

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 54

24STCP04089

**COMMUNITIES FOR A BETTER ENVIRONMENT vs CITY
OF LONG BEACH, A MUNICIPAL CORPORATION, et al.**

March 9, 2026

2:45 PM

Judge: Honorable Maurice A. Leiter
Judicial Assistant: N. Marshalian
Courtroom Assistant: R. Manzo

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Ruling on Submitted Matter

The Court, having taken the matter under submission on 03/09/2026 for Non-Jury Trial (CEQA), now rules as follows: -

The Petition for Writ of Mandate filed by Communities for a Better Environment on 12/16/2024 is Granted.

Trial Date: March 9, 2026

Department 54, Judge Maurice Leiter

Petition for Writ of Mandate and Complaint for Injunctive Relief

Moving Party: Petitioner Communities for a Better Environment

Responding Parties: Respondents City of Long Beach, Long Beach Board of Harbor Commissioners, and Real Party Ribost Terminal, LLC

Ruling: COMMUNITIES FOR A BETTER ENVIRONMENT'S PETITION FOR WRIT OF MANDATE IS GRANTED. PETITIONER SHALL FILE A PROPOSED PEREMPTORY WRIT WITHIN 15 DAYS.

PETITIONER TO NOTICE.

The Court considers the opening brief, opposition, and reply.

I. STATEMENT OF FACTS

A. Factual Background

The World Oil Tank Installation Project ("Project") is proposed at the Ribost Terminal, a petroleum storage facility located within the Port of Long Beach. The Terminal has operated as a

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petroleum storage site since the 1960s and currently contains seven above-ground storage tanks permitted to store crude oil and other petroleum products. (AR 1083-1085, 1184.)

The Project site is located near the communities of Wilmington, Carson, and West Long Beach, designated as environmental justice communities pursuant to Assembly Bill 617, which was enacted to address cumulative air pollution burdens in impacted communities. (AR 1116, 8477.) The 48-square-mile project area includes 83 schools, 132 daycare facilities, and 15 hospitals. (AR 1397-1398.) The surrounding communities have a population of approximately 363,000 residents, 88 percent of whom are identified as people of color. (AR 8507-8508.) The record indicates that these communities experience higher rates of poverty and are exposed to elevated levels of environmental pollutants. (AR 8540, 8542.) The Wilmington, Carson, and West Long Beach areas are designated as environmental justice communities pursuant to Assembly Bill 617, which was enacted to address cumulative air pollution burdens in impacted communities (AR 1116, 8477).

Of the seven existing tanks at the Terminal, three are currently used by World Oil to store crude oil for its affiliated asphalt refinery in South Gate, while four are leased to third parties and generally store fuel oils or marine fuel blending components. (AR 1083, 1184.) Each of the existing tanks is permitted to store crude oil or fuel oils, subject to vapor pressure and throughput limits imposed by permits issued by the South Coast Air Quality Management District (“SCAQMD”). (AR 1092, 3944, 3948, 3952.) Terminal operations vary based on market conditions and customer demand. From 2017 through 2022, average daily throughput was approximately 4,109 barrels per day, with a maximum of approximately 8,542 barrels per day. (AR 1092.) The Environmental Impact Report (“EIR”) estimates that the proposed Project will increase these numbers by 10% to an average of 4,520 barrels per day and a maximum of 9,396 barrels a day. (AR 1093.)

In August 2019, Ribost Terminal, LLC applied for a Harbor Development Permit to construct two new internal floating-roof petroleum storage tanks, each with a capacity of 25,000 barrels. (AR 8425.) According to the EIR, the Project’s objectives are to enhance the Terminal’s operational efficiency, increase fuel storage options for Port of Long Beach customers, and provide flexibility to store alternative fuels in the future. (AR 1068, 4295.) The EIR states that, upon construction of the two new tanks, two of the three existing crude oil tanks would be removed from Ribost’s service and made available for leasing to customers for storage of marine fuels and marine fuel blending components. (AR 1083, 1086.) The EIR acknowledges that customers for the leased tanks have not been identified. (AR 1083.) The EIR’s project description states that “the existing tanks would continue to operate as currently permitted, which

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includes the storage of petroleum products.” (AR 1082, 1083, 1091, 1092 [“[n]o changes to conditions in Ribost’s existing Permits to Operate for the existing tanks are proposed or needed”].)

B. Procedural History

In October 2020, the City of Long Beach, acting through the Port of Long Beach, prepared an Initial Study and adopted a Negative Declaration for the Project, concluding that the Project would not result in significant environmental impacts. (AR 39, 59.) Petitioner Communities for a Better Environment and other organizations submitted comments disputing that conclusion and identifying potential significant impacts. (AR 300, 1943.) Following appeals of the Negative Declaration, the City withdrew the Negative Declaration and agreed to prepare an EIR. (AR 4145-4146.) A Draft EIR was released in October 2023, and Petitioner submitted written comments identifying alleged deficiencies in the Project description, alternatives analysis, and cumulative impacts analysis. (AR 13497-13499.) The Final EIR was released on September 12, 2024. (AR 1057, 1253-1551.) The Final EIR concluded that there would be no significant impacts associated with the Project and no mitigation measures are required. (AR 27.)

On September 23, 2024, the Board of Harbor Commissioners certified the Final EIR and approved the Project. (AR 23, 32.) A Notice of Determination was filed on September 24, 2024. (AR 4-5.) Petitioner and other organizations appealed the approval to the Long Beach City Council. (AR 32, 3898.) The City Council held a public hearing on November 19, 2024 and, based on its “independent review and consideration” of the resolution certifying the Final EIR, the Final EIR, the administrative appeal, and all written communications and oral testimony regarding the Project, denied the appeal. (AR 30, 33-35, 4313-4314.)

Petitioner filed the present Petition for Writ of Mandate on December 16, 2024, alleging violations of the California Environmental Quality Act based on deficiencies in the Project description, alternatives analysis, cumulative impacts analysis, and the City’s conduct of the administrative appeal.

II. REQUEST FOR JUDICIAL NOTICE

Respondents and Real Party’s Request for Judicial Notice is GRANTED, pursuant to

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Evidence Code § 452, subdivisions (b) and (c).

III. STANDARD OF REVIEW

A party may seek to set aside an agency decision by petitioning for a writ of administrative mandamus (Code Civ. Proc. § 1094.5) or traditional mandamus (Code Civ. Proc., § 1085). A petition for administrative mandamus is appropriate when the party seeks review of a “determination, finding, or decision of a public agency, made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken and discretion in the determination of facts is vested in a public agency, on the grounds of noncompliance with [CEQA].” (Pub. Resources Code § 21168.)

In an action challenging an agency’s decision under CEQA, the trial court reviews the agency’s decision for a prejudicial abuse of discretion. (PRC § 21168.5.) “Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.” (*Ibid.*; see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.) “The standard of review in administrative mandate proceedings is well-settled: whether the agency acted without or in excess of jurisdiction, whether there was a fair hearing, and whether there was a prejudicial abuse of discretion. An abuse of discretion occurs when the agency did not proceed in the manner required by law, its order or decision is not supported by the findings, or the findings are not supported by the evidence. (Code Civ. Proc., § 1094.5, subd. (b).)” (*Hubbard v. California Coastal Com.* (2019) 38 Cal.App.5th 119, 135.) The court reviews “the administrative record to determine whether the Agency’s findings are supported by substantial evidence. (*Id.*)

In actions challenging an agency’s factual determinations, substantial evidence is defined as “enough relevant evidence and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (14 CCR § 15384(a).) “A court may not set aside an agency’s approval of an EIR on the ground that an opposite conclusion would have been equally or more reasonable.” (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 393.) “The reviewing court must resolve reasonable doubts in favor of the administrative finding and decision.” (*Ibid.*)

Challenges to an agency’s failure to proceed in a manner required by CEQA are subject to a less deferential standard than challenges to an agency’s factual conclusions. (*Vineyard, supra*, 40 Cal.4th at 435.) In reviewing these claims, the Court must “determine de novo whether

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the agency has employed the correct procedures.” (*Ibid.*; see *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.) “When the determination of an administrative agency’s jurisdiction involves a question of statutory interpretation, ‘the issue of whether the agency proceeded in excess of its jurisdiction is a question of law.’ ... ‘[A] court does not ... defer to an agency’s view when deciding whether a regulation lies within the scope of the authority delegated by the Legislature.” (*Security National Guaranty, Inc., supra*, 159 Cal.App.4th at 414.) “The rules of statutory construction, which are equally applicable to administrative regulations, are also well-settled. The fundamental rule is to ascertain the Legislature’s intent in order to give effect to the purpose of the law.” (*Hubbard v. California Coastal Com.* (2019) 38 Cal.App.5th 119, 135.) When interpreting a statute, the words should be given their ordinary meaning without rendering any part of the language unnecessary. (*Id.*) The interpretation must consider the context, purpose, and intent of the legislature and aim for a practical, common-sense understanding that avoids absurd outcomes. (*Id.*) The “interpretation should be practical, not technical, and should also result in wise policy, not mischief or absurdity.” (*Id.*) Statutes should be interpreted within the broader legal framework to maintain harmony. (*Id.*) If the statutory language is clear, it should not be altered. (*Id.* at 136.) “If, however, there is more than one reasonable interpretation of a statute, then it is ambiguous.” (*Id.*) In such a case, the court may consider secondary factors like legislative history, public policy, and the broader circumstances surrounding the statute’s enactment to determine its meaning. (*Id.*)

An agency is presumed to have regularly performed its official duties. (Evid. Code § 664.) The petitioner bears the burden of proof to demonstrate, by citation to the administrative record, that the EIR is legally inadequate, and that the agency abused its discretion in certifying it. (See *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604, 1612; *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 327-28.)

IV. ANALYSIS

A. The EIR’s Project Description Is Inadequate

Petitioner contends that the EIR fails to comply with CEQA because it does not provide an accurate, stable, and finite description of the Project. Petitioner argues that the EIR repeatedly represents that two existing crude oil storage tanks will be removed from crude oil service and made available for leasing for storage of marine fuels and marine fuel blending components, which the EIR characterizes as environmentally beneficial due to lower volatile organic

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compound emissions relative to crude oil storage. (AR 1083, 1086, 1134.) At the same time, the EIR concedes that “customers for this additional petroleum storage capacity have not yet been identified and are unknown.” (AR 1083.) Petitioner further notes that neither the EIR nor the operating permits impose any enforceable restrictions preventing the continued storage of crude oil in the existing tanks, which are permitted to store crude oil at higher utilization levels than those reflected in the baseline conditions. (AR 1082, 1092, 3944, 3948, 3952.) According to Petitioner, by describing the existing tanks as “underutilized” while facilitating their lease to third parties and increasing petroleum storage capacity at the Terminal, the Project makes increased utilization reasonably foreseeable, yet the EIR fails to analyze the environmental impacts of that foreseeable change. (AR 1082-1083, 1086, 2228.) Petitioner argues that these conflicting descriptions misled decisionmakers and the public and tainted the EIR’s analysis of air quality and other impacts, in violation of CEQA’s requirement that an EIR function as an adequate informational document. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655-656.)

Respondents and Real Party counter that the EIR accurately describes the Project and complies with CEQA. They argue that the EIR expressly states that existing tanks will continue to operate as currently permitted, including the storage of crude oil, and that the EIR does not restrict the tanks to fuel storage. (AR 1082-1083, 1091-1092, 1515.) Respondents and Real Party contend that the impact analysis conservatively assumes crude oil storage in the new tanks and continued crude oil storage in the existing tanks and does not rely on or take credit for any potential emissions reductions associated with fuel storage. (AR 1120, 1134-1137.) References to possible fuel storage merely reflect historical leasing patterns and do not render the project description misleading. Respondents and Real Party also argue that throughput is capped by existing SCAQMD permit limits and physical constraints, such that increased emissions are not reasonably foreseeable, and that Petitioner is improperly asking the Court to reweigh evidence and second-guess technical judgments entitled to deference. (See *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 28.)

The Court finds that the EIR’s project description is insufficient under CEQA. An accurate, stable, and finite project description is the “*sine qua non* of an informative and legally sufficient EIR,” because it is the foundation upon which all subsequent environmental analysis rests. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197.) “Whether the EIR contains an accurate and stable project description is a question of law subject to de novo review.” (*Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 673.)

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The EIR provides inconsistent and misleading descriptions of the Project’s operational reality. The project description repeatedly states that two existing crude oil tanks will be removed from Ribost’s service and made available for leasing for fuel or marine fuel storage, implying reduced emissions and environmental benefits. (AR 1083, 1086.) Yet the EIR simultaneously acknowledges that future lessees and future uses are unknown and speculative and that existing permits allow crude oil storage in those same tanks at utilization levels higher than those reflected in the baseline. (AR 1083, 1086, 1092.) The EIR further describes the existing crude oil tanks as “underutilized,” while also stating that leasing those tanks will increase petroleum storage capacity at the Terminal. (AR 1082-1083, 1086.) Under these circumstances, increased utilization of the existing tanks is reasonably foreseeable, and CEQA requires that such foreseeable consequences be disclosed and analyzed clearly. (Cal. Code Regs., tit. 14, § 15126.2(a).)

Although Respondents and Real Party argue that the impact analysis conservatively assumes crude oil storage, CEQA requires that the project description itself clearly and consistently disclose the Project’s nature and scope. Conflicting signals regarding future use of project components render a project description misleading and legally inadequate. (*San Joaquin Raptor Rescue Center, supra*, 149 Cal.App.4th at pp. 655-656.) Reliance on permitted maximum throughput does not excuse the failure to analyze changes from existing conditions where the Project’s stated objectives include increasing efficiency, realigning storage capacity, and leasing underutilized tanks. CEQA is concerned with environmental change, not mere compliance with regulatory caps. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120 [disapproved in part by *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086 on unrelated ground].)

At argument, Respondents and Real Party cited *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal. App. 4th 1036, 1067-68 to support their argument that overall throughput limitations mean that increased emissions are not reasonably foreseeable. The issue in that case to which Respondents and Real Party appear to allude was whether the project description was indefinite because it could be inconsistent with the Tidelands Trust. The Court of Appeal found that nothing in the record indicated the project would be inconsistent with the trust. Here, by contrast, the inconsistent descriptions of the Project resulted in a failure to adequately analyze the delta between current conditions and the maximum permitted throughput in determining whether the Project’s stated objectives would be met.

The Court finds that the Final EIR’s project description fails to accurately and

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consistently disclose the reasonably foreseeable operational consequences of the Project, including increased utilization of existing tanks and associated emissions.

B. The Analysis of Project Alternatives Is Inadequate

Petitioner argues that the City violated CEQA by improperly rejecting the Reduced Size Tanks Alternative without substantial evidence and without providing the meaningful analysis required to foster informed decisionmaking and public participation. Petitioner contends that CEQA requires an EIR to analyze a reasonable range of feasible alternatives capable of achieving most of the project's basic objectives while avoiding or substantially lessening environmental impacts. (Cal. Code Regs., tit. 14, § 15126.6(a); *Laurel Heights Improvement Assn, supra*, 47 Cal.3d at 404-406.) According to Petitioner, the Reduced Size Tanks Alternative would allow three tanks to remain in crude oil service, free two existing tanks for leasing, and meet the Project's operational objectives, while also reducing construction-related air quality impacts, a benefit the EIR itself acknowledges. (AR 1095-1097.) Petitioner contends that the EIR rejected this alternative based on speculation that it might "possibly require a fourth tank" for dewatering operations and might reduce operational efficiency, without evidentiary support in the administrative record. (AR 1095.) Petitioner argues that Respondents' later explanations concerning spill risk, split deliveries, and operational constraints appear only in briefing and were never disclosed in the EIR, depriving the public of the opportunity to evaluate those claims. (See Reply p. 10.)

Respondents and Real Party argue that the City fully complied with CEQA's alternatives requirements and that the Reduced Size Tanks Alternative was properly eliminated under the rule of reason. They contend that an EIR need only analyze alternatives that are both feasible and capable of meeting most of the project's objectives, and that courts must defer to an agency's determinations regarding feasibility and project objectives. (Cal. Code Regs., tit. 14, § 15126.6(f); *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 345.) Respondents and Real Party assert that the Project requires uninterrupted crude oil service and efficient dewatering operations and that two reduced-size tanks would necessitate splitting crude oil deliveries, interfere with dewatering cycles, and potentially require additional tankage that cannot fit within the existing site. (AR 1095, 14169.) According to Respondents and Real Party, these operational constraints would undermine the Project's core objectives of efficiency and leasing flexibility. Respondents and Real Party further argue that because the EIR concluded the Project would not result in any significant environmental impacts, CEQA did not require extended consideration of alternatives, and rejection of the Reduced Size Tanks Alternative was therefore appropriate. (See *Save Our*

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Access–San Gabriel Mountains v. Watershed Conservancy (2021) 68 Cal.App.5th 8, 31 [EIR’s analysis that was limited to the “no project alternative” was reasonable given the nature of the project and its lack of significant environmental impacts].)

The Court finds that the EIR’s analysis and rejection of the Reduced Size Tanks Alternative does not comply with CEQA. CEQA requires that an EIR explain in meaningful detail why feasible alternatives are rejected so that decisionmakers and the public can trace the analytic route from evidence to conclusion. (*Laurel Heights, supra*, 47 Cal.3d at 405 [“If the Regents considered various alternatives and found them to be infeasible, we assume, absent evidence to the contrary, that they had good reasons for doing so. Those alternatives and the reasons they were rejected, however, must be discussed in the EIR in sufficient detail to enable meaningful participation and criticism by the public.”].)

The EIR acknowledges that the Reduced Size Tanks Alternative could reduce construction-related air quality impacts but rejects the alternative as it might require additional crude oil tankage or interfere with operations. (AR 1095.) Respondents and Real Party argue that the EIR concluded additional tankage would be necessary for this alternative because the tanks must be quiescent (i.e., nothing pumped in or out) during dewatering so the crude oil can rest to allow the water and oil to fully separate prior to transfer to refineries. (AR 1095, 14169, 2233, 2300.) Respondents and Real Party add that this alternative also would increase the risk of oil spillage during the receipt of crude oil, as “human intervention would be required to redirect the incoming crude oil from one tank into another.” (Opp. at p. 20.) This, Respondents contend, will impact the project objective of operational efficiency and supports the EIR’s rejection of the Reduced Size Tanks Alternative. (*Id.*)

As Petitioner points out, this explanation does not appear in the EIR. Nor does it provide evidentiary support for the argument that dividing a single delivery between two tanks would heighten the risk of oil spillage and frustrate the Project’s objective of increasing the efficiency of terminal operations. (AR1068.) Even if the City was fully informed as to why the Reduced Size Tanks Alternative should be rejected, the City “miss[es] the critical point that the public must be equally informed.” (*Laurel Heights, supra*, 47 Cal.3d at 404.) CEQA requires that the reasons for rejecting an alternative be disclosed with sufficient detail in the EIR itself to allow the public and decisionmakers to meaningfully evaluate the agency’s reasoning. (*Laurel Heights Improvement Assn., supra*, 47 Cal.3d at 404-405.) Conclusory statements or speculative assertions do not constitute substantial evidence. (Pub. Resources Code, § 21080, subd. (e)(2).) Even if the City internally understood the operational rationale for rejecting the Reduced Size Tanks Alternative, CEQA’s informational mandate requires that the public be equally informed

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of the factual basis for that determination.

The Court finds that the EIR improperly rejected the Reduced Size Tanks Alternative without substantial evidence.

C. The Cumulative Impacts Analysis Complies with CEQA

CEQA requires an EIR to evaluate whether a project’s incremental environmental effects are considerable cumulatively, when viewed in connection with the effects of past, present, and probable future projects. (Cal. Code Regs., tit. 14, §§ 15065(a)(3), 15130(a).) The purpose of cumulative analysis is to prevent agencies from viewing projects “in a vacuum” and to ensure that incremental contributions to already burdened environments are meaningfully assessed. (*Communities for a Better Environment, supra*, Cal.App.4th at 114.) CEQA also affords agencies discretion in selecting methodologies, defining geographic scope, and identifying related projects, so long as the EIR reflects a good faith effort at full disclosure and is supported by substantial evidence. (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 228; *Bakersfield Citizens, supra*, 124 Cal.App.4th at 1216.) The Court’s role is not to determine whether a different methodology might have been employed, but whether the City proceeded in a manner required by law and whether its conclusions are supported by substantial evidence.

Petitioner argues that the cumulative analysis is deficient in three respects: (1) the geographic scope is arbitrarily narrow; (2) the EIR fails to identify and analyze related projects; and (3) the air quality analysis improperly relies on project-level thresholds as a substitute for cumulative evaluation. The Court addresses each contention in turn.

1. Geographic Scope

The EIR identifies Wilmington, Carson, and West Long Beach as part of the broader environmental setting (AR 1116), but it defines resource-specific cumulative impact areas based on where the Project’s incremental effects would be most pronounced. For example, localized criteria pollutant impacts are analyzed within one mile, and toxic air contaminants within 500 feet, consistent with dispersion modeling and regulatory guidance. (AR 1144, 1203, 1490-1491.) Respondents and Real Party state that beyond these distances Project-related emissions would be indistinguishable from background conditions. (AR 1490-1491.)

Petitioner argues that the AB 617 boundary should have defined the cumulative scope,

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but the cumulative analysis is not required to be policy-based geographic designations. The question is whether the City’s chosen boundaries were reasonable and supported by evidence. The record reflects that the City relied on technical modeling, established air dispersion practices, and regulatory standards in defining the relevant impact areas. (AR 1144-1146.) The Court finds that this approach constitutes a reasonable exercise of agency discretion and does not improperly exclude portions of the affected environmental setting.

2. Past, Present, and Probable Future Related Projects

Petitioner argues that the EIR’s cumulative impacts analysis fails to expressly identify and analyze numerous existing petroleum storage tanks, refineries, and other oil-related facilities in the vicinity of the Project as related projects contributing to cumulative impacts. According to Petitioner, simply incorporating ambient background air quality data into the baseline does not satisfy CEQA’s requirement to evaluate how the Project’s incremental emissions interact with other discrete industrial sources in the surrounding area. Petitioner contends that, by declining to separately list and analyze these facilities as part of the cumulative project list, the City avoided meaningfully assessing the Project’s contribution to an already heavily industrialized environment.

Petitioner’s position would effectively require the City to duplicate baseline environmental conditions within the cumulative discussion. The EIR explains that ambient air quality measurements and modeling incorporate emissions from surrounding industrial facilities, including petroleum storage tanks and refineries already are embedded in the baseline environmental setting. The City determined that listing them again as separate “related projects” would not alter the cumulative analysis but would instead restate existing conditions. CEQA does not require such redundancy. The Court finds that the City reasonably concluded that existing regional infrastructure was accounted for in ambient data and baseline conditions, and that the cumulative project list appropriately focused on reasonably foreseeable projects that would contribute additional incremental impacts. This approach falls within the range of permissible methodologies under CEQA.[1]

3. Air Quality Impacts

The EIR concludes that the Project’s impacts on air quality are not cumulatively considerable because Project emissions do not exceed SCAQMD project-specific significance thresholds. (AR 1146.) Petitioner contends that reliance on project-level thresholds is legally insufficient; Petitioner argues that recent litigation involving warehouse projects in the City of

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Fontana demonstrates that SCAQMD thresholds may not adequately capture cumulative environmental burdens in heavily impacted communities.

The Court is not persuaded that the Fontana litigation alters the legal framework applicable here. That litigation did not result in a published appellate decision modifying CEQA’s cumulative impact standards, nor did it invalidate SCAQMD’s adopted thresholds as a matter of law. In the present case, the EIR quantified construction and operational emissions, modeled regional and localized pollutant concentrations, and compared those emissions to SCAQMD’s adopted significance thresholds for criteria pollutants and toxic air contaminants (AR 1145-1146, 1500-1501.) The SCAQMD thresholds are designed to account for cumulative basin-wide air quality conditions and reflect the air district’s technical expertise in determining when incremental emissions are cumulatively considerable. Courts consistently have recognized that agencies may rely on such adopted regulatory thresholds in evaluating cumulative impacts. (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 884; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 933-934.)

The EIR did not invoke the thresholds in conclusory fashion. It explained the methodology used, quantified the Project’s incremental emissions, and evaluated those emissions against regional and localized standards. (AR 1145-1146.) Petitioner’s argument essentially invites the Court to substitute a different cumulative methodology for that selected by the City. But CEQA does not require an agency to depart from established regulatory frameworks unless there is evidence demonstrating that such frameworks are arbitrary, unsupported, or inapplicable to the project under review. The Court’s inquiry is not whether an alternative or more conservative methodology could have been employed, but whether the methodology selected by the agency is legally permissible and supported by substantial evidence in the administrative record. (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 228.) The Court finds that the City’s reliance on SCAQMD thresholds as part of its cumulative air quality analysis constitutes a permissible exercise of agency discretion and is supported by substantial evidence in the record. The Fontana litigation does not compel a contrary conclusion under the circumstances presented here.

For these reasons, the Court concludes that the EIR’s cumulative impacts analysis reflects a good faith effort at disclosure, employs reasonable methodologies, and is supported by substantial evidence. The Court finds no prejudicial abuse of discretion with respect to the cumulative impacts analysis.

D. Administrative Appeal and Public Participation

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 54

24STCP04089

**COMMUNITIES FOR A BETTER ENVIRONMENT vs CITY
OF LONG BEACH, A MUNICIPAL CORPORATION, et al.**

March 9, 2026

2:45 PM

Judge: Honorable Maurice A. Leiter
Judicial Assistant: N. Marshalian
Courtroom Assistant: R. Manzo

CSR: None
ERM: None
Deputy Sheriff: None

Petitioner contends that the City violated CEQA's procedural requirements by restricting the scope of the administrative appeal and, at the appeal hearing, by limiting the City Council's consideration of new evidence and environmental issues. Respondents and Real Party maintain that the City's appeal procedures were consistent with CEQA and applicable municipal code provisions.

Because the Court has found that the Final EIR is legally inadequate with respect to the project description and alternatives analysis and that those deficiencies require vacatur of the EIR and Project approvals, the Court need not resolve Petitioner's claim concerning the administrative appeal procedures. (See [Banning Ranch Conservancy v. City of Newport Beach](#) (2017) 2 Cal.5th 918, 924 [having found EIR inadequate, court need not address additional issues].)

V. CONCLUSION

For the reasons discussed above, the Court concludes that the City committed a prejudicial abuse of discretion in certifying the Final Environmental Impact Report and approving the Project. The EIR fails to provide an accurate, stable, and finite project description, and improperly rejects a feasible alternative without substantial evidence or adequate explanation.

The Petition for Writ of Mandate is GRANTED. A peremptory writ shall issue directing the City to set aside certification of the Final Environmental Impact Report and all Project approvals predicated upon that EIR. The City shall not take further action to implement the Project unless and until it has complied fully with CEQA.

[1] At argument, Petitioner contended that the impacts of approximately 67 proposed projects should have been analyzed. But Petitioner failed to show that the mere proposal of these projects made them reasonably foreseeable.

Non-Appearance Case Review Re: Receipt of the [Proposed] Peremptory Writ is scheduled for 03/25/2026 at 08:30 AM in Department 54 at Stanley Mosk Courthouse.

The clerk gives notice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

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Certificate of Service is attached.