

Appeal Final Draft

My name is Debbie Dobias. I own my unit at 100 Atlantic Avenue, unit 814. I have lived within 4 blocks of the Shoreline Gateway project site for 30 years. I am opposed to the approval of the Site Plans for 635 E Ocean on the basis that they don't provide enough parking.

Please note that the hearing notices the City mailed did not mention parking. Doing so would have increased attendance. A small group of us passed flyers but we did not have funds for a mass mailing to reach property owners.

I ask that the Council consider the appeal on the grounds that the parking requirements were incorrectly applied to this project. I will show that the Commission based its decision upon misinformation and that the public was also misinformed, though not intentionally. Due to the complexity of the process, mistakes were made but can be resolved. The Planning Department's hands were tied by the parking ordinance. Since I can request that City Council review the correct information before making this decision, I assume that the Planning Commission would have had similar options. They may have made a different decision if they had the correct information.

The site plans for the Shoreline Gateway project don't include parking for residents who will have 2nd cars because the City parking ordinance only requires one space per unit. The parking spillover onto streets will permanently hurt our area's property owners and residents.

In order for the parking issues to be resolved, existing parking requirements must be changed. If the Council upholds this appeal, I also ask Council to impose a moratorium and amend

the ordinance, which I understand needs to be done at a separate council meeting.

The public remembers this project included adequate parking in prior plans. It went through the full EIR process in 2007. Those plans included more parking according to the parking ordinance of the time. Later in 2012, the Downtown EIR resulted in lowered parking requirements.¹ The final Site Plans would be allowed to have less parking than the original plans.

The Planning Commission and the public were not informed about the following things that *will* affect the impact of this project on parking in our area: 1. the elimination of EIR mitigation protections, 2. the lack of a recent & local parking study to determine how much parking will be needed, and 3. the fact that city cannot enforce an important Condition of Approval.

1. Parking was removed from EIR guidelines. The Downtown Plan is an area-wide Program EIR. This plan resulted in the city ordinance that requires one parking space per unit plus .25 spaces for guest parking. This parking standard was applied to the Shoreline Gateway Project. Once the Downtown EIR was completed, State CEQA guidelines would have allowed for a **site-specific** review of the impact of this project on the area's parking, then they would require that all feasible mitigation measures be taken to limit or avoid any negative impact to the area². The city confirmed this in responses to public comment when they stated that, "Project-specific mitigation measures will be

¹ 2012 Long Beach Downtown Plan page 51 states parking requirement is 1 space per dwelling unit plus 1 space for every 4 units for guest parking. This is lower than previous ordinance that required 2 parking spaces for 2 bedroom units and 1.5 spaces for one bedroom units, plus guest parking.

² CEQA guidelines http://ceres.ca.gov/ceqa/docs/FINAL_Text_of_Proposed_Amendmts.pdf, 15183. Projects Consistent with a Community Plan, General Plan, or Zoning, section (a) & (b)(4).

identified for individual development projects at such a time as they are proposed.”³

Now we are told that the state CEQA guidelines have removed parking from the EIR criteria. This means that we no longer have the protections of the EIR guidelines. This was done prior to the Downtown EIR, yet the Downtown Plan still included parking giving people the impression that those EIR protections would apply. It was difficult to find information about CEQA removing parking as an EIR criterion. The public, City Council, Planning Commission, and Planning Department would not have known to consider this a factor in their decisions unless someone specifically notified us of this loss of EIR protections!

2. Parking statistics used to create the parking ordinance were out of date and not local. Commissioners at the Site Plan hearing asked questions about how the amount of parking for this project was determined.⁴ Planning answered that this amount came from the Downtown EIR and its support research. The Commission may have taken other action if they knew about the lack of information in those support documents. The primary support study for the DTN Plan (the Parking and Strategic Action Plan 2008) did not include a residential parking analysis. The 2008 support study was about managing and planning city parking as a marketable strategy for downtown business. No management plan is given for residential use of area parking and no parking requirements for new developments are discussed. The word “residential” is only mentioned twice in the entire report: once

³2012 Downtown EIR, part 4, page 28, Response to Comment P-3.A.6.

⁴ Video time stamp 51:49, Planning Commission hearing for Site Plan approval of 635 E Ocean, May 16, 2013, http://longbeach.granicus.com/MediaPlayer.php?view_id=12&clip_id=6495 .

in the Objective Statement⁵ and once in the recommendation for an Annual Supply/Demand Study Update⁶.

To explain how they arrived at the residential parking standard, Planning sent me the 2006 Parking Analysis for the Press Telegram Mixed-Use Project. They said there was additional background research that they used to determine the standard, including a survey of parking standards for Downtown areas in other Cities, but no other specific parking studies for Downtown Long Beach. Appendix B of the Press Telegram project study was the only place that I found actual statistics. Appendix B was a 2001 Coastal Commission Residential Parking Demand Study.

Many important details in this 2001 study were overlooked when those statistics were used for the Downtown Plan. For instance the study acknowledges that the need for parking increases with the number of bedrooms⁷. Our current parking ordinance requires one space per unit regardless of the mix of unit sizes in the building. The 2001 study also points to 2001 trends of smaller units being built and an increase of single-person households due to growth in the economy⁸. Both of these points are contrary to current trends. In addition, parking was much easier to find back in 2001.

Our area residents rely heavily upon street parking and area lots because most buildings have inadequate parking. This is as a result of the City not requiring adequate parking in the past. City planning for parking should include residential use of City parking. It should be based upon a local current parking study so the problem isn't made progressively worse.

⁵ Carl Walker Parking & Strategic Action Plan Final Draft 2008, page 5.

⁶ Carl Walker Parking & Strategic Action Plan Final Draft 2008, page 21, item 2.4.

⁷ Press Telegram Parking Analysis, Appendix B: Residential Parking Demand Study, S California Coastal Zone 2001, pages iii, 12 and 20. Also in Press Telegram Parking Analysis page 6.

⁸ Press Telegram Parking Analysis, Appendix B: Residential Parking Demand Study, S California Coastal Zone 2001, page 13.

3. Section JJ of the Conditions of Approval. Two of the three Commissioners who voted at the Site Plan hearing commented that Condition JJ⁹ was important to their decision. They didn't know that it could not be enforced. Condition JJ says that the developer must take various actions to address any parking problems that may materialize in the immediate vicinity of the project. This section was included by mistake in the information that was provided to the Planning Commission. The City cannot require the developer to provide any more parking than is required by city code. It might have been enforceable as a mitigation measure under the State EIR guidelines but those guidelines no longer include parking.

These were the comments about Section JJ during the Site Plan hearing:

A Commissioner said, "Item JJ says, '...the developer shall participate in the creation and implementation of a parking management plan. This plan shall serve as a mechanism to enable the City to formally address the owner(s) of this development regarding parking problems...' Can you explain what that mechanism is?"¹⁰

Planning staff answered, "It's just to further the discussion with the Traffic Engineer and developer to come up with alternatives that can help alleviate the parking issues."

Later another Commissioner said, "And then there's the additional condition for the parking management plan. As I understand it, the assumptions that we made based on what you just explained would be obviously monitored on an ongoing basis and what you're requiring this developer and

⁹ Planning report to Planning Commissioners prior to May 16, 2013 Site Plan Review, case 1304-12, Conditions of Approval, item JJ.

¹⁰ Video time stamp 26:36, Planning Commission hearing for Site Plan approval of 635 E Ocean, May 16, 2013 http://longbeach.granicus.com/MediaPlayer.php?view_id=12&clip_id=6495 .

potentially others that fall under the Downtown EIR is, ‘Look, if your assumptions don’t pan out, you’re required to participate in developing all kinds of different parking remedies that might come out of this.’ Is that correct?”¹¹

Planning staff answered, “That’s correct.”

A Commissioner said, “That last statement is something I’m glad to hear, too, since I’m very much, as far as parking goes, concerned about that.”

A Commissioner also asked how they plan to build the second tower right next door to a fully occupied first tower with no staging area.¹²

The developer replied that they’ve done it in other downtown areas and that it’s do-able.

I request that a clear plan is created to provide parking for workmen in a way that won’t deprive area residents of parking.

I ask that you give the City maneuvering room with regards to parking ordinance. The creation of the Downtown Plan was a good way to cut red tape. It went a step further, though, when it dramatically lowered parking requirements, which is what triggered this appeal. A parking ordinance was created that eliminated the fail-safe Condition JJ. **Add** the loss of EIR guideline protections that would have allowed for site-specific parking study and mitigation measures, then we get a situation where the City’s hands are tied in a parking impacted area.

¹¹ Video time stamp 53:22, Planning Commission hearing for Site Plan approval of 635 E Ocean, May 16, 2013 http://longbeach.granicus.com/MediaPlayer.php?view_id=12&clip_id=6495 .

¹² Video time stamp 23:44, Planning Commission hearing for Site Plan approval of 635 E Ocean, May 16, 2013, http://longbeach.granicus.com/MediaPlayer.php?view_id=12&clip_id=6495 .

However, if City Council were to raise the parking requirement, the City would still have the ability to lower the requirements under certain circumstances to tailor the parking to the surrounding area.

Market Forces. The Downtown Plan says that lowering parking minimums will allow “market forces to dictate whether additional parking is required for any particular development project.”¹³ However, market forces cannot decide whether parking is needed or fix a parking problem after the buildings are built.

Developers are saying that it’s too expensive, not profitable to provide parking. Parking would need to become a rare and expensive commodity before it creates developer profit. The market forces here only guarantee a lower standard of living and less business for the area.

Park once. The DTN Plan promotes a “park once” strategy.¹⁴ The plan needs to give residents somewhere to park once. Not doing so will further crowd public lots and street parking with residents who need to park, which will hurt businesses.

We ask City Council to do the following things:

Spread the cost around. The way it stands now, only the neighbors in this area pay for the lowered parking requirement and they will pay permanently. The cost should be spread to the whole city. Developer incentives can come from tax breaks or other methods. If the City does lower parking requirements as a developer incentive, then the City should provide parking to handle the overflow of cars. The City could partner with the developer to add more parking to **this** building.

¹³ Final EIR Downtown Plan page 38 of Final Plan part 1, Topical Response #4.

¹⁴ Final EIR Downtown Plan page 50.

Raise the parking requirements after conducting a current, local residential parking study. The parking ordinance really needs to be fixed because it will also affect the second tower and all other new development. The Downtown Plan should address the lack of residential parking that exists in much of downtown. The City considers this to be a parking impacted area.¹⁵ It has passed ordinances and made efforts to relieve the parking issues.¹⁶ Statistics from the Downtown Plan support the idea that households will have an average of 1.34 wage earners¹⁷ and that on average an increase in bedrooms means an increase in the need for parking. Neither of these facts is reflected in the current parking ordinance. Studies that are more **recent** would likely show a **higher** need for parking than those old statistics since we have more workers per household than in the 2000 Census and units are being built bigger recently.

There were sections in that 2008 Parking study and later in the Downtown Plan that will adversely affect residents if we are not considered during the planning phase. Action item 1.1b¹⁸ clearly does not allow for residential use of street parking. Action Item 8.3¹⁹ discusses waiving parking requirements as an incentive for development. Fortunately for residents, it also recommends that the City provide expertise to analyze the amount of parking that the area needs and build new parking, although neither of these was in the City's plans to lower parking requirements.

The Downtown Plan also says, "Access to Downtown is expected to change substantially during the life of the Plan.

¹⁵ Long Beach Parking impacted area map <http://www.lbds.info/civica/filebank/blobdload.asp?BlobID=2434>

¹⁶ Long Beach Application 0811-13 to amendment for Zoning ordinance re: bedroom splitting.

And Lowenthal memorandum to City Council May 6, 2008 Driveway parking ordinance

¹⁷ LB Downtown Plan part 3 page 129, figures from the 2000 Census.

¹⁸ Carl Walker Parking & Strategic Action Plan Final Draft 2008 page 19.

¹⁹ Carl Walker Parking & Strategic Action Plan Final Draft 2008, page 37.

This is primarily due to changes...along the I-710 Fwy... including better street access to freeway.”²⁰ It’s reasonable to assume this will also attract more commuter residents. Most people who can afford a car do not choose to rely entirely on mass transit.

Recent residential parking studies such as those by the Institute of Transportation Engineers (www.ite.org) and the American Planning Association (www.planning.org) provide clear statistics for determining the amount of parking that is needed by including details about how location, median income, and unit size affects vehicle ownership. The expected median income of the residents on Ocean Blvd indicates that they are more likely to own multiple cars. The cost to provide parking in the Shoreline Gateway Project can be more easily recovered than it could be in lower-priced housing.

The City should prevent charging for resident or guest parking. When the owners of these properties charge for a parking place, this acts as a deterrent for the tenant to use on-site parking because of the affordability factor, then they park on the street. They take up a place on the street leaving a vacant parking space that was set aside for them to rent. This issue can be mitigated in the Conditions of Approval if the owner is prohibited from charging the tenant or visitor a fee to park on-site. This requirement would stay with the land use and prevent future property owners from charging for parking.

Of the many people who spoke to us during this process, nearly all thought 1 space per unit was insufficient and were horrified that parking would become worse because of these

²⁰ Final EIR Downtown Plan page 38 of Final Plan part 1, Topical Response #4.

buildings. Please **uphold** this appeal and change the parking requirements.

Thank you for listening.