

Attachment
2



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the 17 day of Aug, 2006.

() Planning Commission

APPELLANT: Gay M. Keating

APPLICANT: HOME Depot

Project address: Studebaker Tank site

Permits requested: VARIOUS

Project description: Home Depot store, wider driveway on Studebaker near Hoynes intersection.

Reason for appeal: Unacceptable increased traffic congestion on surrounding streets. Traffic study seems most unreliable at best. No way to mitigate increased traffic is not reasonable or human

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: GAY M. Keating

Mailing address: 670 ULTIMO AV. Long Beach, CA 90814

Phone No.: 562. 986. 7686

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17 day of Aug 2004.
() Planning Commission

APPELLANT: Julie & Denis Bolton

APPLICANT: Home Depot

Project address: Loynes / Studebaker

Permits requested: Zoning Change / Project Approval

Project description: Home Improvement Store, restaurants & parking

Reason for appeal: Inadequate Study of impact to Wetlands - Fish & Wildlife Review Absent - Inadequate Buffer to existing wetlands

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: Julie Bolton

Mailing address: 5115 N Marina Pacifica Dr, Long Beach

Phone No.: 562 596-9393

90803

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the 17th day of Aug 2006.

(X) Planning Commission

APPELLANT: KATHLEEN N CRAWFORD

APPLICANT: HOME DEPOT

Project address: Studebaker Road

Permits requested: rezoning

Project description: Retail Shopping Restaurants

Reason for appeal: EIR CEQA violations The traffic study was inadequate & unreliable The impact of this project was not realistically assessed.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or (X) Planning Commission and () approve or () deny this application.

Signature of Appellant: Kathleen N Crawford

Print name of Appellant: KATHLEEN N CRAWFORD

Mailing address: 421 LINARES AVE L.B. 90803

Phone No.: 562 598-5967

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

received
8-25-06

(562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17th day of AUGUST 19, 2006
(X) Planning Commission

APPELLANT: DAVID ROBERTSON

APPLICANT: GREENBERG FARROW - CASE NO 0308-11

Project address: 400 STUDEBAKER ROAD

Permits requested: EIR CERTIFICATION, VARIANCE APPROVALS, SITE PLAN REVIEW, CONDITIONAL USE PERMIT.

Project description: HOME DEPOT CENTER

Reason for appeal: INADEQUATE & BIASED EIR. MAJOR MISREPRESENTATIONS BY APPLICANT TO SWAY PLANNING COMMISSION'S DECISION FOR APPROVAL.

*REQUEST IS HEREBY MADE FOR A 15 MINUTE PERIOD FOR A POWERPOINT PRESENTATION TO CLEARLY ILLUSTRATE THE FACTS.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or (X) Planning Commission and () approve or (X) deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: DAVID ROBERTSON

Mailing Address: 331 LINARES AVE, LONG BEACH, CA 90803

Phone No. 562-439-8727

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

(562) 570-6194
FAX (562) 570-6068

received
8/28/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the 17th day of August ~~18~~ 2006
 Planning Commission

APPELLANT: REYNA ALERS

APPLICANT: TOM DEAN & MIKE SENSEWICH/Classified Retail Partners

Project address: 400 N. Studelaker

Permits requested: conditional use permit & variances

Project description: Home Depot and related retail

Reason for appeal: improper zoning misrepresentation of real project, nondisclosed emergency shopping center, variances need full soil testing must be disclosed

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Reynal Alers

Print name of Appellant: REYNA ALERS

Mailing Address: 470 MARGA AVE Long Beach

Phone No. 562-430-1249

90803

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: Yes No Application complete: Yes No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the _____ day of Aug. 2006.
 Planning Commission

APPELLANT: Heather Altman

APPLICANT: Studebaker LB, LLC

Project address: 400 Studebaker Rd.

Permits requested: CUP, local Coastal Dev Pmt Stds. Variance, etc

Project description: Home Depot design + garden center, addl commercial retail buildings, a restaurant, parking + assoc. site improvements

Reason for appeal: Inadequate + flawed EIR. Significant adverse impacts unable to be mitigated

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: Heather Altman

Mailing address: 4 1/2 Ximeno Ave, LB, CA 90803

Phone No.: 562.433.4741

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: Yes No Application complete: Yes No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

received
8/25/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the _____ day of _____ 20____.
 Planning Commission

APPELLANT: Suzanne Beck

APPLICANT: Home Depot

Project address: 400 Studebaker Rd

Permits requested: _____

Project description: Home Depot Retail Center

Reason for appeal: EIR Flaws, traffic problems

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Suzanne Beck

Print name of Appellant: Suzanne Beck

Mailing address: 10 Corinthian Walk L.B. 90803

Phone No.: 562-856-3570

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: Yes No Application complete: Yes No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

received
3/25/06
[Signature]

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the _____ day of _____ 20____.

(X) Planning Commission

APPELLANT: Arthur J. Beland

APPLICANT: Home Depot

Project address: _____

Permits requested: _____

Project description: Home Depot Retail Center

Reason for appeal: EIR Flaws

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or (X) Planning Commission and () approve or (X) deny this application.

Signature of Appellant: Arthur J. Beland M.D.

Print name of Appellant: Arthur J. Beland

Mailing address: 5615 Naples Canal L.B. 90803

Phone No.: (562) 438-7522

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802 • (562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the _____ day of _____ 19____.
 Planning Commission

APPELLANT: Ann Cantrell

APPLICANT: Greenberg Farrow

Project address: 400 Studebaker Rd.

Permits requested: _____

Project description: Home Depot

Reason for appeal: Inadequate EIR - does not address effects of lights, noise & traffic on wetlands. No mitigation for air quality impacts and impacted intersections; Required open space

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Ann Cantrell

Print name of Appellant: Ann Cantrell

Mailing Address: 3106 Claremore Ave. LB 90808

Phone No. 562/596-7288

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

APPROVED
Zoning & Development Services
Department of Planning & Building

=====STAFF USE ONLY=====

Counter Staff: JW Case No. 0308-11 Date: 8/22/06

Filing Fee Required: Yes No Application complete: Yes No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

received
8/28/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the 17th day of Aug ~~18~~ 2006
 Planning Commission

APPELLANT: CHRISTINE CAREY

APPLICANT: Home Depot East Long Beach

Project address: 400 N. Studebaker

Permits requested: Variances & C.V.P.

Project description: Shopping Center

Reason for appeal: Trappic bad enough, adopt Moratorium, use for Wetlands restoration, Loynes needs full rebuild, E.I.R. flawed, improper zoning, adopt Los Cerritos Study Group recommendations, will join the lawsuit

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Christine Carey

Print name of Appellant: CHRISTINE CAREY, Pres. Paramount Teachers Assoc.

Mailing Address: 6316 E. 5th St., Long Beach 90803

Phone No. (562) 598 9812

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: Yes No Application complete: Yes No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

Received
8-25-09

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the 17th day of August 2009.
 Planning Commission

APPELLANT: Helen M. Carlson

APPLICANT: Greenberg Farrow

Project address: 400 Studebaker Rd, Long Beach, CA 90815

Permits requested: Site Plan Review, Conditional Use Permit, Tract Map, Local Coastal Development Permit and Standards Variance

Project description: Request for a Home Depot (approx 140,000 sq ft) and a garden center, a 6,000 sq ft restaurant and 2 retail commercial bldgs, which total 12,000 sq ft

Reason for appeal: EIR states that all intersections are already totally impacted. Adding another lane is impossible due to Fwy. on ramp. Loynes Dr was not addressed and cannot handle the traffic since it was a dump site, lights impact adjacent wetlands.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Helen M. Carlson

Print name of Appellant: Helen M. Carlson

Mailing address: 450 Daroca Ave., Long Beach, CA 90803

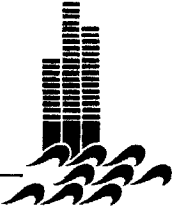
Phone No.: (562) 431-4236

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: Yes No Application complete: Yes No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

received
8/25/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

Zoning Administrator on the 17th day of Aug 2006.

Planning Commission

APPELLANT: Deborah R. Clawson

APPLICANT: Studebaker LLC, Home Depot

Project address: 400 Studebaker Road, L.B. 90803

Permits requested: _____

Project description: Home Depot & other retail

Reason for appeal: Unightly design, inappropriate for location, big box retail unwelcome in area of with numerous traffic concerns and no clear plan for remediation of same

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Deborah Clawson

Print name of Appellant: Deborah Clawson

Mailing address: 30 Giralda Walk, Long Beach, 90803

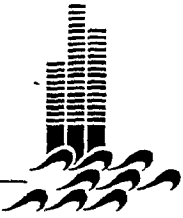
Phone No.: 562-438-8550

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: Yes No Application complete: Yes No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the 17 day of Aug 2006

() Planning Commission

APPELLANT: MELINDA COTTON - AGGRIEVED

APPLICANT: GREENBERG FARROW-STUDEBAKER LLC, HOME DEPOT

Project address: 400 STUDEBAKER RD (COUNCIL DISTRICT 3)

Permits requested: CASE NO. 0308-11, SITEPLAN REVIEW CONUSE PERMIT
PAREL MAA-NOCAL COASTAL DEV PERMIT, STANDARDS VARIANCE

Project description: CASE NO 0308-11

140,000 sq. ft. HOME DEPOT, 6,000 sq. ft RESTAURANT

12,000 sq. ft RETAIL-COMMERCIAL

Reason for appeal: EIR TOTALLY FAWED, FAULTY TRAFFIC

MITIGATION, UNANSWERED CONCERNS BY AQMD, BUSD,

ACS POWER PLANT IMPACT ON WETLANDS UNANSWERED &
SEE COMMENTS DATED 8-17-06 FAWED

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ()

Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: Melinda Cotton

Print name of Appellant: MELINDA COTTON

Mailing Address: P.O. Box 3310, LONG BEACH, CA 90803

Phone No. 562/433-2795

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

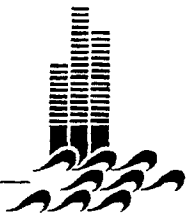
Counter Staff: Greg C.

Case No. _____

Date: 8/18/06

Filing Fee Required: () Yes No

Application complete: Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the 8 day of 17 1906.

() Planning Commission

APPELLANT: JANICE DAHL, UNIVERSITY PARK ESTATES NEGA. ASSOC. PRESIDENT

APPLICANT: STUDEBAKER LLC / HOME DEPOT

Project address: 400 STUDEBAKER RD

Permits requested: CUP / VARIANCE / PARCEL MAP / LCP

Project description: HOME DEPOT, RETAIL STORES, RESTAURANT

* IMPACT OF VISTA ST SEWER LINE

* TRAFFIC IMPACT HEARD BUT IGNORED, LBUSD OBJECTS TO PROJECT,

Reason for appeal: PERIODA VIOLATIONS, PLANNING COMMISSIONERS DID

NOT WEIGH THE OPPONENTS FACTS, 30% OPEN SPACE VARIANCES,

INADEQUATE FINDINGS, DISMISSED LOWES 02 CONSEQUENCES,

DID NOT CONSIDER COASTAL COMMISSION RECOMMENDATION. *

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ()

Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: Janice Dahl

Print name of Appellant: JANICE DAHL

Mailing Address: 6212 E. VISTA ST. 90803

Phone No. (562) 594-0902

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: Raynolds Case No. _____ Date: 8/21/06

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

Zoning Administrator on the 17th day of August 2006.

Planning Commission

APPELLANT: Ann Devison

APPLICANT: Greenberg Farrow

Project address: 400 Studebaker Road

Permits requested: Site Plan Review, Conditional Use Permit, Tract Map, Local Coastal Development Permit, Standards Variance

Project description:

Home Depot, restaurant & two retail/commercial buildings

Reason for appeal: inadequate EIR, inappropriate location because it would have a very negative impact on traffic and the Los Cerritos wetlands habitat

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: Ann Devison

Mailing address: 6931 E 11th St. Long Beach, CA 90815

Phone No.: (562) 430 9136

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

APPROVED
Zoning & Development Services
Department of Planning & Building

Counter staff: [Signature]

Case No. 0308-11 Date: 8/22/06

Filing Fee required: Yes No

Application complete: Yes No

Planner [Signature]



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

(562) 570-6194
FAX (562) 570-6068

8-25-06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 24 day of August ~~19~~ 2006
 Planning Commission

APPELLANT: Joan Hawley-McGrath

APPLICANT: Greenberg Farrow

Project address: 400 Studibaker Rd. Long Beach, CA 90815

Permits requested: Site Plan Review - Conditional Use Permit - Tract Map
Local Coastal Development Permit - Standards Variance

Project description: Request for Home Depot (approximately 140,000 sq ft.
w/garden center - a 6,000' Restaurant - a Retail Center -

commercial building totaling 12,000 sq ft. - Plus parking lot

Reason for appeal: The Recirculated 2006 EIR inadequate - Traffic Study
did not address the inadequate location because of the
change in Traffic and impact on wetlands - did not address homes
Road - the neighborhood and the nine hole golf course

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ()
Zoning Administrator or Planning Commission and () approve or deny this application.

Signature of Appellant: Joan Hawley-McGrath

Print name of Appellant: Joan Hawley-McGrath

Mailing Address: 6257 Marina View Dr. Long Beach, CA 90803

Phone No. (562) 596-9387

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

8-25-08

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the 17th day of Aug 19 2008
 Planning Commission

APPELLANT: Judith Hess

APPLICANT: Studebaker LLC Home Depot

Project address: 400 Studebaker Rd

Permits requested: Site Plan Review Conditional Use Permit, Local Coastal Development Permit, Standard Variances

Project description: Home Depot retail + restaurant development

Reason for appeal: Not allowing 25% open land, inadequate analysis of traffic impact, pollution to wetlands, air quality affecting students at Kettering Elementary school, scope of study too limited

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Judith A Hess

Print name of Appellant: JUDITH A. HESS

Mailing Address: 330 LALANDA ^{AVENUE} L.B. 90803

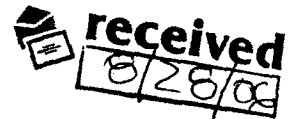
Phone No. 562/598-7533

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: Yes No Application complete: Yes No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

Give to front desk

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the 17th day of August ~~18~~ 2006

() Planning Commission and EIR certification

APPELLANT: FRANK MARCHESE

APPLICANT: TOM DEAN & MIKE JENSEN % Pacific Retail Partners

Project address: 400 N. Studebaker

Permits requested: Conditional Use Permit + Variances

Project description: Home Depot and related retail

Reason for appeal: Improper zoning, misrepresentation of real project, non disclosed emerging shopping center, loynes needs full rebuild, soil ~~test~~ testing must be disclosed, EIR widely flawed, moratorium needed, adopt zoning study, present roads oversaturated, true overall risks secreted.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: FRANK P. MARCHESE

Mailing Address: 6312 E. 5th ST. 90803

Phone No. 598-1190

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

received
2/25/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the _____ day of _____ 20____.

() Planning Commission

APPELLANT: Jerry Mashburn

APPLICANT: Home Depot

Project address: 400 Studebaker Road

Permits requested: _____

Project description: Home Depot Retail Center

Reason for appeal: EIR Faults ; Traffic issues ;
Life endangerment issues ; Accident
Study Flaws

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or (X) Planning Commission and () approve or (X) deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: Jerry Mashburn

Mailing address: 2 Rivo Alto Canal, LB 90803

Phone No.: 562-439-8550

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068



APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

() Zoning Administrator on the _____ day of _____ 20____.

(X) Planning Commission

APPELLANT: Mary Beth Mashburn

APPLICANT: ~~Mary Beth Mashburn~~ Home Depot

Project address: 400 Studebaker Rd. (Home Depot)

Permits requested: _____

Project description: Home Depot retail center

Reason for appeal: Flawed EIR; Traffic Studies; Homeland Security information; Accident Reports; Cumulative project errors

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or (X) Planning Commission and () approve or (X) deny this application.

Signature of Appellant: [Handwritten Signature]

Print name of Appellant: Mary Beth Mashburn

Mailing address: 2 Rivo Alto Canal, Long Beach 90803

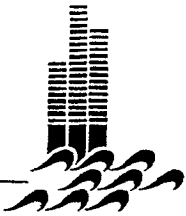
Phone No.: 562-439-8550

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=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

(562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17 day of AUGUST 2006
 Planning Commission

APPELLANT: Jeff Miller

APPLICANT: Greenberg Farrow Studebaker LLC, Home Depot

Project address: 400 Studebaker Rd.

Permits requested: conditional use permit, local coastal development
Permit, standards variance.

Project description: 190,000 SQ FT Home Depot, 6,000 SQ FT RESTAURANT,
12,000 SQ FT RETAIL

Reason for appeal: The EIR submitted by applicant is
defective and incomplete. Adverse traffic impacts
are not acceptable and proposed mitigation is unrealistic.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ()
Zoning Administrator or Planning Commission and () approve or deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: Jeff Miller

Mailing Address: P6 Box 3310, Long Beach, CA 90803

Phone No. 562.433.2795

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: 8/18/06

Filing Fee Required: () Yes () No Application complete: () Yes () No

received
8-28-06



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

• (562) 570-6194

FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17 day of Aug 19 2006
 Planning Commission

APPELLANT: _____

APPLICANT: GREEN BUCKLE FARM

Project address: 1400 STUDEBAKER

Permits requested: SITE PLAN REVIEW, CONDITIONAL USE PERMIT, TRACT MAP, LOCAL COSTA MESA DEVELOPMENT PERMITS
STANDARDS VARIANCE

Project description: _____

Home Depot / Retail / Restaurant / Commercial
Buildings

Reason for appeal: INAPPROPRIATE LOCATION, FLAWED EIR,
NO TRAFFIC MITIGATION

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ()
Zoning Administrator or Planning Commission and () approve or deny this application.

Signature of Appellant: _____

Print name of Appellant: MICHAEL PUGH

Mailing Address: 6831 E. 11th St. Long Beach CA 90815

Phone No. 562-208-1237

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

(562) 570-6194
FAX (562) 570-6068



APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17th day of AUGUST 2006
 Planning Commission

APPELLANT: DEAN RICHARDSON

APPLICANT: GREENBERG FARROW

Project address: 400 STUBBSBAKER ROAD

Permits requested: SITE PLAN REVIEW, CONDITIONAL USE PERMIT, TRACT MAP, LOCAL COAST DEVELOPMENT PERMIT, SHADOWS VARIANCE,

Project description: DEVELOPMENT OF HOME DEPOT CENTER, INCLUDING RESTAURANT, RETAIL STORES, PARKING, ETC.

Reason for appeal: INADEQUATE EIR, SPECIFICITY, TRAFFIC MITIGATIONS & IMPROVEMENTS OFFERED ARE NOT SUFFICIENT TO ADDRESS FULL IMPACT.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or Planning Commission and () approve or deny this application.

Signature of Appellant: Dean Richardson

Print name of Appellant: DEAN RICHARDSON

Mailing Address: 6810 E. 11th ST. - LONG BEACH, CA. 90815

Phone No. (562) 594-4733

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: DB Case No. G 308-11 Date: 8/25/06

Filing Fee Required: () Yes No Application complete: Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

received
8/21/06
[Signature]

(562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17 day of AUG 19 06.
 Planning Commission

APPELLANT: LISA RINALDI

APPLICANT: GREENBERG FARROW

Project address: 400 STUDEBAKER RD

Permits requested: CONDITIONAL USE

Project description: HOME IMPROVEMENT & GARDEN CENTER

6K SQ FT RESTAURANT, 2 RETAIL COMMERCIAL BUILDINGS
TOTALING 12K SQ FT

Reason for appeal: INABILITY TO MITIGATE TRAFFIC VOLUME,
AIR POLLUTION; SOIL CONTAMINATION ISSUES;
WETLANDS BUFFER ZONE ISSUE

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ()
Zoning Administrator or Planning Commission and () approve or deny this application.

Signature of Appellant: Lisa Rinaldi

Print name of Appellant: LISA RINALDI

Mailing Address: 5624 LA PAZ ST, LONG BEACH, CA 90803

Phone No. (562)

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

RECEIVED
8/25/06

(562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17~~25~~ day of Aug. 19 2006.
 Planning Commission

APPELLANT: Winona Sherer

APPLICANT: Greenberg Farrow c/o Vasanthi Romanathan

Project address: 400 Studebaker Road Long Beach, CA 90815

Permits requested: Site Plan Review, Conditional Use Permit Tract Map, Local Coastal Development Permit Permit & Standard Variance

Project description: Home Depot 140,000 sq. ft., 6,000 sq. ft. restaurant and two retail/commercial buildings totaling 12,000 sq. ft. and 754 parking places.

Reason for appeal: Intersections already overcrowded at all times of day. Extra lanes on Studebaker Road will not alleviate these problems.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: Winona Sherer

Print name of Appellant: Winona Sherer

Mailing Address: 421 Daroca Ave. Long Beach, CA 90803

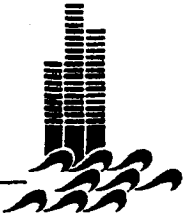
Phone No. (562) 430-8218

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

(562) 570-6194
FAX (562) 570-6068

8-25-06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17 day of AUGUST 2006
 Planning Commission

APPELLANT: WALTER E. SMITH

APPLICANT: GREENBERG FARROW

Project address: 400 STUDEBAKER RD, LONG BEACH, CA 90815

Permits requested: SITE PLAN REVIEW, CONDITIONAL USE PERMIT, TRACT MAP, LOCAL COASTAL DEVELOPMENT PERMIT AND STANDARDS VARIANCE

Project description: REQUEST FOR A HOME DEPOT (~140,000 sq. ft.) AND A GARDEN CENTER, A 6,000 sq. ft. RESTAURANT AND TWO RETAIL COMMERCIAL BUILDINGS WHICH TOTAL 12,000 SQ. FT.

Reason for appeal: EIR STATES THAT ALL INTERSECTIONS ARE ALREADY TOTALLY AFFECTED. ADDING ANOTHER LANE IS IMPOSSIBLE DUE TO HWY ON RAMP. LOYNES DRIVE WAS NOT CONSIDERED AND CANNOT HANDLE MORE TRAFFIC SINCE IT WAS A DUMP SITE. LIGHTS, ETC IMPACT ADJACENT WETLANDS.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or Planning Commission and () approve or deny this application.

Signature of Appellant: Walter E. Smith

Print name of Appellant: WALTER E. SMITH

Mailing Address: 401 DAROCA AVE. LONG BEACH, CA 90803

Phone No. (562) 493-5116

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

(562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 18 day of AUGUST ~~2006~~ 2006.
() Planning Commission

APPELLANT: MARY SUTTIE

APPLICANT: STUDEBAKER LLC

Project address: 400 STUDEBAKER RD.

Permits requested: CONDITIONAL USE PERMIT, CERTIFICATION OF THE EIR, SITE PLAN APPROVAL & LOCAL COASTAL APPROVAL.

Project description: HOME DEPOT COMMERCIAL CENTER

Reason for appeal: INADEQUATE ENVIRONMENTAL REPORT.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: Mary Suttie

Print name of Appellant: MARY SUTTIE

Mailing Address: 331 LINARES AVENUE, LONG BEACH, CA. 90803

Phone No. (562) 439-8727

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

received
3/25/06
[Signature]

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the _____ day of _____ 20____.
 Planning Commission

APPELLANT: Donald Tinsley

APPLICANT: Home Depot

Project address: 400 Studebaker Rd

Permits requested: _____

Project description: Home Depot retail center

Reason for appeal: EIR Flaws, Traffic Problems

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: *Donald Tinsley*

Print name of Appellant: Donald Tinsley

Mailing address: 25 Corinthian Walk, Long Beach 90803

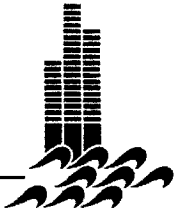
Phone No.: ⁵⁶² 439-7156

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: Yes No Application complete: Yes No



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

received
3/25/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the _____ day of _____ 20____.
 Planning Commission

APPELLANT: Michael Tinsley

APPLICANT: Home Depot

Project address: 400 Studebaker Rd

Permits requested: _____

Project description: Home Depot Retail Center

Reason for appeal: EIR Flaws, cumulative project impacts, Traffic Impacts

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant:

Print name of Appellant: Michael Tinsley

Mailing address: 2383 Belmont Ave LB 90814

Phone No.: 562-986-4410

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: Yes No Application complete: Yes No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

(562) 570-6194
FAX (562) 570-6068

8/25/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

Zoning Administrator on the 17 day of August 2006

Planning Commission

APPELLANT: SANDRA VAN HORN

APPLICANT: Greenberg Farrow

Project address: 400 Stuebaker Rd. Long Beach, CA. 90815

Permits requested: Site Plan Review, Conditional Use permit, Tract map, LOCAL COASTAL Development Permit, & STANDARDS VARIANCE.

Project description: Request for A Home Depot, (approx 140,000 SF) + a garden center, a 6,000 foot restaurant and 2 retail commercial buildings which total 12,000 SF. Plus parking

Reason for appeal: Incompatible w. neighborhood. Unsuitable location because of traffic AND impact on adjacent wetlands. EIR Flawed & inadequate. LOYNES not ADDRESSED.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Sandra Van Horn

Print name of Appellant: SANDRA VAN HORN

Mailing Address: 845 Stevely Ave. Long Beach 90815

Phone No. (H) 562-596-6951 (W) 562-493-2479

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: Yes No Application complete: Yes No



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

received
8/28/06

(562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17th day of AUGUST ~~18~~ 2006
() Planning Commission

APPELLANT: TOM MARCHESE, DOUG DRUMMOND, STEFANIE LOFTIN, RIC TRENT

APPLICANT: TOM DEAN, MIKE JENSEN % PACIFIC RETAIL PARTNERS, HOME DEPOT

Project address: 400 N. STUDEBAKER at LOYNES

Permits requested: CONDITIONAL USE PERMIT, VARIANCES

Project description: HOME DEPOT, RESTAURANT, RETAIL

Reason for appeal: SEE ATTACHMENTS

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or () Planning Commission and () approve or () deny this application.

Signature of Appellant: Thomas Marchese Douglas Drummond

Print name of Appellant: Please see attached appeal

Mailing Address: Attached

Phone No. D. DRUMMOND - 5985603, TOM MARCHESE - 5981190, STEPHANIE LOFTIN 621-6300

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No

August 28, 2006

To: Our Honorable Mayor and City Staff:

From:

Doug Drummond;

6242 Monita Street
Long Beach, CA 90803
(562) 598-5603

Thomas Marchese J. D.

c/o University Park Estates Neighborhood Association
(www.UPENA-LB.com) and
Los Cerritos Wetlands Study Group;
6312 E. 5th Street
Long Beach, CA 90803
(562) 598-1190

A. S. Loftin Esq.

c/o Long Beach Law Inc.,
3233 East Broadway Avenue
Long Beach, CA 90803
(562) 621-6300

**Re: APPEAL FROM THE 8-17-06 PLANNING COMMISSION APPROVAL OF THE
EAST LONG BEACH HOME DEPOT PROJECT AND REQUEST TO YOUR
HONORABLE BODY THAT THIS DECISION BE REJECTED**

Honorable Mayor, Council, and City of Long Beach Staff,

We the undersigned, formally APPEAL the 8-17-06 Planning Commission decision to approve this project and certify the East Long Beach Home Depot E. I. R. upon many legitimate grounds set forth in Attachments A through G, non-exclusively as herein Incorporated by Reference. We do so on behalf of many individuals and several entities.

Since March of 2004, thousands of citizens, 11 of 12 Homeowners Associations on a duly appointed rezoning study panel (The Los Cerritos Wetlands Study Group as received and filed pending adoption), and a long list of State, Local or Private Entities or Organizations, have voiced their concerns or opposition to constructing Mega Box Retail on a contaminated parcel of land between the two ocean channels at the original ancestral headwaters of the Los Cerritos Wetlands. This is where our two rivers once connected, and should be reconnected to restore the tide cycle to our estuary. Environmentally, this unique parcel could play a key role in restoring our wetlands and this application fails to analyze this and many other important concerns.

Of prime concern legally, is the SPOT ZONING of an Industrial property into a Commercial property through a claim that somehow, this is an ACCESSORY USE to the principal use which is a power plant. This is not an accessory use as defined by our zoning ordinance.

We believe this application process is being misrepresented by Staff, or others. This application was approved as a request for an accessory use enabling a huge public retailer into the middle of a purely industrial zone by way of a Conditional Use Permit. How can any primarily heavy industrial use, for example a power plant, fuel storage tanks and related transfer piping, be established as the primary original PRINCIPAL USE and then after 55 years, suddenly become a COMMERCIAL retail trade corridor without a zoning change?

Through an unfair misapplication of the law which strains the definition of an ACCESSORY USE far beyond the realm of reasonableness while rendering the protections and classifications within our zoning law meaningless. Thus we contend;

- I) MAJOR RETAIL IS NOT AN ACCESSORY USE IN AN INDUSTRIAL ZONE. (See Attachment A)
- II) THIS IS A HOME DEPOT, NOT AN INNOCENTLY UNDERSDESCRIBED "DESIGN CENTER". (See Attachment B)
- III) THE DEVELOPER NOW CALLS HOME DEPOT A SITE ANCHOR AND IMPLIES THERE WILL BE MORE TO COME, JUST HOW BIG WILL THIS PROJECT BE? (See Attachment C)
- IV) Our site concerns include (Please review Attachments' D to G)

- V) WE URGE;
- a) The Adoption of the Los Cerritos Wetlands Study Group findings,
 - b) That the entire area rezoning be assigned to the Los Cerritos Wetlands Study Group for recommendations, and
 - c) That a MORATORIUM be adopted pending area wide Wetlands Planning and site zoning which preserves and enhances our quality of life and neighborhoods while aesthetically cleaning up our entire Eastern entrance to Long Beach.

ATTACHMENT A

A HOME DEPOT CANNOT LOCATE IN A GENERAL INDUSTRIAL ZONE WITHOUT A ZONING CHANGE OR A VARIANCE NEITHER OF WHICH WERE APPROVED.

This parcel is zoned Heavy Industrial under PD-19 of the SEADIP zoning ordinance.

Our Municipal code 21.12.1460 defines this category “as uses comprised of activities necessary to convert natural resources into finished goods”. These uses include resource extraction or processing, manufacturing, assembly, storage, transshipping, and, wholesaling which precedes arrival of goods at a retail and use. By clear definition, a mega box retailer is not permitted. To site a major retailer into a Heavy Industrial zones requires a zoning change or a variance. This may be an attempt to circumvent the Los Cerritos Wetlands Study Group findings which eliminate Commercial and Heavy Industrial zoning, regardless, it is inappropriate.

At section 21.15.060, an Accessory use is defined as a use that is:

- 1) Customarily incidental and/or necessarily related to the PRINCIPAL use of the Land, Buildings or structure.

A huge retailer is in no way incidental to an industrial use of this property. They are not customarily seen in the middle of an industrial zone. This is not necessary or related to industrial operations.

The code also requires that:

- 2) An accessory use is located on the same lot as the PRINCIPAL use and is dependent upon the principal use for the majority of it’s use or activity.

These lots are being separated thus the nexus is broken. Home Depot will depend on patrons from miles around, not the power plant. The majority of this use or activity will not be derived from an industrial use. The cases and codes require activity subordinated to the principal use. This application does not meet these criteria.

Finally our code’s TABLE of PERMITTED USES at 33-Z2 section 7A reads as follows. SIC52 is a permissible retail use for hardware and buildings materials within an industrial zone only under specified conditions. The code states; “primarily the eating or hardware use must be PRIMARILY INTENDED TO SERVE nearby industries or industrial employees, and the retail’s proximity will provide convenience with a minimal impact on the retail operations. In our opinion the ACCESSORY use request is merely a strategy to avoid a proper request for rezoning.

ATTACHMENT B

These printouts from the developers' website reveal the truth.

- 1) This is a large Home Depot
- 2) A shopping center is emerging with no notice to the public
- 3) This is actually an anchor for future large retailers

See notes A & B

home / ab

Expansion Strategies & Services

Property Listings

Partner List

Retailers We Work

FOR SALE

FOR LEASE

DOWNLOAD FULL BROCHURE

Studebaker Rd. & Loynes Dr.
Long Beach CA 90803

Intersection: SEC Studebaker & Loynes

Space Available: 1,000-10,000 SF

Asking Price: \$42-\$48/SF

Listing Date: 2006-03-29

Broker: | **Tel:** 562-431-8734, x113



1,000-10,000 SF shops and outpads available.

~~Shopping Center anchored by Home Depot.~~

ITEM A, "THIS IS A HOME DEPOT ANCHOR FOR A JUST REVEALED SHOPPING CENTER."
"The Sun Rises on Opportunity Everyday. Pacific Retail Partners makes that Opportunil

911 STUDEBAKER RD | SUITE 205 | LONG BEACH, CA | 90815
PHONE 562.431.8734 | FAX 562.431.1856




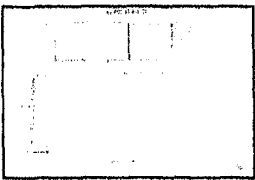

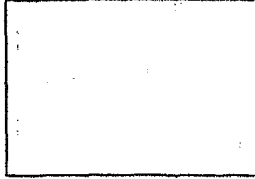
PACIFIC RETAIL PARTNERS

311 STUDEBAKER RD | SUITE 208 | LONG BEACH, CA | 90815

PH. (562) 431-8734

AVAILABLE PROPERTIES

Updated July 27, 2006

Site	City	Address / Intersection	Available	Asking Price	Property Details	Contact
BREA UNION PLAZA						
	Brea, California	NWC Imperial & Kraemer	14,000 SF	\$24.00/SF AS-IS	Great Opportunity in the best power center in North Orange County.	Ryan Sullivan (562) 431-8734
MCCALLA CENTER						
	Santa Ana, California	NWC First & Harbor	(1) 2,600 SF	\$3.00/SF, NNN	Anchored by Sav-On. Strong neighborhood center in dynamic trade area.	Carol Schllne (562) 431-8734
HOME DEPOT ANCHORED						
	Long Beach, California	Long Beach Commons SEC Studebaker Rd. & Loynes Dr.	1,000-10,000 SF Shops & Outpads Available.	\$42 - \$48/SF	Shopping Center anchored by: Home Depot.	Mark Shenouda & Mike Jensen (562) 431-8734
	Signal Hill, California	NWC Spring & California @ 405 Fwy.	Up to 55,000 SF Retail Buildable Pads and Shops Available.	Call to discuss.	Shopping Center anchored by: Home Depot.	Ryan Sullivan & Mike Jensen (562) 431-8734

ITEM
B

ATTACHMENT C

Please review item C where PHASE 1 is mentioned. More undisclosed phases are implied with no public notice until after approval. Clearly a shopping is emerging to the surprise of all of us.

RESTAURANTS & SHOPS AVAILABLE

HOME DEPOT CENTER
STUDEBAKER RD. & LOYNES DR. | LONG BEACH | CA

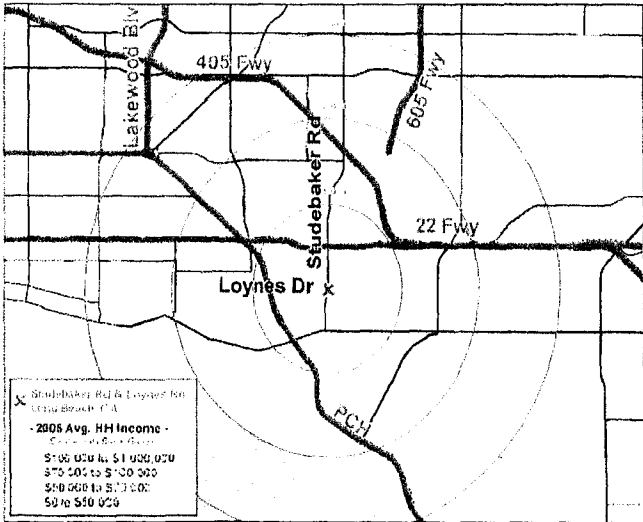
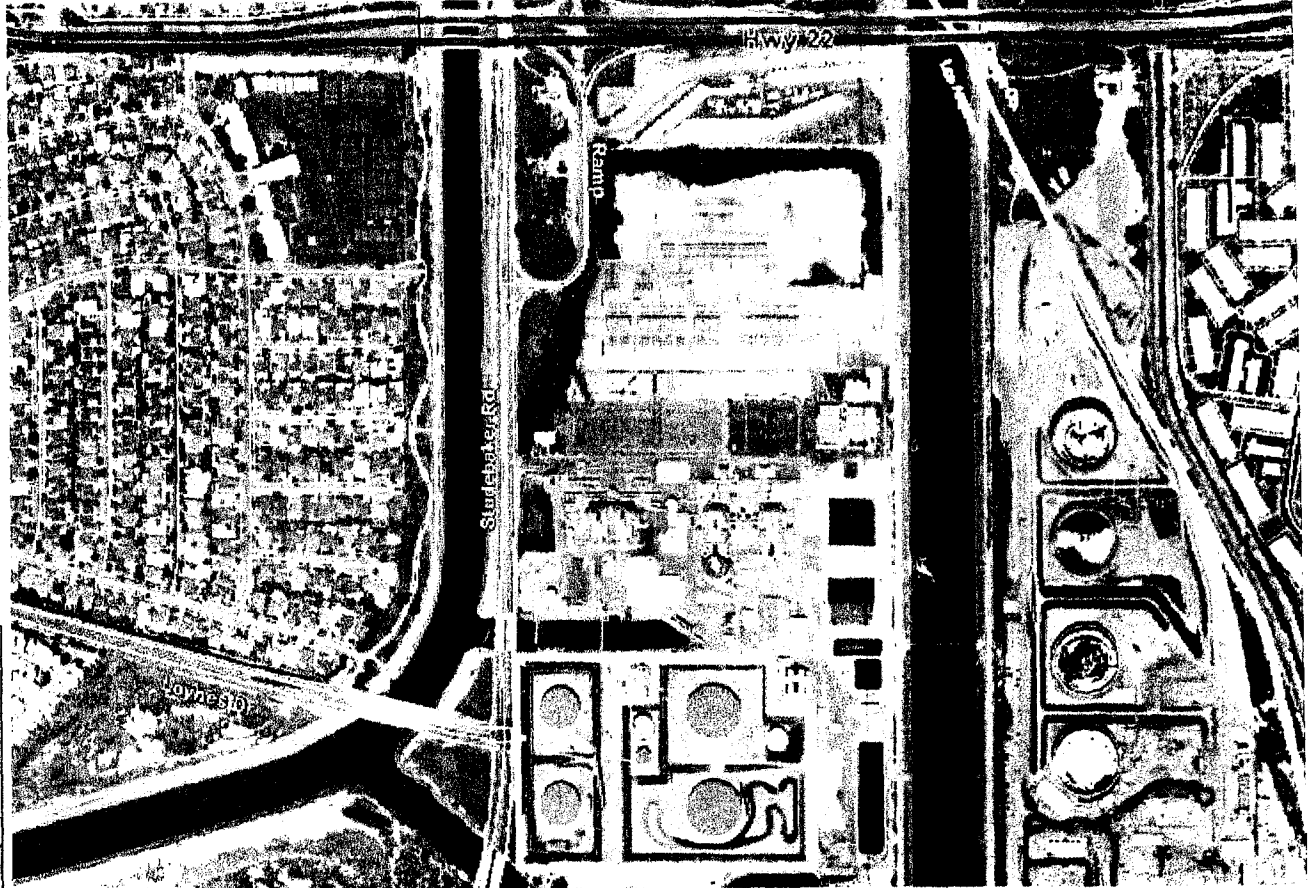
RETAILERS IN THE AREA INCLUDE:



TRADER JOE'S



Pier Imports



DEMOGRAPHIC HIGHLIGHTS:

(2005 estimates)	1-Mile	2-Mile	3-Mile
Population:	11,144	57,800	121,740
Household:	6,231	27,505	55,688
Average H.H. Income	\$85,832	\$97,070	\$86,922

ADJACENT QUINCY

Studebaker Rd.	36,400	ADT
Loynes Dr.	8,000	ADT

Source: City of Long Beach, 2001

FOR FURTHER INFO, PLEASE CONTACT:

PACIFIC RETAIL PARTNERS

MIKE JENSEN | MARK SHENOUDA

911 STUDEBAKER RD | SUITE 205 | LONG BEACH, CA | 90815

PH. (562) 431-8734

www.pacificretailpartners.com

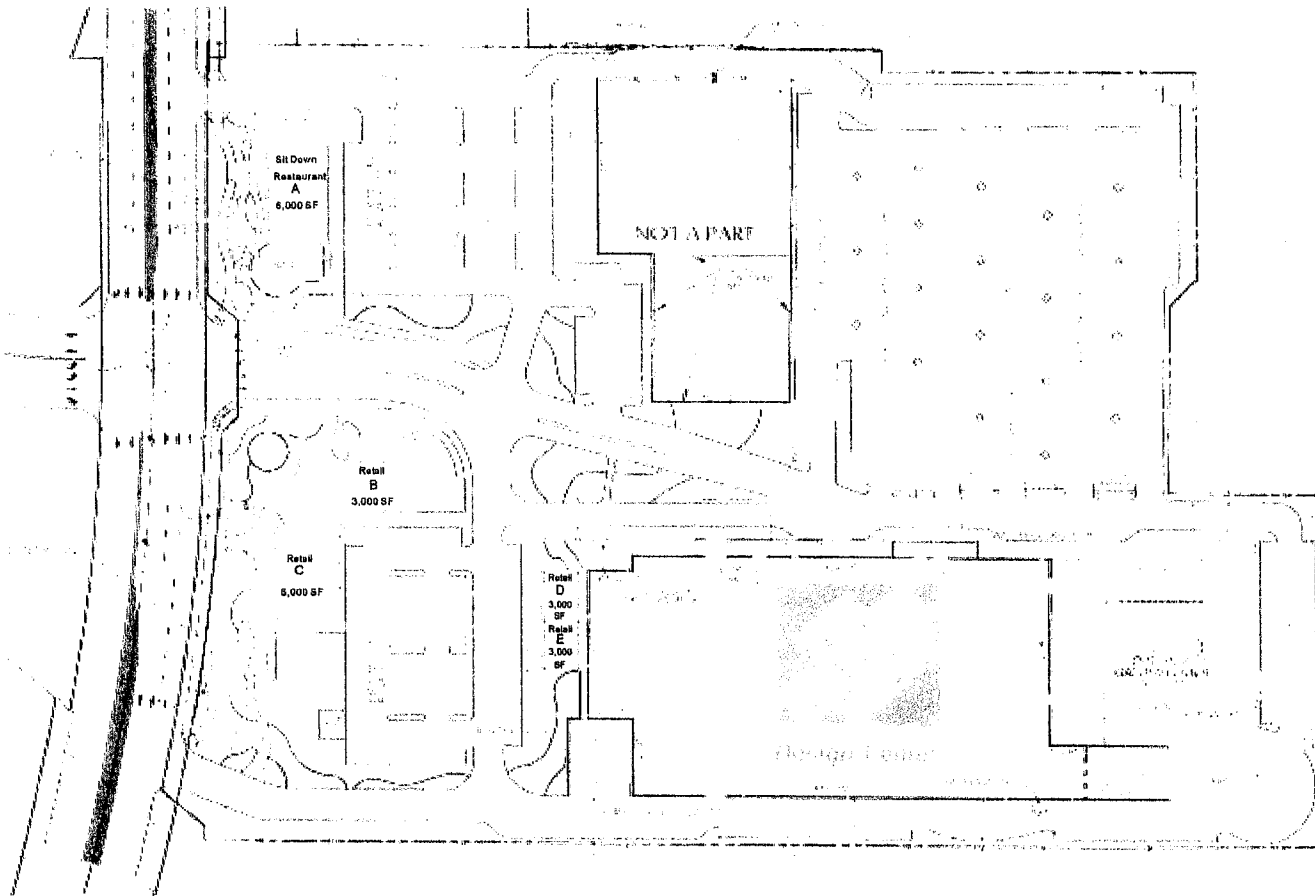
The information above has been obtained from sources believed reliable. While we do not doubt its accuracy, we have not verified it and make no guarantee, warranty or representation about it. It is your responsibility to independently confirm its accuracy a completeness. Any projections, opinions, assumptions or estimates used are for example only and do not represent the current or future performance of the property. The value of this transaction to you depends on tax and other factors which should be evaluated by your tax, financial and legal advisors. You and your advisors should conduct a careful, independent investigation of the property to determine to your satisfaction the suitability of the property for your needs.

RESTAURANTS & SHOPS AVAILABLE

11

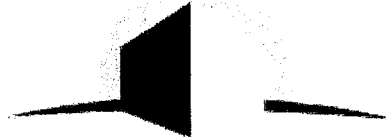
HOME DEPOT CENTER
 STUDEBAKER RD. & LOYNES DR. | LONG BEACH | CA

ITEM C →



□ - AVAILABLE

SITE PLAN



PACIFIC RETAIL PARTNERS

PROJECT INFORMATION (PHASE 1)

SITE AREA

TOTAL SITE AREA	±17.77 ACRES
EXISTING TANK AREA (NOT A PART)	-1.12 ACRES
THE HOME DEPOT, PAD A,B,C,D&E	±18.85 ACRES
DEDICATION	±0.24 ACRES
NET SITE AREA	±18.41 ACRES
TOTAL SITE COVERAGE:	21.72% (9,461 SF/AC)

BUILDING AREA

THE HOME DEPOT	107,513 SF
GARDEN CENTER	34,043 SF
VESTIBULES	2,373 SF
HD TOTAL SF	148,929 SF
A (RESTAURANT)	6,000 SF
B (RETAIL)	3,000 SF
C (RETAIL)	5,000 SF
D (RETAIL)	2,000 SF
E (RETAIL)	2,000 SF
TOTAL	157,529 SF

PARKING COUNT SUMMARY

REQUIRED BY CITY	
THE HOME DEPOT @ 1/200	524 SPACES
GARDEN CENTER @ 1/250	139 SPACES
HD REQUIRED	663 SPACES
PAD A @ 1/200	30 SPACES
PAD B, C, D & E @ 1/200	60 SPACES
TOTAL REQUIRED	753 SPACES

PARKING PROVIDED:

HOME DEPOT:	
CUSTOMER	504 SPACES
OVERFLOW	70 SPACES
TOTAL HD PROVIDED	614 SPACES
PAD A	30 SPACES
PAD B, C, D & E	60 SPACES
TOTAL PROVIDED	754 SPACES

HD RATIO PROVIDED:	4.11/1000 SPACES
TOTAL RATIO PROVIDED:	4.80/1000 SPACES
HD FRONT FIELD PROVIDED: (462+20+03)	553 SPACES
8.5' X 18' STALL W/24' AISLES REQUIRED BY CITY	
9' X 9' W/ 25' AISLES PROVIDED FOR HOME DEPOT	
86 COMPACT SPACES = 11.33% OF TOTAL	

LANDSCAPING

OPEN SPACE PROVIDED: (BASED ON 18.41 ACRES)	
W/ FRONT SETBACK	26.74% (1191,122 SF)
W/O FRONT SETBACK	24.48% (1174,839 SF)
REQUIRED:	
30% OF SITE AREA	214,445 SF

ZONING CLASSIFICATION

EXISTING ZONE & REQUIRED LAND ZONE:
 SUBAREA 18 OF SF AREA DEVELOPMENT AND
 IMPROVEMENT PLAN - SEADIF (PD-1)

PROPOSED: IG (GENERAL INDUSTRIAL ZONE)
SITE REVISION SUMMARY

The information above has been obtained from sources believed reliable. While we do not doubt its accuracy, we have not verified it and make no guarantee, warranty or representation about it. It is your responsibility to independently confirm its accuracy a completeness. Any projections, opinions, assumptions or estimates used are for example only and do not represent the current or future performance of the property. The value of this transaction to you depends on tax and other factors which should be evaluated by your tax, financial and legal advisors. You and your advisors should conduct a careful, independent investigation of the property to determine to your satisfaction the suitability of the property for your needs.

ATTACHMENT D

This Memorandum of concerns remains absent from this application and the E. I. R. .

August 9, 2006

Honorable Mayor, Council and Staff,

My name is Tom Marchese, Vice President of the University Park Estates Neighborhood Association (www.UPENA-LB.com) and founder of Los Cerritos Wetlands Study Group. Doug Drummond, Stephanie Loftin and I raise the following concerns on behalf of many individuals. We are concerned that:

- 1) The Project is mischaracterized as a design center. Actually it's a huge full Home Depot with an Expo up front, i.e. a LOEW's
- 2) A full Loynes rehab with a relocation stipend for the adjacent neighbors is necessary.
- 3) Various experts view this 'race for entitlements' as an attempt to circumvent the Los Cerritos Wetlands Study Group zoning panel findings which eliminate their first 3 alternatives: A huge Home Depot, a huge Home Depot without related retail, or, a truck warehouse.
- 4) Studebaker Road is not a truck route, and has never been designed as such. The road is not commercial grade, thus it cannot serve a warehouse or warehouse store. It is also not a commercial corridor.
- 5) SCAQMD desires, route the trucks away from schools and homes, sensitive receptors, etc, use CNG trucks. We agree.
- 6) NOISE impact is a large problem. Nighttime truck/loading dock noise can be a neighborhood problem. This appears underestimated.
- 7) The sewer should be installed along Studebaker Rd.
- 8) The present traffic risk and accident rate on Loynes and on Studebaker must be disclosed and considered.
- 9) The Air Quality section (fails because we are in non-attainment zone) is under described because Traffic is arguably under reported. The aggregate effect of all proposals and both power plants should be disclosed.
- 10) A proper frontal street for a Home Depot anchor Tenant (with arguably more boxes to follow) needs 8 lanes plus one. (9 in front of Signal Hill Depot on Cherry)
- 11) We believe that traffic estimates should reflect the closure of Cherry Home Depot (a top store) in Signal Hill.
- 12) The SEADIP zoning (Home Depot in area 19) is legally dead and portions were never certified. Home Depot is seeking entitlements on arguably lapsed plan.
- 13) There should be no spot zoning until the entire area is Master Planned.
- 14) The RDEIR unfairly induces bicycle/pedestrian flow through University Park Estates because no sidewalks or handicap access exists along Studebaker, Loynes or 2nd from Island Village to the Marketplace.
- 15) The zoning report and arguably the law, requires original coastal permit jurisdiction on 400 N. Studebaker.

- 16) Home Depot may be one box in a line of boxes. We understand the remaining tanks may be demolished. Will this become Big Box row?
- 17) The Park plans between Kettering and 7th were never submitted to the UPENA board for a neighborhood vote. We may have better plans for the land and will probably veto this design, for now.
- 18) Independent experts, of the zoning panels' choice, should be provided to monitor all soil and groundwater testing and remediation.
- 19) The present roads are oversaturated by the last 10-20 years of build-out and density. Independent experts and City staff describe a potential need to widen 3 or more bridges along with certain roads and ramps. Nearby traffic congestion solutions for 2nd & PCH, 2nd & Studebaker, SR 405 & Studebaker, SR 405 & Seal Beach Blvd., 7th & PCH and the entry to College Park East are not considered. The opening of the downtown condominiums and the rumored closure of the Cherry Ave. Home Depot should be factored in. We would like alternate route flow along Bellflower, Palos Verdes and Loynes to Bellflower to Eliot or Colorado included, along with further pull through effect analysis.

We have been told that this project could increase traffic to the extent that it will harm the quality of life in those adjoining neighborhoods. We would like all of the traffic considerations to be studied, remedies adopted, and improvements funded-all being complementary with wetlands restoration and zoning dependent upon surrounding neighborhood approval and with cost sharing for those traffic improvements.
- 20) A 2 year moratorium is needed until a Master Plan derived from the zoning panel work is adopted. The Ad Hoc committee should be derived from the original panelists or their proxy.
- 21) This EIR should be re circulated again to correct all of the reasonable concerns or underestimations raised since the scoping process, and, to fully and fairly describe the reasonable alternatives.

We appreciate this opportunity to respond,

Tom Marchese
6312 E.5th Street
Long Beach, CA. 90803
562-598-1190

Doug Drummond
6242 Monita St.
Long Beach, CA. 90803
562-598-5603

Stephanie Loftin Esq.
c/o Long Beach Law Inc.
3233 E. Broadway Ave.
Long Beach, CA 90803
562-621-6300

ATTACHMENT E

This resolution was ignored and requests on the site open space mitigation rather than off site on legitimate grounds. The EIR should be re drafted.

4/11/06 Final Draft

August 2, 2006

TO: The CITY of LONG BEACH

CC. Ms. Angela Reynolds, Greg Carpenter, Mark Kristoffels, Michael Mais Esq., Councilman Gary DeLong, The Planning Commission, Jerry Miller, Tom Dean, Mike Jensen, and Government Solutions.

RE: RESOLUTION of the OFFICERS and BOARD of THE UNIVERSITY PARK ESTATES NEIGHBORHOOD ASSOCIATION OF LONG BEACH and technical memorandum concerning proposed off site mitigation proposals within the R.D.E.I.R. for the 'East Long Beach Home Depot'.

Ladies and Gentlemen,

On 8-6-06, the Officers and Directors of our Homeowners Association met and unanimously voted to strongly oppose the proposed acquisition, redevelopment and transfer of the open space of about 1.37 acre's North of Kettering Elementary School and south of 7th Street on several grounds including but not limited to;

1) Neither the developers, their consultants or City Staff, have formally presented this matter to our H.O.A for preliminary consideration, analysis or presentation. This plan is being foisted upon our membership in the absence of any written request, public meeting, consultation, discussion, explanation or even the common courtesy of a single call to our governing body as if the neighborhood is irrelevant to any public process or planning procedure.

Since 1962, our highly respected and widely regarded H.O.A has been consulted to review and approve, or disapprove, all proposals upon this parcel as it is crucial to the Health, Safety and Welfare of our Neighborhood, it's residents, our children and elderly, our property values, our means of ingress and egress, the welfare of Kettering Elementary School, the level of nonresident visitors attracted into our area, the Noise pollution impacts suffered by our area at large, the appearance of our tract, and many other considerations which have controlled any and all planning ideas for this easement corridor. Historically, we have vetoed many proposed ideas on various neighborhood preservation grounds and officially veto this idea. Our legal standing to object is undeniable.

We have RESOLVED and thus DEMAND that;

- 1) All open space required to achieve our city's 30% rule, be accomplished upon 400 N. Studebaker through reduction of proposed project size and scope onsite rather than by offsite mitigation. This is standard civil engineering protocol which we embrace. Place the burden on the applicant, not distant residents.
- 2) We oppose the variance request to achieve 30% open space anywhere else in the vicinity of our tract, especially Westward across the street from 400 N. Studebaker upon any of the three wetlands parcels recently acquired by TOM DEAN at the South West or North West corners of Studebaker and Loynes, or south of Loynes Drive and North of the Los Cerritos Channel and East of Belmont Shores Mobile Estates.
- 3) We disapprove of the extended Channel View Park idea as traffic and visitor inducing and otherwise burdensome, undesirable and dangerous..
- 4) We cite the high danger level upon this parcel as evidenced by the frequent collisions on 7th St. EAST between Silvera Ave and Studebaker Rd. We will provide witness affidavits, collision photos or an engineering opinion in support of this elevated level of risk. Recent examples include, cars crashing through the fences frequently, an 8 car chain reaction pileup on or about July 2nd, at 10:30 p.m. where a car flew through a block wall across 7th by the North West area of the 7th St. bridge across the Los Cerritos Channel, and regular 2 to 6 car 'pile-ups' during the weekday A.M. or P.M. rush hour commute times.

HISTORICALLY OUR RESIDENTS' CONCERNS INCLUDE:

- 1) Two separate fatalities at 7th and Silvera were so severe that both women were decapitated due to the force of impact by the routine speed violators who often reach 70 m.p.h. on 7th going EAST or WEST, colliding with residents trying to exit or enter our tract.
- 2) Recently, a 4x4 truck traveling EAST in the #3 merge lane, struck the curb of this parcel hard enough to shear the entire truck body, cab and bed off of the chassis. The chassis stopped about 100 ft. east of Silvera, but the BODY and TRUCK BED skidded almost 100 yd., into this parcel. Had people been there, sever harm would have been likely.
- 3) Additional park illumination and glare is not desired by most of those in view of this undesirable concept, we consider this glare an aesthetic negative and have historically opposed it.
- 4) Additional loitering will arguably exacerbate growing vandalism and graffiti events now averaging 2 or 3 a month in and around this area. Crime events will escalate to the detriment of the school and our homes because this parcel is closed to the public and posted No-Tress passing at present. Opening it to public use will reduce campus security and arguably increase area crime through unlimited 24 hour access.
- 5) That any future proposed mitigation for our neighborhood be directed first to our BOARD and then to our members. We oppose mitigation offered to the LBUSD rather than us because we are the primarily aggrieved stake holders who remain 96% opposed to this application on a variety of legitimate grounds, on file, in writing and by quorum, vote, proxy or verbal opinion, letter, phone message or other communication. Bargaining around us is wholly unacceptable and litigation provoking.
- 6) We further note that, this parcel presently functions as private open space with locked security fencing. Opening it to the public and conveying it to the school district is on a variety of grounds, unacceptable and officially opposed, vetoed and rejected.

We will entertain other ideas in writing for area consideration. Present ideas include:

- 1) Acquisition for UPENA use, i.e. block wall the perimeter, instal Clubhouse, Pool, Tennis Courts, kayak Center, overflow parking, boat-R.V. storage, etc.
- 2) Acquisition for land swap. Install 3 way signal and median opening 100 yards East of Silvera and reroute all Kettering visitors, Buses, Deliveries and Teachers to a new lot upon this parcel. Transfer present lot to homeowners Pro-Rata for Public/Private Rec. center. UPENA builds Tennis Courts, Pool, Clubhouse, Boating launch under express agreement that Kettering students, staff and parents will be allowed some use of the facilities by license, agreement or permission. This concept would benefit our quality of life and enhance our students quality of education. Slowing 7th would benefit all as the risk of harm rise yearly as our areas density increase.
- 3) Private purchase by residents for maintenance of the Status Quo.

Please amend your SITE PLAN, DESIGN, APPLICATION and C.E.Q.A. documentation accordingly and reduce your project scope in compliance with the desire of our adjacent homeowners. Failure to do so will unfortunately result in a well funded, strategically protracted, extensively researched, comprehensively prepared and widely proposed legal challenge or other actions directed towards preserving our hard fought for quality of life.

We remain amenable to a political solution which begins with implementing the Los Cerritos Wetlands Zoning Group findings and it's requested moratorium. We further pledge to professionally endeavor in earnest to site Home Depot in the vicinity of the Long Beach airport upon a properly engineered commercial corridor supported by a recognized truck route, or in Central or West Long Beach where it makes far more sense and may benefit rather than burden our municipality at large.

Respectfully Submitted,

Thomas Marchese J.D., past President, Vice President, Public Affairs Officer and
Legal Liaison

Janice Dahl, acting President

Ben Goldberg, Past President and Director

Reyna Akers, Officer and Secretary

Nadine Akers, Treasurer

Bob Rosas, Web Master

Carmen Rosas, Officer

Roger Andries, Officer

Larry Hebert, Officer

Tom Rowe, Officer

c.c.; Douglas Drummond, former Vice Mayor,
William A. Williams Esq., George Jones Esq.,
Chatten Borwn-Corstens L.L.P., Scott Dauscher Esq.,
Frances Barbot Esq., Charles Legeman J.D.,
A.S. Loftin Esq. e/o Long Beach Law L.L.P.I,
City Attorney of Seal Beach, Seal Beach Leisure World,
Los Cerritos Rezoning Study Group c/o Ric Trent/Thomas Marchese J.D.

ATTACHMENT F

These 3 documents raise concerns which remain un resolved as to;

1. Soil contamination; no preliminary testing yet.
2. SCAQMD's request for inclusion of soil analysis in E. I. R. (absent) and routing of trucks away from homes and schools (ignored).
3. GEOLOGIST report as to the need for the above and other related concerns overlooked.

Several prominent Law firms are shocked that these memorandums did not stop this Project.

Dear Planning Commissioners and Staff,

August 9, 2006

We filed this complaint in the interest of area safety over 14 months ago. The State has not even been allowed to perform preliminary testing. We have requested full disclosure and health risk quantification and received nothing. This E.I.R. should not be certified until both sites are tested, described and publicly reviewed. Quoting the SCAQMD; "Further analysis is warranted prior to certification of the E. I. R". "Detailed studies are required". None have occurred in direct violation of CEQA.

TO: California Department of Toxic Substance Control June 14, 2005
c/o Mr. Ahman Hegab and Julio Narvaez.
Yolanda Garza (818)551 2955

FROM: The Directors and Officers of the University Park Estates Neighborhood
Association of Long Beach

Thomas Marchese J.D. 6312 E.5thSt. Long Beach, CA, 90803, (562) 598 1190; V/P/
legal liaison, member of The Los Cerritos Zoning Study Group

Also requesting inquiry, Los Cerritos Wet lands and San Gabriel Rivers Study Group, c/o
chairman Ric Trent(562-304-2893); a concerned zoning panel of twenty area
neighborhood associations empowered by the City of Long Beach to study and rezone all
undeveloped land in East Long Beach.

RE; COMPLAINT AND REQUEST FORASSESSMENT AND SITE MITIGATION OF
KNOWN TOXIC SUBSTANCES AT THE PROPOSED HOMEDEPOT AT 400
STUDEBAKER ROAD AND LOYNES DRIVE and REQUEST FOR ASSESSMENT
ANDFULL DISCLOSURE OF KNOWN HAZARDOUS WASTE ON THE WEST
SIDE OF STUDEBAKER RD.BETWEEN 2NDSTREET AND LOYNES DRIVE,
INCLUSION INTO DRAFT E.IR., AND, PROJECT CESSATATION UNDER THE
FELANDO ACT UNTIL SITE ASSESSMENT AND MITIGATIONPROCEEDS.

COMPLAINT

The aforementioned parties, and their residents by quorum, majority vote and proxy,
formally request that the D.T.S.C., and similar affiliated Federal or State authorities,
assess and intervene on behalf of seriously concerned and fearful area residents. Further,
we request that thorough assessment be included into the Draft Environmental Impact
Report prepared by L.S.A. Associates, Inc. titled Home Depot East Long Beach.

We request that the present E.I.R. be expanded and re drafted to accurately and honestly quantify known toxins which are presently being ignored , negligently or intentionally omitted, obfuscated , underestimated, secreted or otherwise hidden from the area residents and the adjacent eight thousand residents of Seal Beach Leisure World.

Credible evidence exists that the two areas of concern contain some of the most toxic substances known to man and that said substances were never quantified, reported or properly assessed. Notice of potential risks has not been adequately disclosed to area residents, schools and visitors of the adjacent areas.

AREA ONE; HOME Depot proposal, 400 Studebaker, Long Beach c/o Studebaker L.B. LLC; Tom Dean, Mike Jensen.

Landlords TOM DEAN and MIKE JENSEN and their lessee, HOME DEPOT, assert that their minimal soil analysis at 400 Studebaker Rd. will sufficiently protect area residents. We contend otherwise. Former Edison employees, a former foreman, present LADWP employees and others have disclosed that for about 50 years, the utility and tank operators have systematically failed to report the hazardous materials in, above and below the areas soils and ground water. Said affiants laugh at the official record which reveals only two minor oil spills in 50 years. One stated; That should be 2 spills per 8hour shift!! For decades we never kept records.

Reports state that cooling oil laden with P.C.B.s has routinely leached into the dirt along with Lead, Arsenic, Heavy Metals, Spilled Crude Oil, Diesel fuel, PIG and other now banned oxidizers and solvents including Benzene, Toluene, Carbon Tetrachloride and other carcinogenic substances which are presently above and below ground throughout this 16 acre site. Decades ago, sporadic radioactivity was measured before the earthen caps were in filled.

We request that a full assessment including an analysis be performed and that you intervene on our behalf should the present responsible party; STUDEBAKER L.B., L.L.C., not consent. Upon reviewing the draft E.I.R., this issue received minimal inquiry and area residents are deeply concerned about the release of known toxic substances during excavation and grading along with water and wetlands contamination. An Edison foreman alleged that the site soils; are so thoroughly contaminated that the ground is hot, and, that most soil will not even allow weeds to grow. Also, several former employees contracted cancer and died due to exposure upon the premises. Lawyers and local private investigators are presently assembling facts which are intended to prove a higher incidence of cancer risk due to prolonged exposure to past and present operations of both power plants because an arguable nexus between the operation and release of toxic substances, and, a higher than normal cancer rate in the surrounding communities is emerging, and, warrants full State inquiry. Litigation is proposed.

Also, the E.I.R., ignores the extent of ground water contamination, spillage, leaching or migration into the Los Cerritos Channel and the adjacent Los Cerritos Wetlands.

Groundwater contamination is being ignored in the D.E.I.R. despite known infiltration into the public waterways along the Los Cerritos channel. Continuous petroleum smells and steam fallout residue is also ignored.

COMPLAINT TWO

Please investigate, assess, describe and quantify the soil and buried super toxins located along the Westside of Studebaker Rd. between 2nd Street to the South, and, Loynes Drive to the North. The flat, encapsulated soils extend roughly four to five hundred feet wide from the Western edge of the Southbound lanes of Studebaker Road and are said to be a high ranking super fund site. Large quantities of high hazard materials are known to exist on this **BIXBY RANCH** property and are said to be highly scored in our States registry.

Could you please help thousands of concerned area residents gain knowledge of said risks and health hazards because many have just recently learned of this peril and are incensed that this has been not disclosed and possibly hidden from them for decades. Are we safe? This former burn dump contains Acrolein, chemical milling residues and various other powerful carcinogens that must be rendered safe.

We request and invoke the relevant sections of the FELANDO ACT and ask you to assert its protections on our behalf. We believe that until the quantity and quality of said toxins are fully analyzed, the law prevents any new construction within one half mile in some cases, or one mile in others, including commercial. We hope to stop Home Depot from proceeding further, since it is a mere 200 feet from said contamination, until the health risks are assessed and mitigated. Please assist us in holding this matter in abeyance until the extent of all health risks is fully and fairly assessed and explained to the thousands of residents living in and around these two areas.

Questions concerning the Home Depot D.E.I.R. may be referred to;

City of Long Beach
Department of Planning and Building
333 West Ocean Blvd, 7th floor
Long Beach, Ca. 90802
Attention; Ms Angela Reynolds ,Community and environmental Planning Office
(562) 570-6357

Additional evidence shall be forthcoming. The deadline to respond is June 15, 2005. Could you please join us in requesting a significant extension of this response period so that we can more adequately investigate and respond? Credible evidence exists that a clear and present danger to our health, our waters and our wetlands exists. Please help us.

Very Truly Yours,
The University Park Estates Neighborhood
Association of Long Beach;
www.UPENA-LB.com
(562)596-0022

Thomas N. Marchese J.D., V/P U.P.E.N.A.
6312 E. 5thSt., Long Beach, CA 90803
Janice Dahl President U.P.E.N.A.
Douglas Drummond former Vice Mayor LB
Bob and Carmen Rosas UPENA board
Benjamin A. Goldberg and family UPENA board

Christine Carey, Pres, Paramount(Teachers Assn)
Theodore Wild, Environmental Consultant
Frank P. Marchese c/o M.C.C.Construction,L.B.Ca.
Don May Pres, Calif. Earth Corps
Rick Trent Pres; Save Our Bay LB., Chair LCWASGRSG study group

Please note that serious asbestos issues exist as well along with alleged un-permitted removal and or disposal.

Fax

To: Ms. Angela Reynolds **From:** Charles Blankson
Fax: 562 570-6068 **Date:** July 14, 2006
Phone: 562 570-6357 **Pages:** Nine including this cover sheet
Re: Recirculated DEIR for City of Long Beach **CC:** [Click here and type name]
Home Depot, May 2006

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

•**Comments:** [Click here and type any comments]



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

FAXED: JULY 14, 2006

July 14, 2006

Ms. Angela Reynolds
City of Long Beach
Department of Planning and Building
333 West Ocean Boulevard, 7th Floor
Long Beach, CA 90802

**Recirculated Draft Environmental Impact Report (RDEIR) for Home Depot:
City of Long Beach, May 2006)**

Dear Ms. Reynolds:

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Environmental Impact Report. The SCAQMD previously submitted comments on the DEIR 2005, which are attached, herein, and incorporated by reference.

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Environmental Impact Report. The SCAQMD is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

Sincerely

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS:CB

LAC060602-01
Control Number

CRAIG CHALFANT SAYS, THIS SHOULD KILL IT, BUT
14TH FLOOR PRESSURE FORCING US FORWARD.

DON MAY - EXCELLENT WORK TOM! WOW!

25

**Recirculated Draft Environmental Impact Report (RDEIR) for Home Depot:
City of Long Beach (May 2006)**

1. **Soil Contamination Emission Estimates and Health Risk Assessment:** On page 4.6-3 of the RDEIR, it is stated that a March 1, 2004 investigation revealed methane soil gas concentrations as high as 40,000 ppm by volume within the Tank No. 4 area. According to the lead agency, "this level of concentration exceeds the current regulatory threshold of 5,000 ppm." The lead agency however, states that because VOCs or methane were not detected in the two on-site and one off-site air samples, "air quality at the project site is not currently considered an environmental concern for the project site." On page 4.6-13 the lead agency further states "the extent of petroleum hydrocarbon and metals contamination from operation of the Aboveground Storage Tanks (ASTs) and support facilities is unknown." The lead agency also notes the possibility of past leaks or spills from the four pad-mounted transformers creating a potential environmental concern. SCAQMD staff considers the above statements contradictory. SCAQMD staff believes that until detailed studies are done to determine the extent of VOC-contamination in the soils at the project site, it is premature for the lead agency to conclude that the project site does not pose an environmental concern. Further analysis is warranted prior to certification of the DEIR.

2. **Emissions From Soil Remediation Activities:** On page 4.6-6 of the RDEIR, it is stated that the project applicant is in the process of entering into a Corrective Action Consent Agreement with the Department of Toxic Substances Control (DTSC) in connection with any future tests and remedial actions that need to be taken on the site in preparation for project construction. SCAQMD staff believes that this approach taken by the lead agency regarding these future tests and possible remedial actions improperly defer to some undefined future date the health risk potential and is inconsistent with CEQA Guidelines. This precludes the public from reviewing and commenting on the risks and determining whether or not the proposed mitigation measures can reduce those risks.

SCAQMD staff recommends that the soil studies be done and the extent of soil contamination determined prior to certification of the Final EIR. Should the soil tests prove the presence of VOC contamination at the project site, the proposed project would be subject to two SCAQMD Rules. These two rules are Rule 1150 – Excavation of Landfill Sites, and Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. These should be included in the discussion in Section 4.6 of the Final EIR.

Further, the exact nature of the remediation activity should be included in the Final EIR. The description should include the size of the area disturbed, the types and number of construction equipment required, the number of trucks required to haul contaminated soil, etc. The amount of soil disturbed and contaminants emitted should be presented in the Final EIR. Emissions (VOC)

*DTSC SAYS THE
APPLICANT
RELUCTANT TO
PAY OR ALLOW
ACCESS*

from the soil remediation activities and those (VOC, NO_x and PM₁₀) from the trucking of the treated or contaminated soil off-site for disposal should also be included in the Final EIR.

3. Health Risk Assessment

- Page 6-9 of the RDEIR outlines the procedure used to estimate idling emission factors. The idling emission factors were not determined correctly. EMFAC2002 estimates the idling emission factors from diesel exhaust when zero is entered in as a speed. The Final EIR should incorporate into the HRA the correct idling emission factors from EMFAC2002.
- The lead agency used an idling time of 1.5 minutes per trip. The 1.5 minute per trip is not standard. The California Air Resources Board's (CARB's) idling rule restricts idling to five minutes per event. Truck trips typically include more than one idling event (idle while waiting for a dock, idle at dock before unloading/loading, idle at dock after unloading/loading). While all idling events may not occur each trip and a full five minutes of idling may not occur during each idling event, it is not clear that idling can be restricted to 1.5 minutes of idling per trip. SCAQMD staff recommends using fifteen minutes of idling per trip to represent the standard delivery truck trip. If the lead agency continues to use the 1.5 minute idle per trip, then a 1.5 minute idle per trip restriction should be added as a mitigation measure or as a condition in the land use permit. The Final EIR should either include 15 minutes of idling per trip or a mitigation measure or include a 1.5 minute idle restriction mitigation measure that would be included as part of any land use permit condition.
- TSCREEN3 is not typically used for health risk assessment. TSCREEN3 includes SCREEN3 which is the standard EPA screening model. However, TSCREEN3 uses an old version of SCREEN3 (version 95250), the current version of SCREEN is 96043. The most recent version of SCREEN3 should be used for the HRA in the Final EIR. The output of the SCREEN3 version 96043 needs to be included in the Final EIR so that the public can verify the correct model was used and verify the inputs and outputs.
- Documentation in the RDEIR on the HRA is not complete and difficult to follow. The public would not be able to reproduce steps taken to estimate health risk. Table 6.2D in the RDEIR presents the emission rate in grams per day. Table 6.2.E presents a unitized emission rate. SCAQMD staff attempted to reproduce the values in the RDEIR, but was not able to duplicate the results. When the input parameters in Table 6.2E were placed into SCREEN3, the result was 294.1 micrograms per square meter. If the operating time is eight-hours, then the emission rate would be 0.00316 grams per second. If the operating time is 24-hours, then the emission rate would be 0.001053 grams per second. For the eight-hour operating time, the 1-hour concentration would be 0.93 micrograms per square meter. For the 24-hour operating time, the emission rate would be 0.31 micrograms per square meter. The 0.27 micrograms per square meter reported in Table 6.2F is lower than both. The lead agency does not disclose that a 0.08 conversion factor was used to convert 1-hour concentrations estimate with SCREEN3 to annual concentrations. The Final EIR needs to include clear

- documentation on how the HRA was completed. Without clear documentation, either in the RDEIR or in associated appendices, it is not certain that the lead agency has fulfilled CEQA Guidelines §§ 15147 and 15151.
- On page 6-11 of the RDEIR, the breathing rate used for the inhalation cancer risk is listed as 271 L/kg-day. Inhalation cancer health risk should be estimated with a breathing rate of 302 L/kg-day as presented in the CARB Recommended Interim Risk Management Policy for Inhalation-Based Residential Cancer Risk which can be downloaded from the CARB site at <http://www.arb.ca.gov/toxics/harp/docs/rmpolicy.PDF>.
 - No worker risk was estimated in the HRA. Typically, worker risk is estimated at worksites adjacent to the project site. However, because the project consists of several retail and restaurant establishments that would be operated by independent owners, health risk impacts from idling trucks at the Home Depot to retail and restaurant workers that are part of the proposed project should be disclosed to those workers. It would not be reasonable to expect that protective equipment would be available to the workers at the retail and restaurants by their employers. Therefore, risk to workers at retail and restaurant stores on the proposed project site should be included in the HRA. Worker risk needs to be included in the Final EIR.
 - No map was provided that shows the location of the source and the sensitive, residential and worker receptors as required by SCAQMD guidelines which can be downloaded from the SCAQMD website at http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. A map that shows the source and receptors needs to be included in the Final EIR.
4. **CO Hotspots**
The traffic volumes presented in the CO hotspots do not appear to match the traffic volumes presented in the Traffic Report. The CO hotspots analysis should describe which traffic volumes were used in the CO hotspots analysis in the Final EIR.
5. **Localized Impacts:** Consistent with the SCAQMD's environmental justice program and policies, the SCAQMD recommends that the lead agency also evaluate localized air quality impacts to nearby sensitive receptors, i.e., the residential community west of the proposed project site, University Park Estates. SCAQMD staff recommends that for this project and for future projects, the lead agency undertake the localized analysis to ensure that all feasible measures are implemented to protect the health of nearby sensitive receptors. The methodology for conducting the localized significance thresholds analysis can be found on the SCAQMD website at: www.aqmd.gov/ceqa/handbook/LST/LST.html.
6. **Project Acreage and PM₁₀ Emissions:** On page 3-5 of the RDEIR the net development site for the proposed project is estimated to be 16.7 acres. This includes landscaping of approximately 1.37 acres. On page 5-7 of the RDEIR the lead agency incorrectly describes the entire project site of 1.37 acres being under construction or exposed on any single day. Please revise the text to reflect actual
- 23

grading emissions. Appendix C currently shows only the URBEMIS 2002 operational emissions from the proposed project. In the absence of the construction emissions in Appendix C it is not clear how the lead agency calculated the proposed project's construction emissions and what assumptions were used. Please provide construction emission calculations, assumptions, emission factors, etc., in the Final EIR to facilitate review of the proposed project's emissions.



South Coast Air Quality Management District



21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

FAXED: JUNE 16, 2005

June 16, 2005

Ms. Angela Reynolds
City of Long Beach
Department of Planning and Building
333 West Ocean Boulevard, 7th Floor
Long Beach, CA 90802

**Draft Environmental Impact Report (DEIR) for Home Depot
(Long Beach, April 2005)**

Dear Ms. Reynolds:

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Environmental Impact Report.

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Environmental Impact Report. The AQMD would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

Sincerely

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS:CB

LAC050504-02
Control Number

Cleaning the air that we breathe...

Draft Environmental Impact Report (DEIR) for Home Depot

1. **Fugitive Dust Emissions:** Table 4.2.J on page 4.2-28 shows peak grading emissions. Neither the DEIR nor Appendix B shows how the fugitive dust emissions were generated, what emission factors or equations were used, what assumptions were made, and what PM10 emission sources contributed to peak daily fugitive dust emissions. Without this information, the SCAQMD cannot confirm whether the peak daily fugitive dust estimates are accurate. Please provide this information in the footnotes or in the Appendix in the Final EIR.
2. **AirToxics Analysis:** The lead agency states on page 4.2-13 of the DEIR that there are currently no federal project-level requirements for air toxics analysis and that CEQA only requires a consideration of the risks from toxics but provides no guidance or quantitative analysis method. Please note that since the California Air Resources Board (CARB) identified particulate emissions from diesel-fueled engines as a toxic air contaminant in August 1998, the SCAQMD has approved a "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis." This guidance document was released in March 2003 and is available on the SCAQMD website, as noted in the next comment.
3. **Diesel Toxics Analysis:** On page 4.2-25 of the DEIR and page 20 of Appendix B, the lead agency states that, based on comparison with the number of diesel truck trips in similar projects, potential impacts from air toxics impacts associated with the long-term use of diesel delivery trucks associated with the proposed project would be less than significant. There are two problems with this statement. First, no information or data are provided from the referenced project to demonstrate that potential air toxic impacts are similar to the proposed project. The discussion does not even say whether or not air toxic impacts from the referenced projects were concluded to be significant or insignificant. Further, an air toxics analysis is very site specific and depends on a number of factors including local meteorology, distance to the nearest sensitive receptor, and amount of emissions from the project location. Without providing this information and performing the proper analysis, the lead agency has not demonstrated that air toxics impacts associated with the project would be less than significant. Second, the lead agency does not provide any information or analysis on the number of trucks that would be servicing the facility at buildout and contributing to air toxics impacts. For example, review of the URBEMIS output files indicates that the proposed project may generate almost 130 heavy-heavy, and medium heavy-duty truck trips per day. Depending on the distance to the nearest sensitive receptor, the number of diesel truck trips could potentially create significant adverse air toxics impacts. Without providing information on the breakdown or listing of the vehicles by vehicle type that would be servicing the facility at buildout, how many of these vehicles will be heavy-duty diesel trucks, and the distance to the nearest sensitive receptor, the lead agency cannot conclude that potential impacts from air toxics associated with the long-term use of diesel delivery trucks would be less than significant. The SCAQMD recommends that the Final EIR include a mobile source health risk assessment. Mobile source health risk assessment guidance can be found on

the SCAQMD webpage at

http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile>toxic.html.

4. **Reducing Operational Emissions:** According to Table 4.2.K on page 4.2-29 of the DEIR, operational CO, VOC and NO_x emissions all exceed the recommended operational significance thresholds. To reduce these emissions, the lead agency has proposed only five mitigation measures that are listed on page 4.2-32 of the DEIR. To further reduce project emissions, SCAQMD staff recommends the following mitigation measures for consideration by the lead agency:

1. Require trucks to be offloaded promptly to prevent trucks idling for longer than five minutes.
2. Require company-owned trucks use alternative clean fuel such as compressed natural gas, or where diesel trucks have to be used, have trucks use particulate filters, oxidation catalysts, aqueous diesel fuel and low sulfur diesel, as defined in SCAQMD Rule 431.2, i.e., diesel with less than 15 ppm sulfur content.
3. Install equipment to provide power and air conditioning to the trucks to eliminate the need to run the engine or auxiliary power units.
4. Require the use of newer, lower-emitting trucks.
5. Require trucks to be properly tuned and maintained.
6. Reroute truck route to avoid residential areas or schools.
7. Use light-colored roofing materials in construction to deflect heat away from buildings.
8. Install automatic lighting on/off controls and energy-efficient lighting.
9. Landscape with appropriate drought-tolerant species to reduce water consumption.

IGNORED



5. **CO Hotspots Analysis:** The traffic volumes presented in the CALINE4 output files in Appendix B of the Air Quality Analysis do not appear to match the traffic volumes presented in Tables 13 and 14 of the Traffic Impact Analysis presented in Appendix J of the DEIR. Air quality analyses should be consistent with other analyses (e.g., traffic studies) in the Final EIR.

August 14, 2006

Ms. Angela Reynolds
City of Long Beach
Department of Planning and Building
333 West Ocean Boulevard, 7th Floor
Long Beach, CA 90802

Re: Comments on the Recirculated Draft Environmental Impact Report, East Long Beach Home Depot

Dear Ms. Reynolds:

I am a registered Professional Geologist (PG) in the State of California, attached is a copy of my license. I have over 17 years of professional experience evaluating hazardous materials releases to the environment, and am currently employed as a consultant to government and private industry in this capacity. The following is a statement of my opinions on the recognized environmental conditions present at the Home Depot project area (the Site). These conclusions were developed after review of the Recirculated Draft Environmental Impact Report (RDEIR) (LSA, May 2006), other documents related to the Site and sites within the surrounding area, and my own independent research.

I am writing to express to you that based on the frequent detections of chemicals of potential concern (COPCs) within data collected at the Site, and the lack of adequate site characterization studies, I must conclude that it is impossible to evaluate the potential environmental impacts of the proposed Home Depot project at the current time. Because of these considerations the RDEIR fails to meet criteria established in 1) South Coast Air Quality Management District Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil); 2) Appendix G of the California Environmental Quality Act (CEQA) (Site Investigation); and 3) The Toxic Substances Control Act (TSCA) (Hazardous Impacts); and therefore, must be declared invalid. I submit for your review the conclusions I have reached following examination of relevant Site data:

- 1) Petroleum and metals contamination has been detected in Site soils at concentrations that exceed California Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs), and United States Environmental Protection Agency (USEPA) Region 9 Preliminary Remediation Goals (PRGs). Undocumented hydrocarbon-impacted soils have also been shown to exist at the Site (Mission Geoscience, 2004). Undiscovered contamination also likely exists under remaining fuel transfer, conveyance, and storage facilities onsite. Existing data confirms that chemicals of potential concern (COPCs) are present in soil at the Site, but fails to determine the magnitude or extent of the chemical impact to soil, soil vapor, surface water, or groundwater.
- 2) Methane has been detected in Site soil at concentrations that exceed ESLs. The existing data supports the conclusion that a significant source of methane exists under the proposed retail complex. The RDEIR has failed to demonstrate that the source area of

the methane has been properly characterized, or that determination of the lateral boundaries of the affected media has been completed. Potential methane impacts to groundwater have not been evaluated.

3) Polychlorinated biphenyls (PCB's) mixed with transformer oil are strongly suspected to have been released at the site (Mission Geoscience, 2004). Screening for these highly toxic COPCs in soil and groundwater at the Site has not been performed.

4) The Alamos Generating Station (AGS) located directly adjacent to the Site has been subjected to the requirements of the Resource Conservation and Recovery Act (RCRA) for closure and corrective action related to the unauthorized treatment and storage of hazardous waste in surface impoundments. Due to the proximity of the surface impoundments to the Site, it is probable that groundwater at the Site has been contaminated from historic waste disposal practices at the AGS, yet no investigation has been performed to determine the magnitude or extent of groundwater contamination at the Site.

5) The presence of two separate Class II landfills (located within 122 and 145 feet of the project, respectively), indicate that groundwater impacts by COPCs may be present at the Site. We cannot eliminate the possibility that leachate or chemical contaminants from COPCs within the wastes have impacted Site groundwater, yet no investigation has been performed to determine the magnitude or extent of groundwater contamination at the Site.

6) The structures onsite are presumed to contain Lead-Based Paint (LBP) based on the age of construction and industrial use. The structures were well-maintained, and generally contain multi-layered paint coatings. The amount of lead contamination in the LBP present at the Site, and the magnitude and extent of lead contamination in soils at the Site has not been investigated.

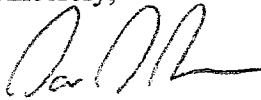
7) The presence of asbestos-containing materials (ACMs) in both pipeline and tank insulation is strongly suspected at the Site (Mission, 2004). If present, ACMs constitute a significant mass of hazardous material that must be removed under permit prior to the onset of construction activities at the Site.

8) Because the Site is located in close proximity to the Newport-Inglewood Fault zone, an area which is predicted to be capable of a major seismic event (Richter magnitude 7.2), Seismic Considerations are a serious concern in designing the structures proposed for placement at the Site. The DEIR states that seismic design acceleration shall be determined during the project design phase, but this is inconsistent with the requirements of CEQA. It is clear that a seismic event with epicenter on the adjacent segment of the Newport-Inglewood fault with magnitude 7.0 or greater would generate substantial ground acceleration (estimated to be 1g or greater), thus exposing people and structures to potential substantial adverse affects. For this reason the RDEIR should contain an analysis of probable outcomes and mitigations required to minimize risks in such an event.

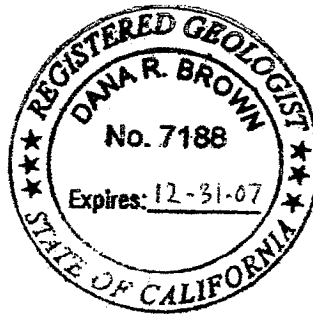
In conclusion, until the characterization of soil and groundwater at the Site that has been impacted by COPCs is completed, it is impossible to evaluate potential environmental impacts associated with the proposed project. The project proponents are currently in negotiations with the DTSC to begin site characterization studies that would ultimately be used to produce a Remedial Action Workplan (RAW) that would be required prior to any evaluation of potential environmental impacts from the proposed project. Until an approved RAW has been produced for the Site, it is premature to conclude that soil and groundwater impacts could be properly evaluated. Based on these data I urge you to request that the RDEIR be withdrawn until the recommended studies can be performed, and the results of the studies evaluated and incorporated in an updated version of the DEIR.

Please do not hesitate to contact me at (562) 431-4970, or via mail at 561 Silvera Avenue, Long Beach, CA 90803 if you have any questions or comments.

Sincerely,



Dana R. Brown, P.G.
Professional Geologist No. 7188



ATTACHMENT G

This memorandum describes legal theories or project deficiencies which may unfortunately result in a multi-plaintiff lawsuit or Class Action which has been being methodically researched, investigated and mostly prepared over the last 30 months. It's questions also remain unanswered, under analyzed or largely ignored.

From Tom 5981190

June 10, 2005

In fairness to the area residents, in furtherance of the common desires of thousands of area voters, and with circumspection of the relevant statutes and laws:

We contend that the "Home Depot L.B." E.I.R. is flawed because:
1) This project and all other proposals should be held in abeyance for now in order to avoid costly litigation, by a temporary moratorium so that a comprehensive zoning plan can logically evolve to the content of all parties. "The Los Cerritos Wetlands and San Gabriel River Study Group" should be allowed to comprehensively prepare a zoning plan which reflects the desires and concerns of area residents as requested by City Hall, our Mayor, and Councilmember Colonna.

2) Unless Loynes Drive is fully re-engineered, placed upon piers, and permanently leveled, properly drained and possibly straightened, or closed, no commercial uses can safely be located at Loynes and Studebaker. Projected lawsuit liability is reasonably foreseeable along Loynes and Studebaker, which could cost the city millions of dollars and offset projected tax revenue.

3) The process of acquisition and restoration should begin by analyzing the merits of floating a bond to first acquire, properly zone, and restore, all parcels adjacent to existing waterways including all parcels adjacent to Studebaker Road and Loynes Drive as they are crucial to restoring the waterways and wetlands.

4) Engineering consultants and other experts will testify that all parcels adjacent to Studebaker Road and Loynes Drive should not be developed until a full utilities corridor is properly funded and engineered parallel to and below Studebaker Road or Loynes

Drive. Any permitted use should direct its storm runoff similar to Alamitos Bay, i.e. to a treatment facility rather than the Los Cerritos Channel. The substandard water reports at "Mother's Beach" and within the Bay and Marina could be significantly worsened by this poisonous runoff and trash generation.

5) The comprehensive traffic study promised publicly by Councilmember Colonna was not conducted. The traffic survey ignored the Pacific Coast Highway (PCH) and 2nd Street proposal, and the RICH development on PCH, the Boeing project, and Seal Beach Leisure World's request of inclusion. This E.I.R.'s findings, assumptions, and engineering judgment appear very slanted toward Home Depot.

6) The negative Noise and Air Quality impacts, and the attendant health risks, along with other foreseeable damages, will diminish the value of the adjacent homes and communities, including Leisure World, to an extent that a Class Action lawsuit could be maintained and arguably prevailed upon against the City, landlord, and tenants for inadequately notifying, disclosing, quantifying and mitigating the resulting nuisances, health risks, loss of quiet enjoyment, lowered home values and unreasonable traffic risks. A local landlord to a former Home Depot once received 20 demand letters from separate plaintiff's Attorneys in one week. They sold the parcel. Home Depot relocated to a purely commercial site well away from nice homes.

7) Engineers believe that the old existing sewer lines beneath this portion of District 3 cannot properly support this project, its runoff, and other projects which will inevitably follow. A "piecemeal" project must not contradict an adequately engineered overall plan. Adequate utilities must be installed. Proposed odor control is inadequately engineered. The present line is undersized and age impaired such that at peak flow the manhole covers may be blown

off flooding the adjacent streets, storm drains, and the Los Cerritos channel with raw sewage.

8) The Home Depot E.I.R. erroneously ignores the true state of soil contamination according to credible evidence submitted by former Southern California Edison (SCE) employees. A full Phase II analysis should be pursued to protect the adjacent children and senior citizens. If consent is not forthcoming, an injunction mandating such may be litigated at the State and Federal court levels. A formal complaint to D.T.S.C. was filed 6-5-05 alleging non-disclosure of highly toxic substances ignored by the E.I.R. and landowner. Our City Attorney should join District 3 as a plaintiff to safeguard us.

9) A safer, less intrusive site for Home Depot exists in the general area. The present proposal is far less than the "highest and best use" of the parcel which was originally part of the "headwaters" of the Los Cerritos Wetlands and a crucial connection to the San Gabriel River.

10) All concerns submitted in response to the notice of preparation should be incorporated into the draft E.I.R., as they are important to our community. A present good faith estimate of voter disapproval is in the thousands.

Question: How much will Long Beach spend to site Home Depot? How much has been spent thus far? What federal Brownfield remediation funds have been granted or applied for? Has proposed litigation been factored in? How much are revenues of \$2.5 million over 5 years costing us? Will an economic analysis be forthcoming? We request full disclosure.

Please perform a San Pedro case study where a responsible developer, Ross REIT, spent \$100 million to rehabilitate, clean up and indemnify the purchasers and the City from lawsuits.

This Ross REIT Brownfield conversion yielded profits of 30% + when oil tanks were converted to warehouses. Cities like commercial and industrial over homes because more revenue is generated. These owners performed thorough and extensive clean up at great expense. They helped rather than harmed area residents. We're told this owner anticipated at least a 100% profit. We contend that it will come at the expense of area residents and our environment. This is not fair.

11) The assumptions that only 10% of the Home Depot patrons will use Loynes Drive to come and go is a gross underestimation according to independent experts whose testimony shall be forthcoming. This assumption is unfairly slanted in favor of the developer. We challenge the present engineering judgment and its assumptions because we are informed and believe that 1/3 to 1/2 of the traffic load could use Loynes Drive.

12) The extent of anticipated cut-through traffic has been inadequately addressed. No trip meters quantified the present problem during peak flow periods. Hundreds of vehicles per week presently speed through Park Estates, Bixby Village, Belmont Heights, University Park Estates, Marine Stadium, Hill Junior High School, and Tincher and Kettering Elementary Schools every time traffic slows on 7th Street, P.C.H. or Studebaker Road. The impact and elevated risk of harm is ignored. The safety of our precious children, our sacred seniors, and our community at large demands far more careful analysis than provided. People, rather than profit and tax revenue, must in all good conscience, come first.

13) Failure to certify SEADIP has been negligently or intentionally secreted from the adjacent neighborhoods for years, and this requires explanation to our District in a gesture of good faith, and in an attempt to regain the communities' confidence in our City employees and elected representatives. Many

homeowners purchased their homes in reliance upon rights which they were led to believe were vested.

14) An independent geologist disagrees with many of the present soil findings and believes the present E.I.R. should be amended to fairly and safely assess the present risks at this site and in area neighborhoods.

ANOTHER STEP TOWARDS NATIONAL DE-UNIONIZATION?

15) Home Depot is one of the most aggressively non-union corporations in America, but Long Beach workers in the port, City Hall, LBPD, LBFD, LBUSD, and at Boeing are strong union supporters. Can local unions and government or local stewards afford to set a large non-union precedent which may some day help unwind their own unions as part of this town's cost cutting efforts? If Wal-Mart, COSTCO and Home Depot shareholders have profited from huge non-union workforces for decades, might similar savings to Long Beach taxpayers gain popular momentum in the foreseeable future? It is already happening in other cash-strapped cities across America. Are our civil servants, port employees, and Boeing workers next? If Home Depot can better compete as a non-union business entity that is "lean and mean", why shouldn't area tax payers explore similar fiscal austerity as part of the solution to our deficit? A vote to approve a Home Depot is a vote towards less and less union jobs in this town. The Signal Hill Home Depot was built purposely with non-union contractors and subs and houses non-union employees and employers. A clearly foreseeable trend is emerging. Is this what is best for all? If Police and Fire do in fact support this project, are their members aware of the long term implications upon their own careers? The political ramifications of such a precedent, and the overall impact upon our civil servants and community well-being should weigh upon our decision makers, as it does upon area taxpayers.

16) Real estate experts are prepared to testify that a significant loss of appraisal value and decrease in salability and desirability will be suffered, in the form of actual and prospective damages, by many of the residents in Island Village, Bixby Village, The Pathways, Village on the Green, University Park Estates, Belmont Shores Mobile Estates, and along other routes to and from "Home Depot East Long Beach". Three University Park Estates residents in the vicinity have already sold foreseeing constant operational noise, traffic noise, an increase in crime rates, and a worsening of air quality. Must area residents join in litigation to redress unreasonable private or public nuisances, loss of quiet enjoyment, and diminished value? As the number of accidents and deaths increase along our public roads leading in and out of this project, will the City incur negligence liability for inadequately providing safe infrastructure of adequate, well-engineered design? Several legal experts, along with engineering and construction experts, foresee significant liability issues along Loynes Drive, Studebaker Road, 2nd Street, PCH, 7th Street, and Seal Beach Blvd. The extent of such risks to the community and our municipality appears significantly under-analyzed and underestimated in the EIR. It is crucial to comprehensively estimate the aggregate effect of all four commercial developments proposed in and around District 3 because their cumulative affect will arguably pose an unreasonable risk of harm to the public.

17) A revised zoning plan eliminating undesirable commercial and light industrial uses is now more appropriate to a modernized General Plan which encourages acquisition and responsible designation of open spaces which enhance, rather than impinge upon, District 3's overall well-being, safety and quality of life. Re-designation aimed at higher and better uses seems prudent in some areas, as does compensation for inverse condemnation liability elsewhere. District 3 homeowners have initially voiced approval to float a bond to acquire key parcels in and around the Los Cerritos

Wetlands. Several area businessmen shall again offer to purchase this 16 ½ acres, at cost, and hold them until mitigation credits are again needed in the port of Long Beach.

**RESPONSIBLE POLITICAL REPRESENTATION /
ACCOUNTABILITY TO THE ELECTORATE:**

18) For decades a finding that “the neighbors don’t want it” would result in similar findings at City Hall. Councilmember Colonna has stated: “I have heard you people”, “I’m flying your flag”, “I strongly oppose this project”, “Government solutions did a lousy job,”(I.P.T.), “I promised to weigh in on behalf of the neighborhoods”, “Their E.I.R. will fail on Traffic and Environmental grounds at a bare minimum”, and “I wish I could announce that we have acquired all of the land around the Wetlands, but we’re still trying”. We are now told that he is “neutral to the idea, and studying it”. Is this fair, properly representative and politically justifiable, or, are the voters and taxpayers in this District being disserved? Will thousands of concerned residents be forced to file lawsuits to protect their way of life and their property rights? Are injunctions or moratoriums mandatory nowadays? Must we proceed with a zero growth initiative...?

NATIONAL SECURITY CONCERNS, TERRORISM TARGET ANALYSIS, FIRE HAZARDS and RELATED THREAT TO LIFE:

19) The Home Depot E.I.R. is conspicuously silent as to concerns raised during the scoping process. Independent police and fire experts foresee many potentially deadly possibilities should criminals or terrorists view this as a target of opportunity. Utilities and fuel storage are high priority targets, and this area’s residents, and others, desire a full analysis of these and other scenarios.

a) Large garden centers occasionally cause huge fires when large quantities of fertilizer, compost and mulch combine with accelerators and fuel such as pallets and lumber. Explosions have occurred in large garden centers. This one is adjacent to highly explosive fuel storage tanks. If the bad guys sneak in at night with a mere flare gun or improvised incendiary or explosive device, might a large public and private utility be devastated? Isn't an increase in the possibility of severe harm to adjacent communities foreseeable under this or many other threat assessments? Recall in the 60's when an SCE worker caused a spark while checking the fuel level of the now abandoned, topless tank close to 2nd Street and Studebaker Road, the explosion broke windows throughout University Park estates, and the tank lid, weighing tons, flew about a quarter of a mile into the air and crash landed in Gum Grove Park, almost a mile southward, where the dead worker's body was also identified. Thankfully, Island Village had not yet been developed for it would have been devastated. A large quantity of structural damage occurred in Leisure World as well.

b) In the center of this proposed site stands an easily breached 12 foot wall where fuel oil and other combustibles will be exposed to the public. A bad guy with a pipe wrench and some cigarettes could scale the wall by standing on a shopping cart, unfasten bolts on a few pipeline flanges, exit as oil fills the concrete lined enclosures, and then drop a lit cigarette in the vicinity to slowly burn down like a delay fuse. The resulting explosion and fire would make the national news. Allowing the fuel oil to seep into the drainage system and canals before ignition by a well placed firework, skyrocket, "Molotov cocktail", flare gun or detonation device, could result in unfathomable tragedy, God forbid.

What happens if similar wretches sneak behind the commercial buildings to breach a fence and access the operational oil tanks? Creating a leak fed by gravity is easy with simple tools. Allow a large flow, wait to build oil volume and potential energy, ignite

from a distance or leave a delay fuse, BOOM! Who wants to watch a chain reaction explosion from tank to tank on "Al Jazeera"? The potential to cripple our power grid is also frightening.

Who's going to get sued for making a terrifyingly tempting, very vulnerable target far more accessible and far less safe for our neighborhoods, children and precious elderly? Much more forethought, experience, intelligence and collective wisdom should be brought to bear upon how, when and where anything is built in this part of District 3. Neighborhood concerns should be paramount, congruity with our 2010 General Plan is very important, the will of our electorate must, by law, be respected rather than subverted.

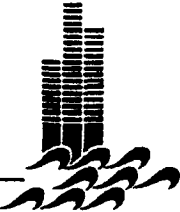
20) The representatives and signatories of this document request a 180 day extension of the June 15, 2005 deadline to file objections to the draft Home Depot EIR, in the interests of justice, fairness and in order to adequately and thoroughly respond.

Further, we formally request all applicable appeals to the Planning Commission, City Council, Mayor, and related State and Federal agencies. Additional testimony, evidence, expert opinion, independent analysis, and community input shall be forthcoming, for it appears that the battle has just begun, we're game for the fight.

George Jones Esq. comment "Excellent"

Read to Stephanie Laffin 2/23/06. She said brilliant, cogent, persuasive, covered lots of fine points. Grade 95%

45



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802

received
8/28/06

(562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the 17th day of August ~~18~~ 2006

Planning Commission

APPELLANT: TOM MARCHESE

APPLICANT: East Long Beach Home Depot

Project address: 400 N. Studebaker

Permits requested: C.U.P. + Variances

Project description: Shopping center

We believe that our municipal codes under SEADIP PD-19 have been misapplied. Sections 21.12.1460, 21.15.060 and Table 33-2, at 7A and SIC 52 retail trade have been misapplied. Major retail is not necessarily related to an industrial zone or customarily incidental. Furthermore, this is not an Accessory Use because it not dependent on industry for the majority of its activity nor derived from it, nor subordinate to it.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: and Tom Marchese

Print name of Appellant: TOM MARCHESE

Mailing Address: 6312 E. 5th St., L.B., CA 90803

Phone No. 598-1190

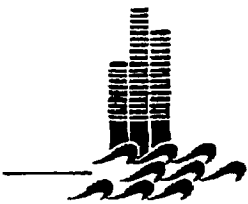
Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: () Yes () No Application complete: () Yes () No

Please review our Council appeal package for more info. Appellants are Drummond, Marchese, Loftis



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard - 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the 17th day of AUGUST ~~19~~ 2006
 Planning Commission

APPELLANT: TOM MARCHESE, DOUG DRUMMOND, STEFANIE LOFTIN, RIC TRENT

APPLICANT: TOM DEAN, MIKE JENSEN % PACIFIC RETAIL PARTNERS, HOME DEPOT

Project address: 400 N. STUDEBAKER at LOYNES

Permits requested: CONDITIONAL USE PERMIT, VARIANCES

Project description: HOME DEPOT, RESTAURANT, RETAIL

Reason for appeal: SEE ATTACHMENTS

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: Thomas Marchese ^{Ric Trent} BY ATTORNEY IN FACT; THOMAS MARCHESE; A. STEPHANIE LOFTIN

Print name of Appellant: Please see attached appeal

Mailing Address: Attached

Phone No. D. DRUMMOND-5985603, TOM MARCHESE-5981190, STEPHANIE LOFTIN 621-6300

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter Staff: _____ Case No. _____ Date: _____

Filing Fee Required: Yes No Application complete: Yes No

August 28, 2006

To: Our Honorable Mayor, Council and City Staff:

From:

Doug Drummond;

6242 Monita Street
Long Beach, CA 90803
(562) 598-5603

Thomas Marchese J. D.

c/o University Park Estates Neighborhood Association
(www.UPENA-LB.com) and
Los Cerritos Wetlands Study Group;
6312 E. 5th Street
Long Beach, CA 90803
(562) 598-1190

A. S. Loftin Esq.

c/o Long Beach Law Inc.,
3233 East Broadway Avenue
Long Beach, CA 90803
(562) 621-6300

**Re: APPEAL FROM THE 8-17-06 PLANNING COMMISSION APPROVAL OF THE
EAST LONG BEACH HOME DEPOT PROJECT AND REQUEST TO YOUR
HONORABLE BODY THAT THIS DECISION BE REJECTED**

Honorable Mayor, Council, and City of Long Beach Staff,

We the undersigned, formally APPEAL the 8-17-06 Planning Commission decision to approve this project and certify the East Long Beach Home Depot E. I. R. upon many legitimate grounds set forth in Attachments A through G, non-exclusively as herein Incorporated by Reference. We do so on behalf of many individuals and several entities.

Since March of 2004, thousands of citizens, 11 of 12 Homeowners Associations on a duly appointed rezoning study panel (The Los Cerritos Wetlands Study Group as received and filed pending adoption), and a long list of State, Local or Private Entities or Organizations, have voiced their concerns or opposition to constructing Mega Box Retail on a contaminated parcel of land between the two ocean channels at the original ancestral headwaters of the Los Cerritos Wetlands. This is where our two rivers once connected, and should be reconnected to restore the tide cycle to our estuary. Environmentally, this unique parcel could play a key role in restoring our wetlands and this application fails to analyze this and many other important concerns.

Of prime concern legally, is the SPOT ZONING of an Industrial property into a Commercial property through a claim that somehow, this is an ACCESSORY USE to the principal use which is a power plant. This is not an accessory use as defined by our zoning ordinance.

We believe this application process is being misrepresented by Staff, or others. This application was approved as a request for an accessory use enabling a huge public retailer into the middle of a purely industrial zone by way of a Conditional Use Permit. How can any primarily heavy industrial use, for example a power plant, fuel storage tanks and related transfer piping, be established as the primary original PRINCIPAL USE and then after 55 years, suddenly become a COMMERCIAL retail trade corridor without a zoning change?

Through an unfair misapplication of the law which strains the definition of an ACCESSORY USE far beyond the realm of reasonableness while rendering the protections and classifications within our zoning law meaningless. Thus we contend;

- I) MAJOR RETAIL IS NOT AN ACCESSORY USE IN AN INDUSTRIAL ZONE. (See Attachment A)
- II) THIS IS A HOME DEPOT, NOT AN INNOCENTLY UNDERSDESCRIBED "DESIGN CENTER". (See Attachment B)
- III) THE DEVELOPER NOW CALLS HOME DEPOT A SITE ANCHOR AND IMPLIES THERE WILL BE MORE TO COME, JUST HOW BIG WILL THIS PROJECT BE? (See Attachment C)
- IV) Our site concerns include (Please review Attachments' D to G

V) WE URGE;

- a) The Adoption of the Los Cerritos Wetlands Study Group findings,
- b) That the entire area rezoning be assigned to the Los Cerritos Wetlands Study Group for recommendations, and
- c) That a MORATORIUM be adopted pending area wide Wetlands Planning and site zoning which preserves and enhances our quality of life and neighborhoods while aesthetically cleaning up our entire Eastern entrance to Long Beach.

ATTACHMENT A

A HOME DEPOT CANNOT LOCATE IN A GENERAL INDUSTRIAL ZONE WITHOUT A ZONING CHANGE OR A VARIANCE NEITHER OF WHICH WERE APPROVED.

This parcel is zoned Heavy Industrial under PD-19 of the SEADIP zoning ordinance.

Our Municipal code 21.12.1460 defines this category “as uses comprised of activities necessary to convert natural resources into finished goods”. These uses include resource extraction or processing, manufacturing, assembly, storage, transshipping, and, wholesaling which precedes arrival of goods at a retail land use. By clear definition, a mega box retailer is not permitted. To site a major retailer into a Heavy Industrial zone requires a zoning change or a variance. This may be an attempt to circumvent the Los Cerritos Wetlands Study Group findings which eliminate Commercial and Heavy Industrial zone, regardless, it is inappropriate.

At section 21.15.060, an Accessory use is defined as a use that is:

- 1) Customarily incidental and/or necessarily related to the PRINCIPAL use of the land, buildings or structure.

A huge retailer is in no way incidental to an Industrial use of this property. They are not customarily seen in the middle of an Industrial zone. This is not necessary or related to industrial operations.

The code also requires that:

- 2) An Accessory use is located on the same lot as the PRINCIPAL use and is dependent upon the principal use for the majority of it's use or activity.

These lots are being separated thus the nexus is broken. Home Depot will depend on patrons from miles around, not the power plant. The majority of this use or activity will not be derived from an Industrial use. The cases and codes require activity subordinated to the principal use. This application does not meet these criteria.

Finally our codes' TABLE of PERMITTED USES at 33-2 section 7A reads as follows; SIC52 is a permissible retail use for hardware and building materials within an Industrial zone only under specified conditions. The code states; “primarily the eating or hardware use must be PRIMARILY INTENDED TO SERVE nearby industries or industrial employees, and the retailers' proximity will provide convenience with a minimal impact on the retail operations. In our opinion the ACCESSORY use request is merely a strategy to avoid a proper request for rezoning.

ATTACHMENT B

These printouts from the developers' website reveal the truth.

- 1) This is a large Home Depot
- 2) A shopping center is emerging with no notice to the public
- 3) This is actually an anchor for future large retailers

See notes A & B

ATTACHMENT C

Please review item C where PHASE 1 is mentioned. More undisclosed phases are implied with no public notice until after approval. Clearly a shopping is emerging to the surprise of all of us.

ATTACHMENT D

This Memorandum of concerns remains absent from this application and the E. I. R. .

ATTACHMENT E

This RESOLUTION was ignored and requests on-site open space mitigation rather than off-site on legitimate grounds. The EIR should be re drafted.

ATTACHMENT F

These 3 documents raise concerns which remain unresolved as to;

1. Soil contamination; no preliminary testing yet.
2. SCAQMD's request for inclusion of soil analysis in E. I. R. (absent) and routing of trucks away from homes and schools (ignored).
3. GEOLOGIST report as to the need for the above and other related concerns overlooked.

Several prominent law firms are shocked that these memorandums did not stop this project.

ATTACHMENT G

This Memorandum describes legal theories or project deficiencies which may unfortunately result in a multi-Plaintiff lawsuit or Class Action which has been being methodically researched, investigated and mostly prepared over the last 30 months. Its' questions also remain unanswered, under-analyzed or largely ignored.



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

8/25/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() Zoning Administrator on the 17th day of August 2006.
() Planning Commission

APPELLANT: DON MAY, CALIFORNIA EARTH COEPS

APPLICANT: GREENBERG FARROW (Home Depot)

Project address: 400 STUDEBAKER ROAD

Permits requested: CERTIFICATION OF FEIR, VARIANCE FROM PD-1, SUBDIVISION

Project description: 140,000 ft² Home Depot, 6,000 ft² Restaurant, 12,000 ft² Commercial Retail sales

Reason for appeal: FEIR IS INADEQUATE AND TRAFFIC MITIGATION WOULD TAKE AND USE LAND RESERVED FOR USE IN FURTHERANCE OF WETLAND RESTORATION, A CERTAIN 5.1 ACRE PARCEL AT 200 S STUDEBAKER IN WHICH I HAVE A VESTED INTEREST.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () Zoning Administrator or (X) Planning Commission and () approve or (X) deny this application.

Signature of Appellant: [Signature]

Print name of Appellant: DON MAY

Mailing address: 4927 MINTURN AVE, LAKEWOOD 90712

Phone No.: (562) 630-1491

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: () Yes () No Application complete: () Yes () No

CALIFORNIA EARTH CORPS
4927 Minturn Avenue
Lakewood, CA 90712
(562) 630-1491

Angela Reynolds
City of Long Beach
333 W. Ocean Blvd. Seventh Floor
Long Beach, CA 90802

August 17, 2006

Re: Home Depot EIR Traffic Impacts Mitigation

Dear Ms. Reynolds,

The Home Depot Project EIR properly identifies the intersection of Studebaker and 2nd Street, already at a substandard level of service, as the one most heavily impacted by the Project. Mandated mitigation, in part, requires that right turn pockets be constructed around the north east corner of the intersection, utilizing a substantial portion of a 5.1 acre parcel on the south west corner of the old Southern California Edison (SCE) tank farm, a property in which I hold a vested interest. It is not available for this use.

In settlement of some litigation over the use of funds derived from Don May et al v SCE for mitigation of marine impacts of San Onofre, Judge Stivens decreed that the bulk of the funds must be used for tasks on the Project List of the Southern California Wetlands Recovery Project of the California Coastal Conservancy. The Los Cerritos Wetlands restoration is, and has been, the top priority and #1 on that list since it's inception. SCE exchanged \$2 million of those funds for an Irrevocable Offer to Dedicate (IOTD) those 5.1 acres, in favor of the Coastal Conservancy, who would nominate, May and Jeffries concurring, a use which would advance the restoration of Los Cerritos. After June 1, 2006, May and Jeffries would nominate and CCC would concur. Informal discussions of potential uses to support wetlands restoration have never and could never include traffic control measures, nor have the parties ever been approached by anyone suggesting any use at all, or offering to purchase the IOTD. May and Jeffries are Officers of California Earth Corps.

California Earth Corps opposes the Home Depot project because of the attendant loss of restoration options and adverse impacts upon a restored San Gabriel River Estuary. We worry that light emanating from the Project and traffic and noise generated by the Project will adversely impact a restored estuary, and that those impacts were not analyzed nor mitigated. We fret that the buffers and birms to mitigate those effects are expensive, will require land otherwise restored to estuary, and will result in less wetland and higher costs borne by the public to subsidize the Project. We are concerned that first flush of storm water runoff from the Home Depot parking lots, known to generate substantial loads of priority contaminants, will carry those toxicants into the Los Cerritos Channel feeding the Los Cerritos Wetland, and yet the EIR fails to analyze this. None of the Standard Urban Stormwater Mitigation Plans (SUSMP) required by the Clean Water Act for an NPDES Permit have been identified and required for mitigation. These impacts are of the genre that may not be dismissed with a Statement of Overriding Considerations.

August 17, 2006

Page 2

California Earth Corps has criticized the EIR for failure to evaluate positive Alternatives that would offer greater benefits to the surrounding community and for the City as a whole. We have long advocated the proposed Home Depot site for an Estuarine Research Laboratory because of the unique availability of substantial quantities of clean sea water, appropriate zoning and utilities, but other beneficial land uses more appropriate for this site come to mind as well.

While alternative traffic control signals may be possible at the Studebaker & 2nd Street intersection, they will not fully mitigate the impacts of the Home Depot, let alone the concurrent traffic load generated by the SeaPort Village Project and the Marina Shores East Projects, also not analyzed as required by CEQA. Dave Jeffries and I would not be willing to allow any usage of the 5 acre IOTD parcel for traffic mitigation for the Home Depot Project, as the IOTD Covenant requires all of that 5 acres must be used solely in furtherance of the restoration of the Los Cerritos Wetlands. The EIR states that in the event that this mitigation is not possible, it can be overridden with a Statement of Overriding Considerations. California Earth Corps does not believe these traffic impacts can be cavalierly dismissed as inconsequential.

We believe Long Beach has both the opportunity and the mandate under CEQA to fully evaluate these issues in order to provide the basis of reliable information necessary for informed decision making in the Public Interest. Therefore, we urge this Commission to find the EIR inadequate and Decline Certification.

Thank you for your attention.

Sincerely,

Don May, President,
California Earth Corps



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068



APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
 Zoning Administrator on the _____ day of _____ 20____.
 Planning Commission on August 17, 2006.

APPELLANT: AES Southland, L.L.C./AES Alamitos, L.L.C.

APPLICANT: Greenberg Farrow (Studebaker, LLC and Home Depot)

Project address: 400 Studebaker Road, Long Beach, CA 90803

Permits requested: Case No. 0308-11 and EIR No. 10-04 (Site Plan, CUP, Tentative Parcel Map, Coastal Permit, Standard Variance and EIR Certification)

Project description: Home Depot Design & Garden Center with additional commercial retail buildings/shops, cafes, restaurants, etc.

Reason for appeal: (See attached letter from Luce, Foward, Hamilton & Scripps, LLP)

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application. (See attached letter from Luce, Forward.)

Signature of Appellant:

Print name of Appellant: Vitaly Lee, AES

Mailing address: 690 N. Studebaker Road, Long Beach, CA 90803

Phone No.: (562) 493-7307

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: Yes No Application complete: Yes No

LUCE FORWARD

LUCE FORWARD, HAMILTON & SCRIPPS LLP

600 West Broadway
Suite 2600
San Diego, CA 92101-3672
619-238-1414
619-232-6511 fax

www.luce.com

BRIAN C. FISH, PARTNER
DIRECT DIAL NUMBER 619.699.2424
DIRECT FAX NUMBER 619.645.5395
EMAIL ADDRESS bfish@luce.com

Via Hand Delivery

August 24, 2006

City of Long Beach
Department of Planning and Building
333 W. Ocean Boulevard
Long Beach, CA 90802

Re: Appeal of Case No. 0308-11/EIR No. 10-04 (Planning Commission Agenda Item No. 2 on August 17, 2006)

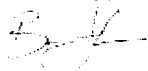
To Whom It May Concern:

Luce Forward represents AES Alamitos, L.L.C. AES Alamitos, L.L.C. is owner of the gas-fired power plant located at 690 North Studebaker Road. On behalf of AES Alamitos, L.L.C., and its parent company, AES Southland, L.L.C. (collectively, "AES"), we are submitting this letter in support of the Application of Appeal of the Planning Commission's decision to approve Agenda Item No. 2 on August 17, 2006. That decision concerned the application filed by Greenberg Farrow on behalf of Studebaker LLC to build a Home Depot and additional commercial retail facilities at 400 Studebaker Road ("Project").

AES does not oppose the Project in concept. However, we are filing this appeal because the Planning Commission's decision does not adequately address the Project's potentially detrimental effects and adverse impacts on the adjacent AES property and the businesses being conducted thereon. As reflected in the comment letters submitted by AES dated December 12, 2005, June 15, 2006, and July 17, 2006, the testimony given by AES representative Vitaly Lee at the Planning Commission hearing and the evidence in the record, the Project approvals do not (i) adequately disclose the potential adverse impacts of the Project on the adjacent AES property and facility; or (ii) require the Project proponent to mitigate the detrimental effects and adverse impacts the Project will have on the adjacent AES property and facility. By way of example, Condition 63 (Mitigation Measure 4.6.10) of the Project approvals indicates that AES might have to modify its operations or implement mitigation measures to accommodate the Project.

Please let us know in writing when the date for the appeal has been set. Should you have any questions, or need additional information, please do not hesitate to contact Vitaly Lee at (562) 493-7307 or me.

Sincerely,



Brian C. Fish
of
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

BCF/rmf

cc: Marc Z. Michael, Esq.
Mr. Vitaly Lee
Laura Carroll, Esq.

3739529.2

To: Department of Planning & Building, City of Long Beach
Fax: (562) 570-6068

From: Vitaly Lee, AES Southland LLC

Pages : 3 (including Cover Sheet)

Subject: **Application for Appeal – Home Depot Project**

To Whom It May Concern:

Please find to follow the signed Application for Appeal re: Home Depot Project.

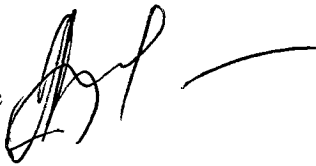
The original will be delivered to your Department on Monday, August 28, 2006.

As per my telephone conversation with Craig Shalfan on Thursday, August 24, 2006 this facsimile satisfies the City's application/filing protocol.

If you have any questions, please do not hesitate to contact me at (562) 493-7307.

Respectfully,

Vitaly A. Lee



Director
Commercial & Regulatory Affairs
AES Southland LLC

This is the original
of the Appeal Documents
fax-filed to your
department on Friday,
August 25.

if you have any
questions, please call
(562) 493 - 7307.

Vitaly Lee



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

received
8/25/06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

Zoning Administrator on the _____ day of _____ 20____.

Planning Commission

APPELLANT: George M. Jones-

APPLICANT: Home Depot

Project address: 400 STUDEBAKER, LB, CA 90815

Permits requested: Certification of EIR

Project description: Build Home Depot AT STUDEBAKER/LYONS

Reason for appeal: Applicant intentionally misrepresented a material fact which the Planning Commission reasonably relied on to the detriment of the project's neighbors, there is no such thing as a "Home Depot Design Center." See ATTACHED.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the Zoning Administrator or Planning Commission and approve or deny this application.

Signature of Appellant: *George M. Jones*

Print name of Appellant: GEORGE M. JONES

Mailing address: 873 ROXANNE AVE, LONG BEACH, CA 90815

Phone No.: (562) 397-9393

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: _____ Case No. _____ Date: _____

Filing Fee required: Yes No Application complete: Yes No

Planning & Development Services
Department of Planning & Building
AUG 25 2006
JM

Home Depot's Agent - Pacific Retail Partners

home / about us / tes

Expansion Strategies & Services

Property Listings

Partner List

Retailers We Work With

FOR SALE

FOR LEASE

DOWNLOAD FULL BROCHURE

Long Beach Commons

Studebaker Rd. & Loynes Dr.
Long Beach CA 90803

Intersection: SEC Studebaker & Loynes

Space Available: 1,000-10,000 SF

Asking Price: \$42-\$48/SF

Listing Date: 2006-03-29

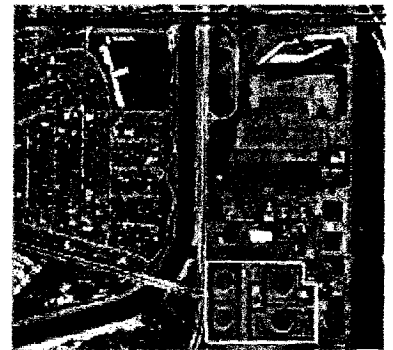
Broker: Mark Shenouda | **Tel:** 562-431-8734, x113

Interested? Email Mark Shenouda

[Download PDF Brochure](#)

1,000-10,000 SF shops and outpads available.

Shopping Center anchored by Home Depot.



[View Full S](#)

→ NOT A "DESIGN CENTER"

"The Sun Rises on Opportunity Everyday. Pacific Retail Partners makes that Opportunity a Reality

**911 STUDEBAKER RD | SUITE 205 | LONG BEACH, CA | 90815
PHONE 562.431.8734 | FAX 562.431.1856**

From Pacific Retail Partner's website soliciting
TENANTS For "Long Beach Commons."



CITY OF LONG BEACH

Department of Planning and Building

333 WEST OCEAN BOULEVARD ■ LONG BEACH, CALIFORNIA 90802 ■ (562) 570-6194 FAX (562) 570-6068

received
8-25-06

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
() **Zoning Administrator** on the 17th day of August 20 06
(X) **Planning Commission**

APPELLANT: Weston Benshoof Rochefort Rubalcava MacCuish LLP on behalf of The Home Depot

APPLICANT: Greenberg Farrow on behalf of Studebaker LB, LLC.

Project address: 400 Studebaker Road

Permits requested: EIR certification, Site Plan Review, CUP, LCDP and variances

Project description: Demolition of existing tank farm and development of a Home Depot Design Center with an attached Garden Center as well as three pads for neighborhood commercial (retail and restaurant) uses.

Reason for appeal: Two reasons: 1) Planning Commission and staff determination that "The property is within the Appealable Area of the Coastal Zone," and 2)

Condition of Approval requiring Applicant to obtain a permit from the California Coastal Commission for construction of the sewer pipe attached to the Loynes Drive Bridge."

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the () **Zoning Administrator** or (X) **Planning Commission** and (X) **approve** or () **deny** this application.

Signature of Appellant: _____

Print name of Appellant: Robert D. Pontelle for Weston Benshoof et al.

Mailing address: 333 S. Hope St., 16th Fl., LA, CA 90017

Phone No.: 213-576-1000

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

=====STAFF USE ONLY=====

Counter staff: DS

Case No. 0308-11 Date: 8/25/06

Filing Fee required: Yes () No

Application complete: Yes () No

475964

CITY OF LONG BEACH

INSPECTION REQUEST LINE (562) 570-6105

PLANNING & BUILDING
DEPARTMENT

333 W. OCEAN BLVD.
(562) 570-6651

LICENSED CONTRACTORS DECLARATION		WORKER'S COMPENSATION DECLARATION			
I hereby affirm that I am licensed under provisions of Chapter 9 (Commencing with Section 7000) of Division 3 of the Business and Professional Code, and my license is in full force and effect. License Class _____ License No. _____ Date _____ Contractor _____		I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance and policy are: Carrier: _____ Policy Number: _____ (This Section need not be completed if the permit is for one hundred dollars (\$100) or less). I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions. Date _____ Applicant _____			
OWNER-BUILDER DECLARATION		WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS, IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES. I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3907,Civ. C.). Lender's Name _____ Lender's Address _____ I certify that I have read this application and state that the above information is correct.I agree to comply with all City and State laws relating to the building construction, and hereby authorize representatives of this city to enter upon the above mentioned property for inspection purposes.			
I hereby affirm that I am exempt from the Contractors License Law for the following reason (Sec.7031 California Business and Professional Code: Any City which requires a permit to construct, alter, improve, demolish or repair any structure prior to its issuance also requires the applicant for such permit to file a signed statement that he is a licensed contractor pursuant to the provisions of the Contractors License Law (Ch.9 (Commencing with Sec 7000 of Div.3 of the B. & P. C.) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Sec 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00). * I as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intened or offered for sale (Sec 7044, B. & P. C. : The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the owner-builder will have burden of proving that he did not build or improve for the purpose of sale.) * I as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, B. & P.C.: The Contractors License Law does not apply to an owner of contracts for such projects with a Contractor(s) License pursuant to the Contractors License Law.) * I am exempt under Sec. _____, B. & P.C. for this reason _____ Date _____ Owner _____					
-IMPORANT-		Signature of Owner or Contractor _____ Date _____			
Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application 1 Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, agents and employees from any liability arising out of the issuance of any permit from this application. 2 Any permit issued as a result of this application becomes null and void if work is not commenced within ONE HUNDRED EIGHTY (180) DAYS from date of issuance of such permit.					
JOB ADDRESS		RECEIPT NO.	DATE	PROJECT NO.	
400 STUDEBAKER RD		0402258	08/25/06	C0475964	
JOB DESCRIPTION		OCCUPANCY		PLANNING	
APPLICANT APPEAL CASE NO 0308-11				AREA 4	
OWNER		ASSESSOR NO.		ZONE	
DEPOT, HOME				PD1	
ADDRESS		FSB	S	RSB	CENSUS TR.
400 STUDEBAKER RD					5733.00
CITY		TRANSACTIONS			
LONG BEACH CA 90814		ZONING FEES Per		\$1,200.00	
APPLICANT		SURCHARGE		\$111.60	
DEPOT, HOME					
CONTRACTOR					
ADDRESS					
CITY STATE ZIP CODE PHONE					
STATE LICENSE NO.		CITY LICENSE NO.			
ARCHITECT/ENGINEER		LICENSE NO.			
ADDRESS					
CITY STATE ZIP CODE PHONE					
VALUATION	PRESENT BLDG USE	PROPOSED BLDG USE	BLDG HEIGHT	TYPE OF CONST	
LEGAL DESCRIPTION		PAID BY	FEES		
		CHECK		\$1,311.60	

Paid By: DEPOT, HOME

Check # 29190