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RESOLUTION NO. RES-06-0056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CERTIFYING THAT: (I) THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LONG BEACH AIRPORT TERMINAL AREA IMPROVEMENT PROJECT NO. 37-03 (SCH# 200309112) HAS BEEN COMPLETED IN ACCORDANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL GUIDELINES AND MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATIVE THERETO; (ii) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND (iii) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City of Long Beach ("City") has proposed certain improvements to the existing terminal building and related facilities ("terminal") at the Long Beach Municipal Airport in order to accommodate recent increases in flight activity at the Airport consistent with the operational limitations of the City's Airport Noise Compatibility Ordinance ("Project");

WHEREAS, the Project includes a conceptual site plan review and construction or development of, among other things, holdrooms, concession area, passenger security area, baggage security area, baggage claim devices, restrooms, office space, ticketing facilities and airline gates totaling approximately 102,850 square feet together with aircraft parking positions, vehicular parking structure and traffic and pedestrian circulation areas;

WHEREAS, the City began an evaluation of the proposed project in September 2003 by issuing a Notice of Preparation (NOP) followed by a thirty (30) day

1 comment period together with public scoping meetings held on October 11 and October 16,
2 2003;

3 WHEREAS, recognizing the intense public interest in the proposed terminal
4 improvements and related facilities, the City Council referred the scope of the project to the
5 City's Airport Advisory Commission (AAC) in November 2003, after which the AAC held 15
6 public meetings from November 2003 through July 2004 to consider recommendations on
7 the scope of possible Airport improvements, and to advise the City Council on certain
8 issues regarding the scope of the project, Environmental Impact Report (EIR), and
9 technical studies to be prepared for inclusion in the EIR;

10 WHEREAS, on February 1 and February 8, 2005, the City Council
11 considered the recommendations made by the AAC in connection with the terminal
12 improvement project and directed that a second NOP be prepared and circulated for public
13 comment;

14 WHEREAS, the second NOP was prepared and circulated between April 14,
15 2005 and May 16, 2005, and further public scoping meetings were held on April 28 and
16 May 7, 2005, after which a Draft Environmental Impact Report (DEIR) was prepared and
17 circulated between November 7, 2005 and January 30, 2006, for an eighty-four (84) day
18 public review and comment period;

19 WHEREAS, a series of public meetings to discuss the proposed Project, and
20 receive comments related thereto, were held on November 29, 2005, December 3, 2005
21 and December 5, 2005, and a joint study session between the Long Beach Planning
22 Commission and the Long Beach Cultural Heritage Commission was held on December
23 15, 2005 to further discuss the proposed Project;

24 WHEREAS, implementation and construction of the Project constitutes a
25 "project" as defined by CEQA, Public Resources Code sections 21000 *et seq.*, and the City
26 is the Lead Agency for the Project under CEQA;

27 WHEREAS, it was determined during the initial processing of the Project that
28 it could have potentially significant effects on the environment, requiring the preparation

1 of an EIR;

2 WHEREAS, the City prepared full and complete responses to the comments
3 received on the DEIR and distributed the responses in accordance with Public Resources
4 Code section 21092.5;

5 WHEREAS, the Planning Commission reviewed and considered the
6 information and the comments to the DEIR and the responses thereto, and the Final
7 Environmental Impact Report ("FEIR") at two duly noticed Planning Commission meetings
8 held on May 4, 2006 and May 11, 2006, at which time evidence, both written and oral, was
9 presented to and considered by the Planning Commission;

10 WHEREAS, the Planning Commission read and considered all
11 environmental documentation comprising the FEIR, including the comments and the
12 responses to comments and errata included in the FEIR, and determined that the FEIR
13 considered all potentially significant environmental impacts of the Project and that the FEIR
14 was complete and adequate and fully complied with all requirements of CEQA;

15 WHEREAS, the Planning Commission evaluated and considered all
16 significant impacts, mitigation measures, and project alternatives identified in the FEIR; and
17 likewise adopted a Mitigation Monitoring and Reporting Program ("MMRP") and Statement
18 of Overriding Considerations, and approved a conceptual site plan review at its meeting
19 on May 11, 2006;

20 WHEREAS, CEQA and the State CEQA Guidelines provide that no public
21 agency shall approve or carry out a project for which an EIR has been completed which
22 has identified one or more significant effects of the project, unless the public agency makes
23 written findings for each of the significant effects, accompanied by a statement of facts
24 supporting each finding. The possible findings are: (i) Changes or alterations have been
25 required in or incorporated into the project which avoid or substantially lessen the
26 significant environmental effects as identified in the EIR; (ii) Such changes or alterations
27 are within the responsibility and jurisdiction of another public agency, which can and should
28 adopt them; or (iii) Specific economic, legal, social, technological, or other considerations

1 make infeasible the mitigation measures or project alternatives identified in the EIR;

2 WHEREAS, CEQA and the State CEQA Guidelines require that where the
3 decision of a public agency allows the occurrence of significant environmental effects that
4 are identified in the EIR but are not mitigated to a level of insignificance, that the public
5 agency state in writing the reasons to support its action based on the EIR and/or other
6 information in the record; and

7 WHEREAS, it is the policy of the City, in accordance with the provisions of
8 CEQA and the State CEQA Guidelines, not to approve a project unless (i) all significant
9 environmental impacts have been avoided or substantially lessened to the extent feasible,
10 and (ii) any remaining unavoidable significant impacts are outweighed by specific
11 economic, legal, social, technological, or other benefits of the project, and therefore
12 considered "acceptable" under State CEQA Guidelines section 15093.

13 NOW, THEREFORE, the City Council of the City of Long Beach does hereby
14 find, determine and resolve:

15 Section 1. All of the above recitals are true and correct and are incorporated
16 herein as though fully set forth.

17 Sec. 2. The FEIR has been completed in compliance with CEQA and the
18 State CEQA Guidelines.

19 Sec. 3. The FEIR, which reflects the City Council's independent judgment
20 and analysis, is hereby adopted, approved, and certified as complete and adequate under
21 CEQA.

22 Sec. 4. Pursuant to Public Resources Code section 21081 and State CEQA
23 Guidelines section 15091, the City Council has reviewed and hereby adopts the CEQA
24 Findings and Statement of Facts as shown on the attached Exhibit "A" entitled "CEQA
25 Findings, Facts in Support of Findings for Final Environmental Impact Report No. 37-03,"
26 which document is incorporated herein by reference as though set forth in full.

27 Sec. 5. Although the FEIR identifies certain significant environmental effects
28 that would result if the Project is approved, most environmental effects can feasibly be

1 avoided or mitigated and will be avoided or mitigated by the imposition of mitigation
2 measures included with the FEIR. Pursuant to Public Resources Code section 21081.6,
3 the City Council has reviewed and hereby adopts the Mitigation Monitoring and Reporting
4 Program ("MMRP") as shown on the attached Exhibit "B", which document is incorporated
5 herein by reference as though set forth in full, together with any adopted corrections or
6 modifications thereto, and also adds an additional mitigation measure (as directed by the
7 Planning Commission at its meeting of May 11, 2006) as follows: "The Applicant shall
8 provide an on-site mitigation monitor at all times during the construction of the project;" and
9 further finds that the mitigation measures identified in the FEIR and added at the Planning
10 Commission meeting, are feasible, and specifically makes each mitigation measure a
11 condition of project approval. The Council further amends the Mitigation Monitoring and
12 Reporting Program and amends Mitigation Measure 3.6-2 to read in full as follows:

13 MM 3.6-2 Within 6 months of certification of the EIR, the Airport Manager shall
14 develop, and return to the City Council for its final approval, a land use
15 compatibility program addressing existing and future aviation noise levels.
16 The program shall be an ongoing voluntary program that will provide noise
17 attenuation and be available to all residential units within the 65 Community
18 Noise Equivalent Level (CNEL) contour, all facilities providing long term
19 residential nursing or rehabilitation care within the 65 CNEL contour, and
20 schools within the 60 CNEL contour, based on the contours published for
21 Long Beach Airport for the previous calendar year (Quarterly Report for 12
22 month Period Ending December 31). In exchange for sound insulation
23 treatment, the owners of the property will provide the City of Long Beach an
24 aviation easement over said property. The program shall identify (1)
25 methods of providing noise attenuation; (2) funding sources for the
26 improvements; (3) methods for establishing priorities for implementing the
27 improvements; and (4) an installation agreement. The land use compatibility
28 program will be administered by the City of Long Beach, Airport Bureau and

1 shall be made available to affected members of the public within one year of
2 the certification of the EIR.

- 3 ■ Monitoring Phase: On-going
- 4 ■ Enforcement Agency: City of Long Beach, Public Works Department,
5 Airport Bureau
- 6 ■ Monitoring Agency: City of Long Beach, Public Works Department,
7 Airport Bureau
- 8 ■ Action Indicating Compliance: Development of a land use
9 compatibility program.

10
11 Sec. 6. Pursuant to State CEQA Guidelines section 15091(e), the record of
12 proceedings relating to this matter has been made available to the public at, among other
13 places, the Department of Planning and Building, 333 West Ocean Boulevard, 7th Floor,
14 Long Beach, California, and is, and has been, available for review during normal business
15 hours.

16 Sec. 7. The information provided in the various staff reports submitted in
17 connection with the Project, the corrections and modifications to the DEIR and FEIR made
18 in response to comments which were not previously re-circulated, and the evidence
19 presented in written and oral testimony at the Planning Commission public hearings and
20 at the City Council public hearing ring do not represent significant new information so as
21 to require re-circulation of the EIR pursuant to the Public Resources Code.

22 Sec. 8. Pursuant to Public Resources Code section 21081(b) and
23 Guidelines section 15093, the City Council has balanced the benefits of the proposed
24 Project against the unavoidable adverse impacts associated with Project related
25 construction activities that will result in significant short-term air quality impacts for NO_x and
26 VOC and has adopted all feasible mitigation measures with respect to these impacts. The
27 City Council also has examined alternatives to the proposed Project, none of which both
28 meet the Project objectives and is environmentally superior to the proposed Project. The

1 City Council, after balancing the specific economic, legal, social, technological and other
2 benefits of the proposed Project, has determined that the unavoidable environmental risks
3 and impacts identified above may be considered "acceptable" due to the following specific
4 considerations which outweigh and override the unavoidable, potentially adverse
5 environmental impacts of the proposed Project. Each of the separate benefits of the
6 proposed Project, as stated herein, is determined to be, unto itself, and independent of the
7 other Project benefits, a basis for overriding all unavoidable adverse environmental impacts
8 identified in the Findings and in the DEIR. Accordingly, the City Council approves and
9 adopts the following "Statement of Overriding Considerations," finding that:

- 10 (a) The Project will provide improved facilities to better enable the
11 Transportation Security Administration (TSA) to conduct the required security
12 screening of passengers and baggage pursuant to the Aviation and
13 Transportation Security Act.
- 14 (b) The Project will allow the incorporation of improvements to the air carrier
15 ramp that will allow the electrification of the ground support equipment, which
16 will result in a long-term reduction of air emissions.
- 17 (c) By constructing the necessary infrastructure at the Airport, the City will be
18 assisting the airlines in their ability to comply with the South Coast Ground
19 Service Equipment (GSE) MOU signed by the airlines and the California Air
20 Resources Board.
- 21 (d) The Proposed Project provides an increased number of aircraft parking
22 positions resulting in less congestion on the air carrier ramp and allowing
23 aircraft to connect to GSE, thereby minimizing the amount of idling time while
24 waiting for access to a gate. The increased number of aircraft parking
25 positions and gates will also allow more efficient departures during peak
26 hours. This will potentially reduce the number of delayed flights.
- 27 (e) The Proposed Project incorporates a voluntary land use compatibility
28 program that would address existing and future land uses that are

1 inconsistent with State noise standards.

2 (f) The Proposed Project will enable the Long Beach Airport to provide
3 adequate facilities for the minimum number of flights and associated
4 passenger levels consistent with the City's Airport Noise Compatibility
5 Ordinance.

6 (g) The improvements will be designed to maintain and enhance the historic
7 characteristics of the Airport Terminal Building by incorporating components
8 of the original design and potentially restoring features, such as mosaic floor
9 tiles.

10 (h) The Proposed Project will enhance safety within the Terminal Building by
11 relieving overcrowding. This will better enable the City of Long Beach to
12 meet applicable local, State, and federal standards including the City's fire,
13 building, and safety codes.

14 (i) The Proposed Project will eliminate the dependence on offsite leased
15 parking. The long-term availability of the leased parking is uncertain due to
16 the month-to-month lease for the offsite parking lot. Loss of this offsite
17 parking will result in insufficient parking onsite, especially during peak travel
18 periods. Without adequate parking there would be an increase in trips
19 generated by the Airport and overall vehicle miles traveled. The onsite
20 parking also provides an incremental benefit to local traffic circulation and
21 long-term air quality.

22 (j) Implementation of the Proposed Project allows the Airport to better meet
23 operational needs by providing sufficient office space, meeting rooms, and
24 a baggage hold room. These facilities allow staff from the airlines, TSA, and
25 the Airport to conduct functions that need to be in the immediate terminal
26 area or adjacent to the ramp.

27 (k) The increased concession areas will provide the traveler with greater
28 amenities at the Airport and would increase revenue to the City through

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additional lease areas.

Sec. 9. The Project as described and studied in the DEIR is the environmentally superior alternative in that it minimizes impacts to the environment to the maximum extent practicable while achieving all of the basic objectives of the Project. However, after due consideration and deliberation, the City Council hereby approves a conceptual site plan review with conditions for a Terminal Improvement Project consisting of 97,545 square feet with a maximum of twelve (12) aircraft parking positions together with a 4,000 space parking structure.

Sec. 10. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

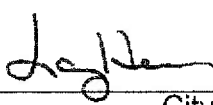
I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of June 20, by the following vote:

Ayes: Councilmembers: Lowenthal, Kell, Richardson,
Reyes Uranga, Lerch.

Noes: Councilmembers: O'Donnell, Gabelich.

Absent: Councilmembers: Colonna.

Abstain: _____



City Clerk

**CEQA FINDINGS, FACTS IN SUPPORT OF FINDINGS
FOR FINAL ENVIRONMENTAL IMPACT REPORT No. 37-03**

1.0 INTRODUCTION

1.1 Statutory Requirements for Findings

The California Environmental Quality Act (CEQA), (Public Resources Code § 21081) and the CEQA Guidelines ("the Guidelines") (14 Cal. Code Regs. § 15901) require that no public agency approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant effects of the project on the environment unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

For those significant effects that cannot be mitigated to below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In addition, CEQA requires a public agency to make a finding that the EIR reflects the public agency's independent review and judgment. In accordance with the provisions of CEQA and the Guidelines, the Long Beach Planning Commission ("the Commission") expressly finds that the Final Environmental Impact Report, Final EIR 37-03 (SCH No. 200309112), for Long Beach Airport (LGB) Terminal Area Improvement Project reflects the Commission's independent review and judgment.

Final EIR 37-03 identifies significant or potentially significant environmental effects prior to and after mitigation which may occur as a result of approval of the Proposed Project. In accordance with the provisions of CEQA and the Guidelines, the Commission adopts these Findings as part of its certification of Final EIR 37-03.

In conjunction with its adoption of these Findings, the Commission has reviewed and considered a substantial amount of material including, but not limited to, the following:

- a. Draft EIR 37-03 and all appendices and technical reports thereto;
- b. Comments and Responses to Comments on Draft EIR 37-03, including a list of all persons, organizations, and public agencies commenting;
- c. Transmittal packages to the Long Beach Planning Commission;
- d. Minutes of the Long Beach Planning Commission meetings;
- e. Planning Commission Resolution Nos. 06-XX adopted on May 4, 2006;

