

TAMARA J. GABEL

January 22, 2013

Via Email

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Honorable Members of the City Council
City of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802

Re: Safran Senior Housing Project 3215 E. Broadway
Appeal of Planning Commission's Certification of EIR

Dear Council Members:

These comments supplement those previously delivered in support of Glenda Gabel's Appeal to not Certify the FEIR on the above referenced project. Some of the comments amplify those previously submitted, while others bring to the fore additional failures of the FEIR and process.

Lighting

The FEIR should have considered the impact of lighting the parking lot, instead of dismissing it on the grounds that lighting is required, the lighting design would conform to existing regulations, and will be subject to planning review. Lighting a parking lot in this quiet residential neighborhood may significantly impact the neighboring residences, and should have been considered in the EIR. (*See Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1378-79 [The lead agency will "not be allowed to hide behind its own failure to gather relevant data . . . , CEQA places the burden of environmental investigation on government rather than the public".]) The EIR was required to analyze these significant impacts and mitigate them.

Inadequate Range of Alternatives:

"[A]n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which: (1) offer substantial environmental advantages over the project proposal (Pub. Resources Code, § 21002); and (2) may be 'feasibly accomplished in a successful manner' considering the economic, environmental, social and technological factors involved." (*Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1350-51, quoting *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566.) "The EIR is required to make an in-depth discussion of those alternatives identified as at least potentially feasible." (*Ibid.*, quoting *Sierra Club v. County of Napa* (2004) 121

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Cal.App.4th 1490, 1504, fn. 5.) "It is the [agency]'s responsibility to provide an adequate discussion of alternatives. (CEQA Guidelines, § 15126, subd. (d).) That responsibility is not dependent in the first instance on a showing by the public that there are feasible alternatives. If the [agency] concludes there are no feasible alternatives, it must explain in meaningful detail in the EIR the basis for that conclusion." (*Id.* at p. 1351, quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.)

The FEIR was required to consider an alternative configuration to the Project that would provide ingress and egress from E. 3rd Street, instead of Obispo Avenue, as this alternative would meet all of the Project objectives, while reducing the Project's traffic, noise, lighting and parking impacts. The FEIR also failed to consider a reduced intensity alternative that would include fewer apartments than the 24 individual units proposed. Such a reduced intensity alternative would accomplish the basic objectives of the Project, while also reducing traffic, parking, noise and other significant impacts. Contrary to CEQA's requirements, the FEIR does not include any discussion concerning these or any other alternatives to the Project that were considered but ruled out.

Too Intensive of a Project for the Small Site:

This Project will require multiple variances from set-back, parking and other requirements in order to squeeze this intensive project onto the relatively small (>.50-acre) property. The FEIR minimized the impacts of this intensive Project -- if the full impacts were disclosed, analyzed and mitigated, the Project would be considerably more costly, and may not even be feasible.

In sum, the FEIR is inadequate in several significant instances, and fails to support its conclusions. Furthermore, the FEIR process requiring notice to, and inclusion of, those persons who will be affected by the Project in the scoping and planning process, especially early on, failed in its entirety. As such, the FEIR does not meet the legal requirements for a properly prepared FEIR and should not be Certified. This process is appropriately returned to the Lead Agency to be redone, again, from the inception, starting with including the nearby residents of the Project in scoping sessions.

Should you have any questions regarding these comments, please do not hesitate to contact me.

Sincerely,



Tamara Gabel

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City of Long Beach City Council

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