. HAZ-2 requires (1) approval of a RAP, like the Revised RAP, by the LARWQCB prior to earthwork activities; and (2) implementation of the remedial activities prescribed by the RAP during the site development process under LARWQCB oversight.

The Final EIR has been revised to reflect this. The Final EIR will append the Expanded IRAP and revised Expanded IRAP. The Revised RAP will also be appended to the Final EIR.

See also response 12-7 above.

Comment 12-11

• Section IV.I, Hydrology

o SUBJECT TEXT – Page 1 under “Introduction:

“This section provides an analysis of the potential impacts to hydrology, water quality, and groundwater impacts of the proposed Project. This analysis is based on the Preliminary Drainage Report prepared for the Project by KHR Associates (see Appendix IV.I.1: Preliminary Drainage Report), dated April 22, 2020; the Conceptual LID BMP Calculations, prepared for the Project by KHR Associates (see Appendix IV.I.2: Conceptual LID BMP Calculations), dated April 22, 2020; the Supplemental Assessment for Origin of LNAPL Impacts Near BRYCON MW1 prepared by California Environmental (see Appendix IV.I.3: Supplemental Assessment for Origin of LNAPL Impacts), dated July 2019; the Expanded Interim Remedial Action Installation and Startup Report was prepared by AECOM Technical Services, Inc. for Tesoro SoCal Pipeline Company LLC and Tesoro Refining & Marketing Company LLC (Tesoro)(see Appendix IV.H.1: Expanded Interim Remedial Action Plan); the Document Review – Remedial Action Plan Proposed River Park Residential Development prepared by Converse Consultants (see Appendix IV.H.2: Document Review – Remedial Action Plan), dated May 21, 2020; and the Remedial Action Plan (RAP) prepared by California Environmental for Integral Partners for the Oil Operators Inc. (OOI) property (see Appendix IV.H.4: Draft Remedial Action Plan), dated August, 2021."

COMMENT:

The Expanded Interim Remedial Action – Installation and Startup Report, attached in the appendix, is a separate document from the Expanded IRAP, which is listed as the Appendix (and which was superseded by the revised Expanded IRAP). Additional comments on the RAP are presented below.

Response 12-11

Comment noted. The Final EIR has been revised to append the Expanded IRAP and revised Expanded IRAP.
Comment 12-12

o SUBJECT TEXT: Page 8 under “Existing groundwater quality”:

“In August 2019, a RAP was prepared by California Environmental for Integral Partners for the OOI property (see Appendix IV.H.4). The plan was submitted to the Los Angeles Regional Water Quality Board for review. The purpose of the RAP is to identify methods for completion of remediation activities that lead to the issuance of a No Further Action determination by the lead enforcement agencies (City of Long Beach and Los Angeles Regional Water Quality Control Board (LARWQCB)).”

COMMENT:

No specific groundwater remedies are proposed to be undertaken by OOI in the RAP. Instead, California Environmental proposes a groundwater remedy be undertaken by Tesoro to address the impacts on the OOI Property. The RAP refers to “Tesoro’s groundwater remediation plan (for Tesoro’s numerous gasoline fuel pipeline releases)” and acknowledges that the plan “has not been defined or approved by the LARWQCB” and that “the scope, magnitude and timing of Tesoro’s groundwater remediation program is not known.” More accurately, OOI has never developed or been required to develop a groundwater remediation plan for its wastewater processing facility that is documented to have impacted subsurface groundwater throughout the OOI Property and beyond. Tesoro is conducting remediation for a localized area near the SVE system under a separate Cleanup and Abatement Order. The CAO is to address impacts at the Golden Avenue Site. It is inappropriate for OOI to rely on Tesoro to address chemicals of concern in groundwater attributable to OOI operations. Tesoro submitted Comments on the draft RAP for the Oil Operator’s Inc Property at 712 Baker Street to the LARWQCB on August 24, 2020. The Final EIR should recognize the limitations of the Revised RAP and that an approved groundwater remedy for the Subject Site has not been proposed or approved.

Response 12-12

In regard to the comment concerning the groundwater remedy, the comment has no bearing on any potential impacts of the Project on the environment. There is no indication that the Project will impact the existing groundwater contamination at all. Nor does, the comment claim that the Project will impact the existing groundwater contamination. As such, no revisions are required to the DEIR in this regard.

Further, the Revised RAP proposes a set of steps to further evaluate the origin and extent of impacts to groundwater, primarily related to TPH-diesel and arsenic. Contingencies for remedial treatment of groundwater utilizing in-situ methodologies are provided in the Revised RAP, including a requirement for a Groundwater Monitoring Plan to be prepared following approval of the RAP.

Additionally, mitigation measure HAZ-2 has been added to the Hazards section of the FEIR. HAZ-2 requires (1) approval of a RAP, like the Revised RAP, by the LARWQCB prior to earthwork activities; and (2) implementation of the remedial activities prescribed by the RAP during the site development process under LARWQCB oversight.
The Final EIR has been revised to reflect this. See also response 12-7 above.

Comment 12-13

o SUBJECT TEXT: Page 8 under “Existing groundwater quality”:

“Groundwater beneath the eastern portion of the Site is contaminated with TPH-g and VOCs that reportedly have migrated on site from off-site pipeline releases. Accumulations of gasoline product (LNAPL) were periodically found in monitoring well Brycon MW1 from 2013-2019 (Appendix IV.I.3).”

COMMENT:

As acknowledged on Page 9 under “Existing groundwater quality” of this section, “… OOI’s operations and/or other pipelines are likely sources of benzene, unrefined product, and refined product along the eastern boundary of the OOI site.” Investigations have demonstrated that the SVE Area being remediated by Tesoro is a localized impact with no relationship to other impacted areas on the OOI Property, which are likely sourced by historical OOI operations. Across most of the OOI Property contaminants appear at depths that align with OOI’s deep sources of pollution (e.g., basins, sumps, wastewater lines, sewer connections), and most of these areas are impacted with gasoline additives, like TBA, which indicates by its distribution that OOI accepted wastewaters with gasoline and chlorinated solvents, like methylene chloride, which are not found in petroleum pipelines. Benzene concentrations on the OOI Property north parcel and within the OOI Property south parcel Basin 1 were as high as 3.4 milligrams per kilogram (mg/kg) and 18 mg/kg, respectively. OOI’s operations were a source of benzene, lead, and myriad other contaminants. These findings have been documented in Tesoro’s Site Conceptual Model Report dated December 31, 2015 and Tesoro’s 2016 Site Conceptual Model Report Update dated January 19, 2017. LNAPL is found approximately 800 feet south of the SVE operation in the southeast corner of the OOI property. The soil and groundwater data show it is unrelated to the impacts in the SVE Area. OOI wastewater was discharged to the Los Angeles County Sanitation District (LACSD) trunk sewer line for several decades through a sump and related subsurface piping located in the southeast corner of the property at 20 to 25 feet below ground surface (bgs). California Environmental conducted a soil and groundwater investigation of the area during June 2019 to determine the source of LNAPL and allowed AECOM to collect split samples on behalf of Tesoro. California Environmental provided its results in a report submitted to the LARWQCB in July 2019, and AECOM submitted results with responses to the California Environmental Report in a letter dated January 28, 2020. LNAPL was detected adjacent to and surrounding the piping connecting the sump to the sewer with soil impacts in the vadose zone limited to below 25 feet bgs. The dissolved phase impacts attenuate rapidly in groundwater surrounding this source zone and neither LNAPL nor soil impacts have been identified nearer to the petroleum pipelines in Golden Avenue. Despite these findings from both AECOM and California Environmental sample results, California Environmental concluded without additional supporting data that the impacts were from pipeline releases in Golden Avenue. The Revised RAP does not address cleanup of LNAPL.
The Final EIR should be updated to accurately reflect the extent of impacts from OOI historical operations, including LNAPL, as well as recognize that an approved groundwater remedy that includes remediation of the LNAPL at the Subject Site has not been proposed or approved.

Response 12-13

The comment does not raise any new concerns regarding the condition of the existing contamination at the Project Site, nor does it identify any new potential impacts that could potentially result from the Project, but instead claims that the DEIR failed to characterize OOI’s prior operations at the Project Site.

The focus of the EIR is to evaluate the current site conditions, and assess whether development of the Project would potentially result in any significant environmental impacts, and to further confirm that the remedial measures set forth in the RAP, along with the other mitigation measures, will render the site safe for workers and future site residents, as well as the surrounding environment/neighbors, not to present alternative theories as to the source of contaminants documented at the Site.

In this case, the Project Site history, and the existing contamination (including the existence of LNAPL within the groundwater) in and around the Project Site, and the Project’s potential impacts on the environment, have been characterized by various environmental reports as detailed in the DEIR and the RAP, which were prepared by qualified environmental consultants and reviewed by LARWQCB. According to those reports, the LNAPL below the Project Site likely originated from the pipeline leaks beneath Golden Avenue, not OOI’s operations. The LARWQCB has reviewed the summary of the site history contained in the reports and the City will defer to the LARWQCB’s oversight on this subject.

Additionally, based on the discussion in the Revised RAP, it is understood that the LNAPL at issue is located within the groundwater beneath the Project Site. However, as explained above, there is no indication that the Project will impact the existing groundwater contamination at all. Nor does the comment claim that there could be such an impact.

If LNAPL were discovered during the development of the Project, the developer would be required to comply with all State, Federal and local laws and regulations to properly treat and dispose of any impacted soil/water. Likewise, the DEIR notes that prior to completion of the Project, the Project Site be remediated and developed to a point that mitigates potential health risks to the future tenants/occupants of the Project and the surrounding environment. Additionally, the DEIR notes that the Project will incorporate protective mitigation measures into the foundation of the Project to ensure that the future tenants/occupants are protected from any potential vapor exposure.

As such, no revision is necessary in regard to this comment. See also responses 12-1 and 12-7 above.

Comment 12-14

o SUBJECT TEXT: Page 9 under “Existing groundwater quality”:
"The RAP stated that arsenic in sediment can dissolve into groundwater under low dissolved oxygen (anoxic) conditions associated with hydrocarbon (TPH) plumes. The low concentrations of dissolved oxygen in combination with other geochemical processes promoted the solubility of the stable form of arsenic raising the concentration of arsenic dissolved in groundwater. This is similar to the concentrations of TPH found in the monitoring wells. The reabsorption of arsenic onto the aquifer sediment is occurring on the west portion of the Site where low to non-detect concentrations of arsenic are found in groundwater.

COMMENT:

The distribution of arsenic in groundwater, shown in Figure IV.H-7 of the DEIR, is concentrated beneath the OOI basins similarly to methane. OOI processed petroleum hydrocarbons (from crude oil production wells, refineries, and other sources) for seven decades. Arsenic, which can be mobilized from iron minerals under the reducing conditions produced by anaerobic biodegradation of the hydrocarbons, is detected in groundwater on the OOI property and appears to have a similar footprint to the methane gas present in the deep vadose zone on the OOI property, indicating that anaerobic biodegradation took place and the arsenic in groundwater is sourced from this process. The low groundwater gradient and the stable localized impacts detected in groundwater indicate that migration of impacts is generally not significant at the Site or on OOI property. Therefore, the arsenic found in groundwater on OOI property is likely sourced from in-situ conditions associated with OOI operations rather than migrating from another location (as suggested by OOI and repeated in the DEIR). The processes responsible for arsenic mobilization are described in greater detail in the Tesoro letter, “Response to Oil Operators, Inc. Presentation regarding Arsenic in OOI Groundwater” dated August 16, 2019.

The Final EIR should be updated to accurately reflect the extent of impacts from OOI historical operations, including arsenic in groundwater, as well as recognize that an approved groundwater remedy that includes remediation of arsenic in groundwater at the Subject Site has not been proposed or approved.

Response 12-14

The first part of the comment does not raise any new concerns regarding the condition of the existing contamination at the Project Site, nor does it identify any new potential impacts that could potentially result from the Project, but instead claims that the DEIR failed to characterize OOI’s prior operations at the Project Site.

The focus of the EIR is to evaluate the current site conditions, and assess whether development of the Project would potentially result in any significant environmental impacts, and to further confirm that the remedial measures set forth in the RAP, along with the other mitigation measures, will render the site safe for workers and future site residents, as well as the surrounding environment/neighbors, not to present alternative theories as to the source of contaminants documented at the Site.

In this case, the Project Site history, and the existing contamination (including the existence of arsenic within the groundwater) in and around the Project Site, and the Project’s potential impacts on the environment, have been characterized by various environmental reports as detailed in the DEIR and the Revised RAP, which were prepared by environmental consultants. Furthermore, as the DEIR already notes,
the Project Site must be remediated and developed to a point that mitigates potential health risks to the future tenants/occupants of the Project and the surrounding environment.

As such, no revision is necessary in regard to the first part of this comment.

In regard to the comment concerning the alleged lack of a plan to address the existing groundwater contamination, the Project will not impact the existing groundwater contamination, and the comment does not claim that there is a potential for such an impact.

That said, the Revised RAP proposes a set of steps to further evaluate the origin and extent of impacts to groundwater, primarily related to TPH-diesel and arsenic. Contingencies for remedial treatment of groundwater are included in the 2022 RAP. (See Response 12-7.)

Additionally, mitigation measure HAZ-2 has been added to the Hazards section of the FEIR. HAZ-2 requires (1) approval of a RAP, like the Revised RAP, by the LARWQCB prior to earthwork activities; and (2) implementation of the remedial activities prescribed by the RAP during the site development process under LARWQCB oversight.

The Final EIR has been revised to reflect this. See also responses 12-1 and 12-7 above.
COMMENT LETTER NO. 13: Email from Anna Christiansen

Comment 13-1:

As the Tribal Chair on the Gabreileno/Tongva Band of San Gabriel Mission Indians I would like to consult on this project.

Chief Anthony Morales

Response 13-1:

This letter was provided after the comment period had closed. As such, no response is required.

That said, the City’s efforts to comply with AB 52 (Pub. Resources Code § 21080.3.1) are detailed in the DEIR in Section IV.N – Tribal Cultural Resources. Per PRC § 21080.3.1, the City notified various tribes, including the Gabreileno/Tongva Band of San Gabriel Mission Indians before the EIR was initially circulated. At that point in time, the Gabreileno/Tongva Band of San Gabriel Mission Indians had 30 days to respond to participate in formal consultation. The Gabreileno/Tongva Band of San Gabriel Mission Indians failed to respond in a timely manner. As such, consultation with Gabreileno/Tongva Band of San Gabriel Mission Indians was not required.

Accordingly, no additional revisions are needed.
COMMENT LETTER NO. 14: Email from Ann Cantrell, dated March 24, 2022

Comment 14-1:

The comment letter generally purports to attach a corrected version of River Park Coalition’s Land Use Comments (Comment Letter No. 11d). However, the comments are substantively identical.

Response 14-1:

The comment letter was received on March 24, 2022, which is outside of the comment window, meaning no revisions are needed.

That said, the City notes that the comments raised in the corrected “Land Use Comments” are substantively identical to the comments raised in Comment Letter No.11d.) Accordingly, the City incorporates its responses to Comment Letter No. 11d, as its response to these corrected comments.