

# CITY OF LONG BEACH

# H-2

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4<sup>th</sup> Floor Long Beach, CA 90802 (562) 570-6428 Fax: (562) 570-6205

January 20, 2009

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

1. Receive the supporting documentation into the record, conclude the public hearing; deny the appeal of Robert and Shirley Rayhill and uphold the Planning Commission decision to: (1) certify Negative Declaration ND 14-08, (2) approve Site Plan Review, (3) approve five Standards Variances, (4) approve Lot Merger, and (5) adopt a Finding of General Plan Conformity for Alley Vacation for a new City fire station located at 1199 E. Artesia Blvd (District 9);
2. Declare the ordinance amending the Use District Map of the City of Long Beach by amending portions of Part 29 of said map from CCA (Automobile-oriented commercial) and R-1-N (Single-family residential) to I (Institutional) read the first time and laid over to the next regular meeting of the City Council for final reading; and
3. Adopt resolution amending the Land Use Element of the General Plan from Land Use District Nos. 8A and 1 to Land Use District No. 10.

## DISCUSSION

On December 4, 2008, the City Planning Commission approved a request from the Long Beach Redevelopment Agency for entitlements needed to construct a new City fire station at 1199 E. Artesia Blvd. in north Long Beach, certified Negative Declaration ND 14-08, and recommended that the City Council approve a Zone Change from CCA and R-1-N to I (Institutional), and a General Plan Amendment to change the Land Use District to No. 10 (Institutional and School District). This project will create a new City fire station consisting of an 11,080-square-foot station house and a 4,632-square-foot disaster support building, called the Emergency Resources Center. The station also will include a 100-foot-tall radio antenna that will be integral to the City's emergency communication systems (Exhibit A – Plans). This project will require demolition of an existing retail commercial building and parking improvements on the site, and modification and under-grounding of utilities that cross the site. The Zone Change and General Plan Amendment are the final approvals needed to complete the entitlement phase of the Fire Station 12 project. The current zoning and General Plan Land Use designations on the site do not allow establishment of a fire station, so these amendments must be approved in order for the project to be carried out.

On December 15, 2008, two residents appealed the Planning Commission's approval of entitlements, based on concerns that the noise generated by the new fire station will decrease quality of life for those living in the surrounding area. Both appellants, Robert Rayhill and Shirley Rayhill, reside on Orange Avenue to the northeast of the project site (Exhibit B – Appeal Materials).

This letter was reviewed by City Attorney Michael Mais on January 2, 2009 and by Budget Management Officer Victoria Bell on December 29, 2008.

SUSTAINABILITY

This project will achieve LEED Gold status for environmentally friendly design. It will make use of construction techniques to reduce water consumption, optimize energy performance, utilize renewable and recycled materials and resources, increase indoor environmental quality, and other green building approaches. Awnings with solar photovoltaic panels will cover the staff parking spaces, and the roof and paving are designed to reduce the heat-island effect. The building will be constructed of materials that emit lower levels of volatile organic compounds (VOCs).

TIMING CONSIDERATIONS

The Municipal Code requires a City Council hearing within 60 days of positive action by the Planning Commission. A City Council hearing also is required within 60 days of receipt of an appeal of Planning Commission action.

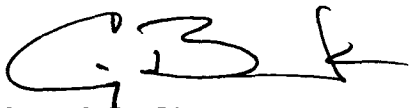
FISCAL IMPACT

No fiscal impact will result from approval of the recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG BECK  
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:SK

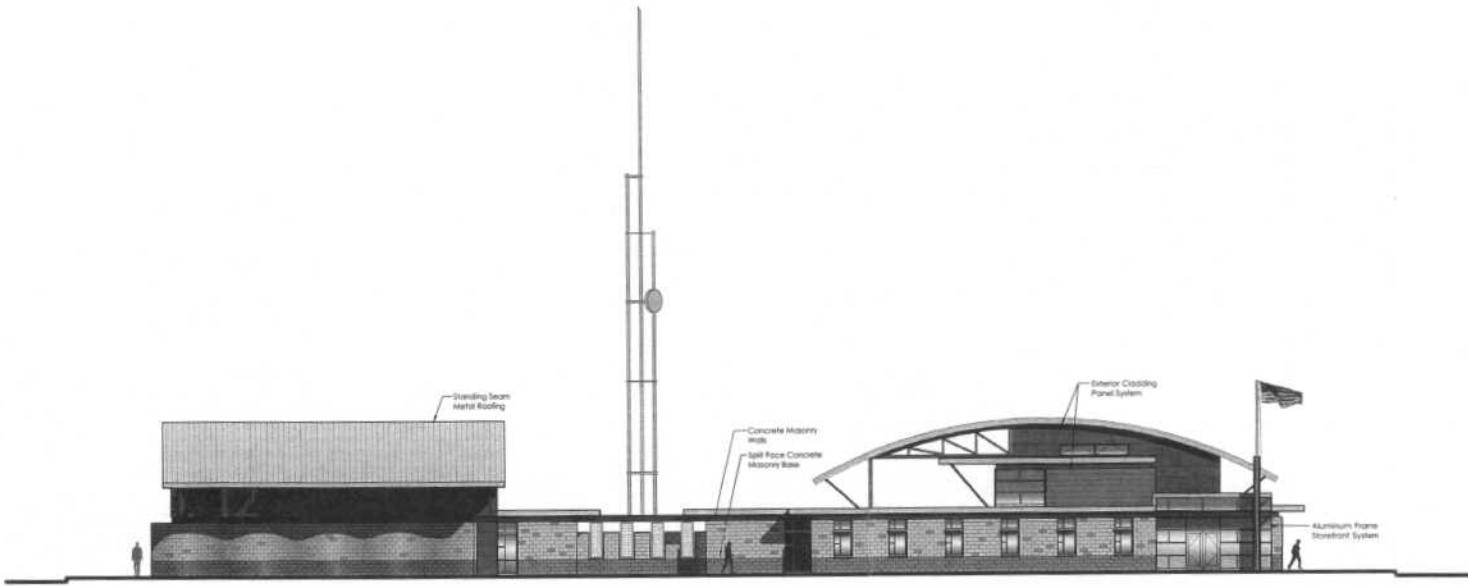
C:\Documents and Settings\sckinse\My Documents\Cases\SPR\Full SPR\1199 E Artesia Blvd 0810-04\Council Letter 0810-04.doc

Attachments: Exhibit A – Plans  
Exhibit B – Appeal Materials  
City Council Ordinance  
City Council Resolution

APPROVED:



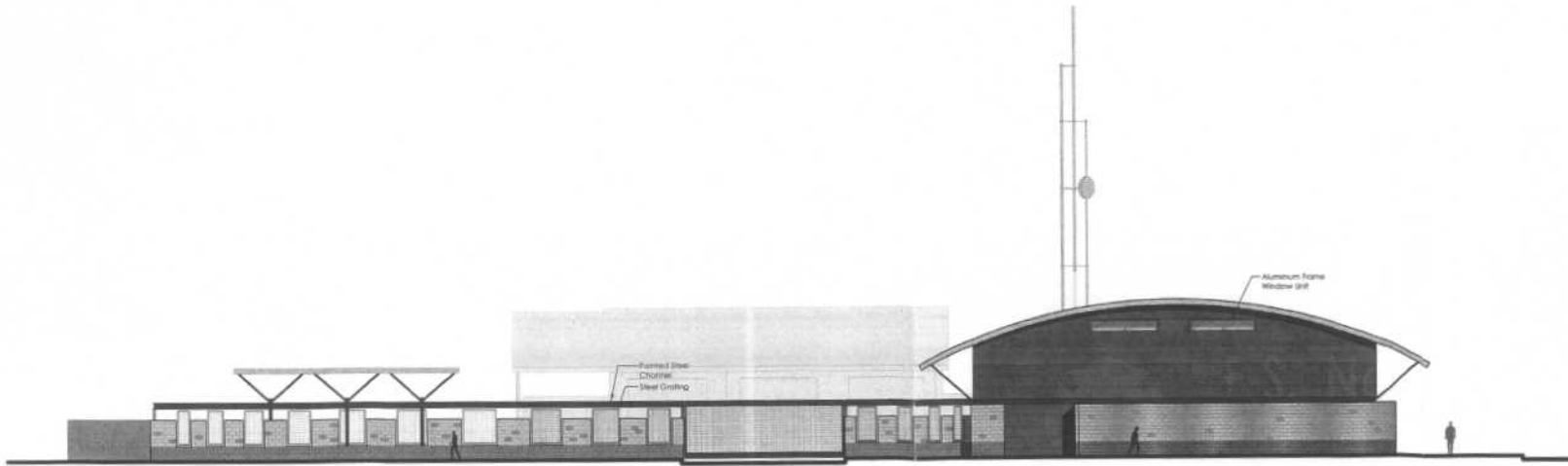
PATRICK H. WEST  
CITY MANAGER



C1 <sup>1/32" = 1'-0"</sup>  
South Elevation

City of Long Beach

Long Beach  
Fire Station  
#12



A1 <sup>1/32" = 1'-0"</sup>  
West Elevation

project name

job description  
SU 071 2008 PLANNING PERMIT APPLICATION

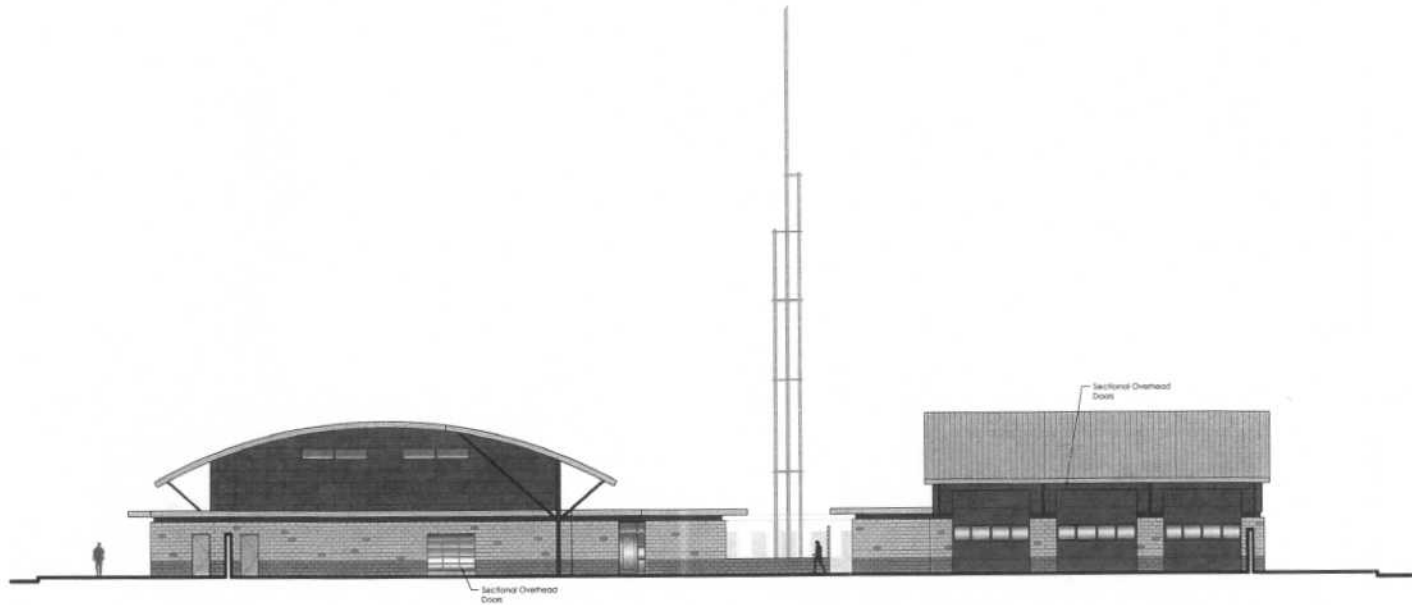
job title  
EXTERIOR  
ELEVATIONS

project no. 2816.01

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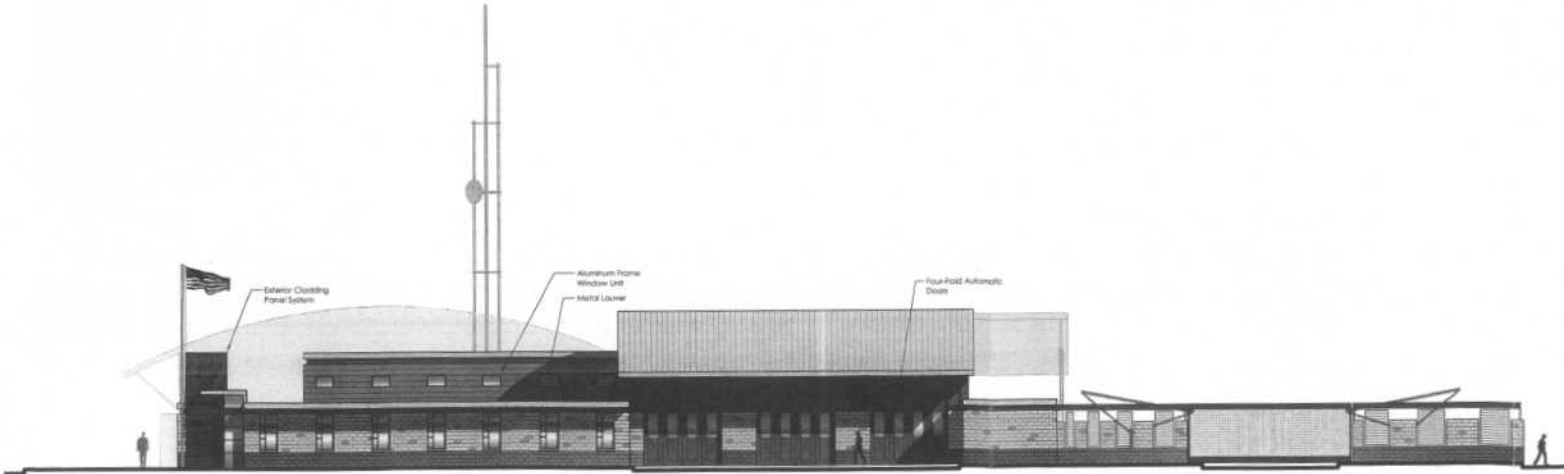


323 SUTTER STREET, 9TH FLOOR  
 SAN FRANCISCO, CA 94108  
 phone 415.777.9422 fax 415.777.2758 347 sfbay.com  
 website bpa.com



C1 <sup>3/22' x 11'0"</sup>  
 North Elevation

project no.  
 City of Long Beach  
 Long Beach  
 Fire Station  
 #12

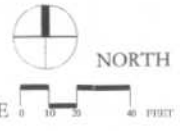
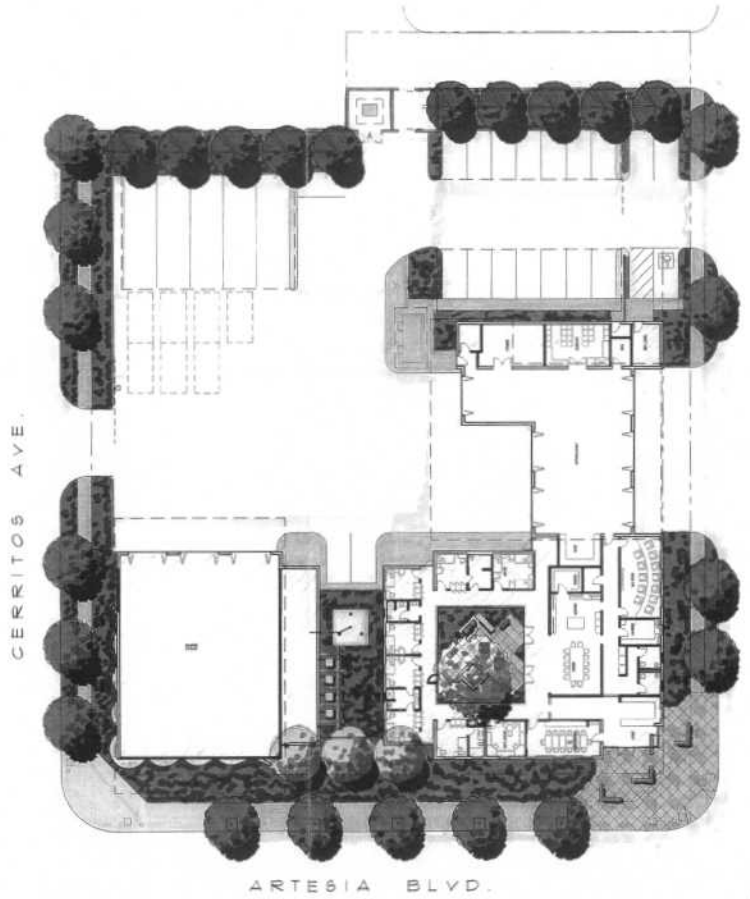


A1 <sup>3/22' x 11'0"</sup>  
 East Elevation

agency / applicant  
 date description  
 12/01/2008 PLANNING PERMIT APPLICATION  
 date title  
 EXTERIOR ELEVATIONS  
 project no. 2816.01  
 date no.

**PROPOSED PLANT PALETTE:**

SYMBOL	BOTANICAL NAME	COMMON NAME
<b>TREES</b>		
CITY-DESIGNATED STREET TREE:		
●	ARTESIA BLVD	GINKGO BILOBA
●	ORANGE AVE.	TBD
●	GERKITOS AVE.	TBD
●	LOPHOSTEMON CONFERTUS	BRISBANE BOX
●	PRUNUS CAROLINIANA	CAROLINA LAUREL CHERRY
●	SLEDITSIA T. HERMS	HONEY LOCUST
<b>SHRUBS</b>		
■	ABELIA S. ED BOUCHER	BLOSSY ABELIA
■	GISTUS PURPUREUS	PURPLE ROSEROSE
■	COTONEASTER SPP	COTONEASTER
■	ESCALLONIA NEWPORT DWARF	ESCALLONIA
■	LAVANDULA SPP	LAVERNAR
■	LIGUSTRUM JAPONICUM	JAPANESE PRIVET
■	MAHONIA A. 'COMPACTA'	OREGON GRAPE
■	PHORNBUM SPP	NEW ZEALAND FLAX
■	PHOTINIA FRASENI	PHOTINIA
■	ROSMARINUS SPP	ROSEMARY
■	SALVIA SPP	SAGE
<b>GROUNDCOVERS</b>		
■	ALUHA REPENS	CARPET BUSH
■	DYMDONIA MARSARETAE	DYMDONIA
■	VINCA MINOR	DWARF PERIWINKLE
<b>VINES</b>		
▲	MACFADYENA INQUIS-GATI	CATS GLAH VINE



**BEVERLY  
PRIOR  
architects**

222 BUTTER STREET, 6TH FLOOR  
SAN FRANCISCO, CA 94108  
phone 415.777.9422 fax 415.777.2755 24/7  
architect/engineer景观设计师

consultant

**MIG**

MOORE HOFFMAN GILTSBERG, P.C.  
100 CALIFORNIA STREET, SUITE 1000  
SAN FRANCISCO, CA 94111

project title  
**City of Long Beach**

**Long Beach  
Fire Station  
#12**

agency/approvals

date	description

sheet title  
**SITE  
LANDSCAPE  
PLAN**

project no. 2816.01  
sheet no.

**L1** Site Landscape Plan

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# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

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

<input type="checkbox"/> Zoning Administrator	on the <u>4</u> day of <u>December</u> , 20 <u>08</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): ROBERT RAYHILL, SHIRLEY RAYHILL

Project Address: 1199 E. ARTESIA BLVD. LONG BEACH, CA 90805

Project Description: LONG BEACH FIRE STATION #12

Reasons for Appeal: PLEASE SEE THE ATTACHED REPORT #1

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Your appellant herein respectfully requests that Your Honorable Body reject the decision and  Approve this application.  Deny

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	ROBERT RAYHILL	SHIRLEY RAYHILL	
Address:	6636 ORANGE AVE	6636 ORANGE AVE	
City/ZIP:	LONG BEACH 90805	LONG BEACH, 90805	
Phone:	562) 423-7660	(562) 423-7660	
Signature:	<i>Robert Rayhill</i>	<i>Shirley Rayhill</i>	

(Staff Use Only Below This Line)

Received by: SK Case No.: 0810-04 Date of Appeal: 12/15/08

Materials Required:  Plans  Photographs  Special Materials

Fee: \$50.00  Fee Paid Date of Appeal Hearing: 1/20/09

546748

REPORT #1

**Negative Declaration ND 14-08:** (1.) Reports my property as 150' from the apparatus bay of the proposed new Fire Station 12. The actual measurement is 84'. That significant difference will have a Substantial Adverse Effect on the elderly infirm residents of 6636 Orange Avenue. The 20dB change is a 100 fold increase over normal, residential nighttime allowed noise levels. The noise level from sirens, horns, bells, will be devastating to the residents health. The flashing lights will cause further distress. The sound proofing plan is only for three of the four sides of the new building. There are no such plans to mitigate the noise or flashing lights on our side of the station. (2.) Toxins in the ground/groundwater will have a Substantial Adverse Effect during construction on the CEQA identified sensitive receptor residents. We live directly downwind from prevailing westerly winds; a mere 80' from the construction. (3.) Because we have been flooded with 6' of water in the past; the storm water drainage capacity also needs to be addressed. In conclusion, to prevent the demise of the residents and rightfully seek LEED points, further study is needed in the area of the substantial adverse impact which have been identified.



ROBERT RAYHILL



# CITY OF LONG BEACH

Department of Development Services

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

## APPLICATION FOR APPEAL

\* See attached (5) pages

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

<input type="checkbox"/> Zoning Administrator	on the <u>4<sup>th</sup></u> day of <u>December</u> 20 <u>08</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): Ashley Rayhill

Project Address: 1199 E. Artesia Blvd. & Orange

Project Description: State-of-the-art Fire Station / Emergency Response Center for all of Long Beach

Reasons for Appeal: We attended the December 4<sup>th</sup> meeting of the Planning Commission. My husband and I presented our many concerns about the negative impact this station would have on us. Our mitigating issues were not addressed, even though we will be right across the street on Orange Ave, where fire engines, etc will exit. Upon their exit, they will be even closer.

Your appellant herein respectfully requests that Your Honorable Body reject the decision and  Approve  Deny this application.

### Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:		<u>Ashley Rayhill</u>	
Address:		<u>6636 Orange Ave # 101</u>	
City/ZIP:		<u>Long Beach, 90805</u>	
Phone:		<u>562-423-7660</u>	
Signature:		<u>Ashley Rayhill</u>	

(Staff Use Only Below This Line)

Received by: [Signature] Case No.: 08004 Date of Appeal: 12/15/08

Materials Required:  Plans  Photographs  Special Materials

Fee: \$50.00  Fee Paid Date of Appeal Hearing: 1/20/09

546750



1) Noise Pollution: It is an issue which has not been mitigated for the homeowners of Orangewood Village, 6636 Orange Avenue, #101, Long Beach, Ca. 90805. My husband and I spoke before the Planning Commission on December 4th, 2008. Two (2) members had to recuse themselves due to their involvement with Fire Station #12 plans. As we stated, we live right across the street from this new, adopted #12 Fire Station. We will bear the brunt of the noise pollution. This noise pollution will be directed right at our bedroom, bathroom, den, and living room. We spend most of our time in these areas. We are seniors, retired, with disabilities, considered sensitive receptors. I was a Special Education Teacher for Los Angeles County. My husband was a Lead Telecommunications Engineer with the MTA. Children are considered sensitive receptors. There are young children in our front units and the units right behind us. We will all be subjected to the fire engines, paramedics, who will use their sirens, horns, upon exiting the bay doors, which will also have bells on them.

From noise pollution research, sirens and horns create from 105-138db. From the Long Beach Municipal Noise Code, we live in a predominantly residential District One, with other land use types also present. The decibels allowed are 50 during the day, and 45 at night. The Planning Commission adopted that they be increased to 65db, which put us into a District Three. This means we can now be exposed to 65db at any time of the day or night. This means we will actually be exposed to an increase of 60-93 db's. This will be at any time of the day or night. District Three and District Four are listed as predominantly industrial with other land types use also present. The Long Beach Municipal Noise Code, states that District Three and District Four noise limits are intended primarily for use at their boundaries rather than for noise control within those districts. We will be exposed to noise pollution which is in violation of Long Beach's own Municipal Noise Code. This increased noise pollution is off of any city's municipal noise code chart. No human being or animal can exist under this imposed noise pollution.

It was stated at the meeting, that 60,000 calls are received in one year. This means an average of 5,000 calls per station. On the average of 416 calls per month. This means an average of 14 calls per day. There would be (9) between the hours of 7am to 10pm. During our sleep hours of 10pm to 7am, there would be (5). We would be exposed to this unbearable noise pollution every (1) hour and (15) minutes. At the old fire station, it was considered a totally residential neighborhood. We were told that the fire engines would drive slowly. They did not subject the property owners to the noise pollution until they left their neighborhood. Under the currently adopted Zone Change from CCA and R-1-N, there will be no such restrictions placed upon this new Fire Station #12. Fire personnel, who consider Orange a major thoroughfare, do not have to consider the noise pollution imposed on homeowners, residents. This is due to the Land Use designation of Institutional. It was also approved that construction workers can cause noise pollution (12) hours a day, Monday through Friday. They can do it for (9) hours on Saturday. It is estimated that we would be subjected to this increase in noise pollution, air pollution, etc., for about a year. This means that our only reprieve from these polluting actions, would be on Sunday. Therefore, we will be subjected to this continuous pollution for (317) days out of (365) days.

It has been stated that Orange Avenue is a major thoroughfare. We are not a major thoroughfare. Artesia may be considered one, but not Orange. Our neighborhood has been considered CCA and R-1-N. A fire station is prohibited from being built in a CCA and R-1-N Zone. This has been stated in Long Beach's Land Use District designation. According to these same documents, a fire station can only be built in a Land Use District designated as (I) Institutional. Therefore the push for changing it from a CCA and R-1-N and getting the Negative Declaration ND 14-8 adopted. City of Long Beach Redevelopment Agency funds are to be used for the improvement of neighborhoods, not for what seems to be an imposed Inverse Condemnation on homeowners, residents.

The documented health effects of noise pollution are many. What is called the "startle response" from noise, like other stressors, triggers a widespread change in the bodies activities. It is caused by excessive short-duration, high intensity noise of sudden onset. It is like going from a relaxed state to an alarm response. The "startle response" starts with the brain sending out nerve impulses to other parts of the body. Then the various glands that produce hormones such as adrenaline are stimulated. When the body receives constant levels of excessive noise, it causes the body to "tense up" and release adrenaline. When the body is in danger this "alert" reaction may be lifesaving. However, when the body must remain in this state of "alertness" for a long period of time, it begins to fatigue and deteriorate. We will be subjected to a "startle response" about (14) times per day, every hour and (15) minutes, day after day without reprieve.

The following negative health effects have been documented: deafness, disturbance of sleep, hypertension, ulcers, allergies, neurological disorders, nervousness, fear, psychosomatic illnesses, slight impairment of the ability to detect lights in the periphery, elevated thresholds of flicker fusion and slow adaptation to darkness, a rise in pressure inside the head and increased sweating, gastrointestinal ailments, tissue damage in the kidney and liver, heart beats increased to as much as 130-150 beats per minute, pulse rates from between 47-61 beats per minute, an excessive discharge of catecholamines which disrupt the integrity of the arteries' endothelial lining causing premature atherosclerosis, psychiatric symptoms and the number of admissions to mental hospitals, demand for tranquilizers and sleeping pills, adversely affect performance, for example, in reading, attentiveness, problem solving, memory, deficits in performance can lead to accidents, aggressive behavior, transient tinnitus (ringing in the ears), 210,000 people around the world die of noise each year. These insidious effects on our health can happen even when we are asleep and unaware that we are exposed, as our bodies still produce a similar physiological response.

Right now I have to play some kind of music during the day to drown out the exterior noises. A certain level of noise still gets through. I sleep with certain sounds to try and drown out noise. We are currently exposed to traffic, motorcycle revving, car alarms going off, rumbling trucks, cars honking, occasional helicopters overhead, booming bass of car music, fire engines, paramedics, ambulances, etc. There is an empty parking lot across the street. The patrons of the

market do not park there. They park far away in front of the store entrance on the Artesia side. We are not exposed to their noise. To say that the fire station is replacing a comparable situation is incomprehensible to me.

We were not notified in advance of the fire station project. I found out by accident from one of my neighbors who gets the newspaper. We were not notified through the mail about the proposed zone changes and the proposed fire station. By the time we found out about these proposed changes, they were already far along in the process. I heard one of the Planning Commissioners state on December 4<sup>th</sup>, that he had seen the presentation before.

I also found out by accident about the carwash. Another resident and I went to the City Council meeting. It had already been approved by the Planning Commission. I spoke against it. The City Council approved it. Our zone designation was changed from all residential, to CCA and R-1-N. Several of the Council members were arrogant, and (1) had an angry, condescending attitude towards me. I was only expressing my concerns about the increase in traffic, the increased safety hazard of car accidents. The mayor also had a condescending, smart alecky attitude towards me. It was approved and these things did happen.

In fact, the carwash has been in violation for years. It was approved for a different flow of traffic in and out of it. Due to the owner changing the flow of traffic, he has endangered the lives of his neighbors. The patrons enter and exit onto Orange. They form a line of cars that starts on Artesia, goes around the corner of Artesia and Orange, and ends up parked in the bike lane on Orange. Not only do they violate this traffic ordinance, but they engage in all kinds of traffic violations upon their exit onto Orange. They also block the city bus from the use of its bus stop. It will come down by our front properties and drop off and pick up riders.

There have been accidents over the years due to these traffic violations, and many near misses. We have complained over the years to the appropriate city officials. He has still been allowed to continue in these violations. I even saw a policeman observing from across Artesia. He watched for awhile and then left. He made no contact with the patrons or the owner.

These unsafe conditions can increase the likelihood of accidents between the carwash patrons and the fire engines, paramedics, etc. These accidents could be deadly. They could end up in litigation against the carwash owner, the patrons, and the fire department. I think it would be wise to investigate these unsafe and illegal traffic conditions. The last accident I saw was caused by a carwash patron making an illegal attempt to cross all lanes and get to the corner. He crashed into a man and his child who were legally driving south on Orange. After the police arrived, I ran to them and gave the father my phone number. This was in case he needed a witness.

We were here first. We have lived here for (18) years. We were flooded by the City of Long Beach (3) times. Since our builder was forced to construct underground parking, we had (6) feet of water throughout our (21) units. All of our cars, everything in our garages, were destroyed.

This water came inside our homes and rose up to our dining room. Each flood was caused by the storm drain pumps being shut off, inoperative. We endured all of this for (6) years and an extremely stressful lawsuit, which we won.

We do not want to be flooded for a fourth time due to negligence, incompetence during the construction of this fire station and afterwards. Without due diligence to the storm drain system, and the pollutants allowed into it, we could suffer another flood. We could suffer from a toxic spill, and all of its devastating health affects. We could suffer from diseases caused by the increase of diesel and gas fumes in our air. There is already an air polluting refinery down the street. We live close by to Southern California Edison and its many electrically produced waves. We live in what has been called a “cancer causing corridor”. We live next door to an air polluting freeway. We found out that we are surrounded by contaminated soils. We have to use a water filter to try and make sure we are not drinking toxins in our water. There is currently no way to prevent some other toxins from getting into it. It will be a miracle if we do not get cancer.

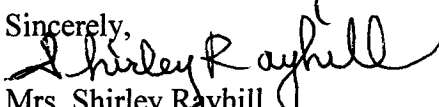
Everyone knows there is disparity between what is allowed into the environment of lower-income communities vs. higher-income communities. These attitudes are widespread and documented. Just because we live in North Long Beach, does not mean we have to be the dumping ground for what everyone else “does not want in their back yard” or front yard.

People do not want to buy a house across from a state-of-the-art fire station/emergency response center with a 100 foot tower. According to our sources, this tower can be moved to another location and do the same functions. This station will decrease the value of our property. I have already checked into the negative effects on our property with an experienced Real Estate Appraiser. My daughter is a Real Estate Broker in Long Beach. We are planning on moving in the near future. Our large townhome has become too much for us to keep up. We want to enjoy our senior years in a less stressful, less polluted, lower crime area. We are seniors with disabilities. If we can not sell or rent our home, we will be trapped in a more stressful, polluted, higher crime area. This would be against our will. That is called “Inverse Condemnation”. Is the City of Long Beach going to take responsibility for causing it? Are they going to buy our property and compensate us fairly for our losses? I do not think so.

The California State Government Code Section 65302, and the California Noise Control Act, California Health and Safety Code Sections 46000-46080, “Mandates that noise elements be included as a part of city general plans and that cities adopt comprehensive noise ordinances”. Under Section 4600, (f) , ALL CALIFORNIANS ARE ENTITLED TO A PEACEFUL AND QUIET ENVIRONMENT WITHOUT THE INTRUSION OF NOISE WHICH MAY BE HAZARDOUS TO THEIR HEALTH OR WELFARE. Under Section 46001, (e), ON THE RIGHT OF ANY PERSON TO MAINTAIN AT ANY TIME ANY APPROPRIATE ACTION FOR RELIEF AGAINST ANY PRIVATE NUISANCE AS DEFINED IN THE CIVIL CODE OR FOR RELIEF AGAINST ANY NOISE POLLUTION. Under Section 46022, (e), “NOISE MEANS AND INCLUDES EXCESSIVE UNDESIRABLE SOUND, INCLUDING THAT PRODUCED BY PERSONS, .....INDUSTRIAL

EQUIPMENT, CONSTRUCTION, MOTOR VEHICLES, .....  
ELECTRIC MOTORS, COMBUSTION ENGINES, AND ANY OTHER NOISE-PRODUCING  
OBJECTS. Under Section 46060, (e), It is the purpose of this chapter to encourage the  
ENACTMENT AND ENFORCEMENT OF LOCAL ORDINANCES IN THOSE AREAS  
WHICH ARE MOST PROPERLY THE RESPONSIBILITY OF LOCAL GOVERNMENT.  
Under Section 44507, (e), "POLLUTION" MEANS AN ALTERATION OF THE QUALITY OF  
THE ENVIRONMENT OF THE STATE AND SHALL BE DETERMINED BY THE VARIOUS  
STANDARDS PRESCRIBED FROM TIME TO TIME BY THIS STATE, THE FEDERAL  
GOVERNMENT, OR ANY AGENCY, DEPARTMENT, OR POLITICAL SUBDIVISION OF  
THIS STATE OR THE FEDERAL GOVERNMENT, AND MAY INCLUDE, BUT IS NOT  
LIMITED TO, EARTH, AIR, OR WATER POLLUTION, POLLUTION CAUSED BY SOLID  
OR HAZARDOUS WASTE DISPOSAL, THERMAL POLLUTION, RADIATION  
CONTAMINATION, THE RELEASE OF HAZARDOUS MATERIALS, OR NOISE  
POLLUTION. POLLUTION ALSO INCLUDES, BUT IS NOT LIMITED TO, THE  
CONTAMINATION OF SOIL OR GROUNDWATER RESULTING FROM THE RELEASE OF  
HAZARDOUS MATERIALS, AS DEFINED IN Section 25260, (e),  
OR THE PRESENCE OF ASBESTOS OR LEAD PAINT, AT SITES WITH A REASONABLE  
POTENTIAL FOR ECONOMICALLY BENEFICIAL REUSE. HEALTH AND SAFETY CODE  
Section 46060-46062, Office of Noise Control 46062. The office shall provide assistance to local  
agencies in the preparation of model ordinances to control and abate noise. Such ordinances shall  
be developed in consultation with the Attorney General and with representation of local agencies,  
including the County Supervisors Association of California and the League of California Cities.  
Any local agency which adopts any noise control ordinance shall promptly furnish a copy to the  
office.

In closing, under the current circumstances, we advise that an Environmental Impact Report be  
done by the City of Long Beach Department of Development Services. Or we propose to obtain  
the services of an outside consultant .

Sincerely,  
  
Mrs. Shirley Rayhill  
Previous President, VP, Secretary/Treasurer  
Orangewood Village Homeowners Association  
6636 Orange Avenue, #101  
Long Beach, Ca. 90805  
Phone: 562-423-7660  
Fax: 562-423-7660  
Email address: srayhill1@msn.com

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH ADOPTING, AFTER PUBLIC  
HEARING, AMENDMENTS TO THE LAND USE ELEMENT  
OF THE GENERAL PLAN OF THE CITY OF LONG BEACH

The City Council of the City of Long Beach resolves as follows:

Section 1. The City Council does hereby find, determine and declare:

A. The City Council of the City of Long Beach has adopted, pursuant to Section 65302 of the California Government Code, a Land Use Element as part of the City's General Plan.

B. The City Council desires to amend the Land Use Element of the General Plan of the City of Long Beach as set forth in this resolution.

C. The Planning Commission held a public hearing on December 4, 2008, on an amendment to the Land Use Element of the General Plan of the City of Long Beach.

D. At that hearing, the Planning Commission gave full consideration to all pertinent facts, information, proposals, environmental documentation and recommendations respecting all parts of the amendments to the General Plan of the City of Long Beach as to the amendments to the map of the Land Use Element and to the views expressed at the public hearing, and afforded full opportunity for public input and participation.

E. A Negative Declaration (ND 14-08) was prepared in accordance with the Guidelines for Implementation of the California

1 Environmental Quality Act (CEQA) that there is no substantial evidence that  
2 the project will have a significant effect on the environment.

3 F. Following receipt of all appropriate environmental  
4 documentation, full hearings and deliberation, the City Planning  
5 Commission recommended approval of the amendments to the Land Use  
6 Element of the City of Long Beach General Plan and further directed that  
7 said recommendation be forwarded to the City Council for consideration.

8 G. That on January 20, 2009, the City Council conducted a duly  
9 noticed public hearing at which it gave full consideration to all pertinent  
10 facts, information, proposals, environmental documentation and  
11 recommendations respecting all parts of the amendments to the Land Use  
12 Element of the General Plan and the views expressed at the public hearing  
13 and afforded full opportunity for public input and participation.

14 H. Following receipt of all appropriate environmental  
15 documentation, full hearings and deliberation, the City Council did concur  
16 with the recommendations of the Planning Commission and did approve  
17 and adopt the environmental documentation and the amendment to the  
18 Land Use Element of the General Plan from Land Use District Nos. 8A and  
19 1 to Land Use District No. 10 for those certain properties as indicated on  
20 Exhibit "A", which is attached hereto and incorporated herein by this  
21 reference.

22 Section 2. The City Council of the City of Long Beach hereby formally  
23 approves and adopts the amendment to the map of the Land Use Element of the General  
24 Plan of the City of Long Beach relating to those certain properties located in the City of  
25 Long Beach, as certified and recommended by the Planning Commission of the City of  
26 Long Beach as depicted in Exhibit "A", which is attached hereto and incorporated herein  
27 by this reference.

28 Section 3. This resolution shall take effect immediately upon its adoption

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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

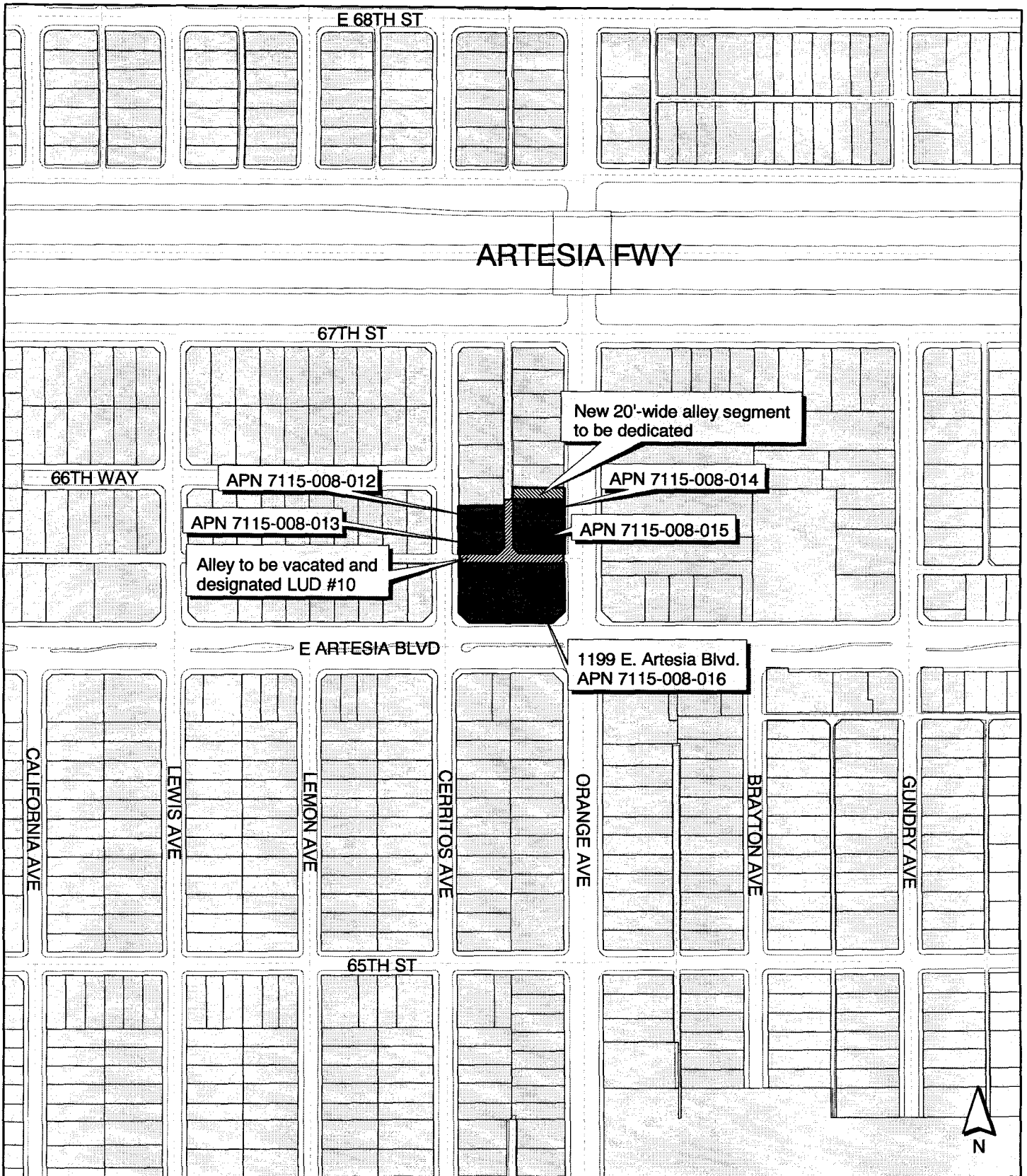
Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk





**Amendment to a portion of Part 29 of the General Plan Land Use District Map.**  
 Rezoning Case RZ-0810-04  
 Land Use District change: from 8A and 1 to 10

1) Noise Pollution: It is an issue which has not been mitigated for the homeowners of Oranewood Village, 6636 Orange Avenue, #101, Long Beach, Ca. 90805. My husband and I spoke before the Planning Commission on December 4th, 2008. Two (2) members had to recuse themselves due to their involvement with Fire Station #12 plans. As we stated, we live right across the street from this new proposed #12 Fire Station. We will bear the brunt of the noise pollution. This noise pollution will be directed right at our bedrooms, bathrooms, dens, and living rooms. We spend most of our time in these areas. There are retired seniors, with various disabilities, toddlers, both considered sensitive receptors. We are in the front homes. I was a Special Education Teacher for Los Angeles County. My husband was a Lead Telecommunications Engineer with the MTA. Children and Seniors are considered sensitive receptors. We will all be subjected to the fire engines, paramedics, who will use their sirens, horns, upon exiting the bay doors, which will also have bells on them.

From noise pollution research, sirens and horns create from 105-138db. From the Long Beach Municipal Noise Code, we live in a predominantly residential District One, with other land use types present. The decibels allowed are 50 during the day, and 45 at night. The Planning Commission adopted that they be increased to 65db, which put us into a District Three. This means we can now be exposed to 65db at any time of the day or night. This means we will actually be exposed to an increase of 60-93 db's. This will be at any time of the day or night. District Three and District Four are listed as predominantly industrial with other land use types present. The Long Beach Municipal Noise Code, states that District Three and District Four noise limits are intended primarily for use at their boundaries rather than for noise control within those districts. We will be exposed to noise pollution which is in violation of Long Beach's own Municipal Noise Code. This increased noise pollution is off of any city's municipal noise code chart. No human being or animal can exist under this imposed noise pollution.

It was stated at the meeting, that 60,000 calls are received in one year. This means an average of 5,000 calls per month. On the average of 417 calls per month. This means an average of 14 calls per day. There could be (9) between the hours of 7am to 10pm. During our sleep hours of 10pm to 7am, there could be (5). We would be exposed to this unbearable noise pollution every (1) hour and (7) minutes. Since this is an average, we could be exposed to more than (14) calls per day. There could be a random group of (5) responses within a (15) minute period, every (3) minutes. This could be during the day or during our hours of sleep.

At the old fire station, it was considered a residential neighborhood. We were told that the fire engines would drive slowly. They did not subject the property owners to the noise pollution until they left their neighborhood. Under the currently adopted Zone Change from CCA and R-1-N, there will be no such restrictions placed upon the firemen. Jeffrey Reeb, Deputy Chief of Operations, stated it would be left up to the fire personnel. He also stated, at the Planning

Commission, that Orange Avenue is a major thoroughfare. It is not a major thoroughfare. It only has (2) lanes. One lane going north and (1) lane going south. Artesia may be, but not Orange. Therefore, firemen, paramedics, do not have to consider the noise pollution imposed on homeowners, residents. This would be (24) hours a day, day after day. This would be due to the Land Use designation of Institutional.

It was also approved that construction workers can cause noise pollution (12) hours a day, Monday through Friday. They can also do it for (9) hours on Saturday. It is estimated that we would be subjected to this extreme increase in noise pollution, air pollution, etc., for about a year and a half. It was also stated by a fireman, that the soil is contaminated. Not only will we suffer unbearable noise pollution, but the inhalation of these air-borne toxins. Our only reprieve from these health-damaging, polluting actions, would be on Sunday. Therefore, out of 13,128 hours, we would be subjected to continuous pollution for about 12,000 hours. This does not even include the residual toxins left in the air after a (12) hour day of construction. The long-term inhalation, exposure to these toxins, is known to cause cancers.

Our neighborhood has been considered CCA and R-1-N. A fire station is prohibited from being built in a CCA and R-1-N Zone. This has been stated in Long Beach's Land Use District designation. According to these same documents, a fire station can only be built in a Land Use District designated as (I) Institutional. Therefore, the push for changing it from a CCA and R-1-N and getting the Negative Declaration ND 14-8 adopted. City of Long Beach Redevelopment Agency funds are to be used for the improvement of neighborhoods. They are not to be used for imposing, "Inverse Condemnation" on homeowners, residents.

The documented health effects of noise pollution are many. What is called the "startle response" from noise, like other stressors, triggers a widespread change in the bodies activities. It is caused by excessive short-duration, high intensity noise of sudden onset. It is like going from a relaxed state to an alarm response. The "startle response" starts with the brain sending out nerve impulses to other parts of the body. Then the various glands that produce hormones such as adrenaline are stimulated. When the body receives constant levels of excessive noise, it causes the body to "tense up" and release adrenaline. When the body is in danger this "alert" reaction may be lifesaving. However, when the body must remain in this state of "alertness" for a long period of time, it begins to fatigue and deteriorate. We will be subjected to a "startle response" about (14) times per day, every hour and (7) minutes. Day after day without reprieve. Since this is an average, the response calls could come in bunches, within minutes of each other. As we all know, they will vary from day to day.

The following negative health effects have been documented: deafness, disturbance of sleep, hypertension, ulcers, allergies, neurological disorders, nervousness, fear, psychosomatic illnesses, slight impairment of the ability to detect lights in the periphery, elevated thresholds of flicker fusion and slow adaptation to darkness, a rise in pressure inside the head and increased sweating,

gastrointestinal ailments, tissue damage in the kidney and liver, heart beats increased to as much as 130-150 beats per minute, pulse rates from between 47-61 beats per minute, an excessive discharge of catecholamines which disrupt the integrity of the arteries' endothelial lining causing premature atherosclerosis, psychiatric symptoms and the number of admissions to mental hospitals, demand for tranquilizers and sleeping pills, adversely affect performance, for example, in reading, attentiveness, problem solving, memory, deficits in performance can lead to accidents, aggressive behavior, transient tinnitus (ringing in the ears), 210,000 people around the world die of noise each year. These insidious effects on our health can happen even when we are asleep and unaware that we are exposed, as our bodies still produce a similar physiological response.

Right now I have to play some kind of music during the day to drown out the exterior noises. A certain level of noise still gets through. I sleep with certain sounds to try and drown out noise. We are currently exposed to traffic, motorcycle revving, car alarms going off, rumbling trucks, cars honking, occasional helicopters overhead, booming bass of car music, fire engines, paramedics, ambulances, etc. Increased noise pollution from sirens, horns, within 30 feet of our living, sleeping spaces, will make the interior of our home unlivable. Also, the market on the Artesia side, has never had many patrons. Their empty parking lot across the street, is where the fire station is proposed. The patrons of the market do not park there. They park far away in front of the store entrance on the Artesia side. We are not exposed to any of their noise. To say that the fire station is replacing a comparable situation is a falsehood.

We were not notified in advance of the fire station project. I found out by accident from one of my neighbors who gets the newspaper. As the homeowners who will suffer the most noise pollution, etc., this is a violation of our legal rights. All homeowners, who will be impacted, are to be notified of any zone and land use changes. This was supposed to be done at the beginning. Especially a Fire Station/Emergency Response Center practically in our front yard! In previous years, we were notified by postcard through the U.S. mail. It was mailed to homeowners, residents, whenever any zone, land changes were proposed. It is legally required. By the time we found out about these proposed changes, they were already far along in the process. I heard one of the Planning Commissioners state on December 4<sup>th</sup>, that he had seen the presentation before.

I also found out by accident about the carwash. Another resident and I went to the City Council meeting. It had already been approved by the Planning Commission. I spoke against it. The City Council approved it. Our zone designation was changed from all residential, to CCA and R-1-N. Several of the Council members were arrogant, and (1) had an angry, condescending attitude towards me. I was only expressing my concerns about the increase in traffic, the increased hazard of car accidents. The mayor also had a condescending, disrespectful attitude towards me. The carwash was approved. The carwash has turned the corner of Artesia and Orange into a congested, hazardous area. We have complained for years to the appropriate elected officials, and police. It has been allowed to continue. There have been car accidents and near misses. We saw a policeman observing the carwash patrons parked in the bike lane. He made no contact with the owner or his patrons. When he saw us, he left.

In fact, the carwash has been in violation for years. It was approved for a different flow of traffic. The cars were to enter and exit the carwash onto Artesia. Due to the owner illegally changing the flow of his carwash patrons, he has been endangering the lives of others. The patrons have been directed to enter and exit onto Orange. They form a line of cars that starts on Artesia, goes around the corner of Artesia and Orange, and ends up parked in the bike lane on Orange. Not only do they violate this traffic ordinance, but they engage in all kinds of traffic violations upon their exit onto Orange. They also block the city bus from the use of its bus stop. It will come down by our front properties and drop off and pick up riders.

These illegal, hazardous activities can increase the likelihood of accidents between the carwash patrons and the fire engines, paramedics, etc. These accidents could be deadly. They could end up in litigation against the carwash owner, the patrons, and the fire department. I think it would be wise to investigate these unsafe and illegal traffic conditions. The last accident I saw was caused by a carwash patron. He exited onto Orange. He illegally drove across the traffic dividing lanes. He wanted to get across to the corner of Artesia, and make a right-hand turn. A common occurrence. He crashed into a man and his child who were legally driving south on Orange. They were spun around into the southbound, oncoming traffic. The police arrived. I went inside to write down my name, and phone number. I went and gave it to the injured father, in case he needed a witness.

We have lived here for (18) years. We were flooded by the City of Long Beach (3) times. Since our builder was forced to construct underground parking, we had (6) feet of water throughout our (21) units. We all have 2-car garages. All of our cars and everything in our garages was destroyed. This water came inside our homes and rose up to our dining room. Each flood was caused by blockage, from the storm drain pumps being shut off, inoperative. We endured all of this for (7) years. These years included an extremely stressful lawsuit, in which we prevailed.

We do not want to be flooded for a fourth time due to negligence, incompetence during the construction of this fire station and afterwards. Without due diligence to the storm drain system, and the pollutants allowed into it, we could suffer another flood. We could suffer from a toxic spill, and all of its devastating health affects. We could suffer from diseases caused by the increase of diesel and gas fumes in our air. There is already an air polluting refinery down the street. We live close by Southern California Edison's many electrically produced waves. We live in what has been called a "cancer causing corridor". We live next door to an air polluting freeway. We found out that we are surrounded by contaminated soils. We have to use a water filter. We do not want to be ingesting toxins. There is currently no way, though, to totally protect oneself. It will be a miracle if we do not get cancer.

Everyone knows there is disparity between what is allowed into the environment of lower-income communities vs. higher-income communities. These attitudes are widespread and documented. Just because we live in North Long Beach, does not mean we have to be the dumping ground for what everyone else "does not want in their back yard" or front yard.

People do not want to buy a house across from a large, State-of-the-Art, Fire Station/Emergency Response Center with a 100- foot tower. According to our sources, this tower can be moved to another location and do the same functions. This station will decrease the value of our property. I have investigated this reality. Our daughter is a Real Estate Broker. We want to enjoy our senior years. We are seniors with disabilities. We want to sell or rent out our home. If we can not sell or rent out our home, we will be trapped in a more stressful, polluted, higher- crime area. This would be against our will. That is called "Inverse Condemnation". Is the City of Long Beach going to be a party to this? Is the City going to buy our property when we can not sell or rent it? We had to sell a home in Hawaii and Lancaster due to the blinding of my husband's left eye. This is our remaining investment. Is the City going to be a party to the loss of our financial investment? Is the City of Long Beach going to compensate us? Would any of you want these conditions forced upon you? I do not think so.

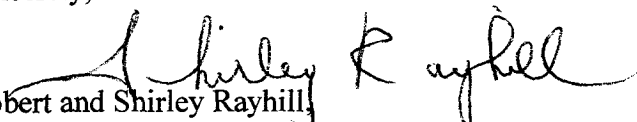
The California State Government Code Section 65302, and the California Noise Control Act, California Health and Safety Code Sections 46000-46080, "Mandates that noise elements be included as a part of city general plans and that cities adopt comprehensive noise ordinances". Under Section 46000, (f) , ALL CALIFORNIANS ARE ENTITLED TO A PEACEFUL AND QUIET ENVIRONMENT WITHOUT THE INTRUSION OF NOISE WHICH MAY BE HAZARDOUS TO THEIR HEALTH OR WELFARE. Under Section 46001(e), ON THE RIGHT OF ANY PERSON TO MAINTAIN AT ANY TIME ANY APPROPRIATE ACTION FOR RELIEF AGAINST ANY PRIVATE NUISANCE AS DEFINED IN THE CIVIL CODE OR FOR RELIEF AGAINST ANY NOISE POLLUTION. Under Section 46022, (e), "NOISE MEANS AND INCLUDES EXCESSIVE UNDESIRABLE SOUND, INCLUDING THAT PRODUCED BY PERSONS, ..... INDUSTRIAL EQUIPMENT, CONSTRUCTION, MOTOR VEHICLES, ..... ELECTRIC MOTORS, COMBUSTION ENGINES, AND ANY OTHER NOISE-PRODUCING OBJECTS. Under Section 46060, (e), It is the purpose of this chapter to encourage the ENACTMENT AND ENFORCEMENT OF LOCAL ORDINANCES IN THOSE AREAS WHICH ARE MOST PROPERLY THE RESPONSIBILITY OF LOCAL GOVERNMENT. Under Section 44507, (e), "POLLUTION" MEANS AN ALTERATION OF THE QUALITY OF THE ENVIRONMENT OF THE STATE AND SHALL BE DETERMINED BY THE VARIOUS STANDARDS PRESCRIBED FROM TIME TO TIME BY THIS STATE, THE FEDERAL GOVERNMENT, OR ANY AGENCY, DEPARTMENT, OR POLITICAL SUBDIVISION OF THIS STATE OR THE FEDERAL GOVERNMENT, AND MAY INCLUDE, BUT IS NOT LIMITED TO, EARTH, AIR, OR WATER POLLUTION, POLLUTION CAUSED BY SOLID OR HAZARDOUS WASTE DISPOSAL, THERMAL POLLUTION, RADIATION CONTAMINATION, THE RELEASE OF HAZARDOUS MATERIALS, OR NOISE POLLUTION. POLLUTION ALSO INCLUDES, BUT IS NOT LIMITED TO, THE CONTAMINATION OF SOIL OR GROUNDWATER RESULTING FROM THE RELEASE OF HAZARDOUS MATERIALS, AS DEFINED IN Section 25260, (e) OR THE PRESENCE OF ASBESTOS OR LEAD PAINT, AT SITES WITH A REASONABLE POTENTIAL FOR ECONOMICALLY BENEFICIAL REUSE. HEALTH AND SAFETY CODE

Section 46060-46062, Office of Noise Control 46062. The office shall provide assistance to local agencies in the preparation of model ordinances to control and abate noise. Such ordinances shall be developed in consultation with the Attorney General and with representation of local agencies, including the County Supervisors Association of California and the League of California Cities. Any local agency which adopts any noise control ordinance shall promptly furnish a copy to the office.

Under the current circumstances, our homeowner rights are being violated by the Long Beach Planning Commission and the Long Beach Department of Development Services. We observed the member, employee, of the Long Beach Department of Development Services. He arose and hugged Jeffrey Reeb, Deputy Chief of Operations for the Long Beach Fire Department. This was right after the Long Beach Planning Commission approved their Negative Declaration.

In closing, the negative impacts on us, have not even been addressed, let alone mitigated. We propose obtaining the services of an unbiased, outside consultant. We have a right as tax-paying, citizens, homeowners, to be notified of any public or private project proposed across from our front door, bedrooms, bathrooms, den, living room, etc. The legally required notifications of zone and land use changes to accommodate a Fire Station/Emergency Response Center, were not given to us and other affected homeowners of North Long Beach.

Sincerely,

  
Robert and Shirley Rayhill  
Previous President, VP, Secretary/Treasurer  
Orangewood Village Homeowners Association