



# 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

## APPLICATION FOR APPEAL

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

☐ Zoning Administrator

☒ Planning Commission

☐ Cultural Heritage Commission

☐ Site Plan Review Committee

on the 7 day of OCTOBER, 20 10

Appellants: Park Avenue Residents, PQRS Neighborhood Group, Et al.

Project Address: Colorado Lagoon and Marina Vista Park

### Reasons for Appeal:

- The Amendment fails to meet the requirements of the California Environmental Quality Act and the conditions required in the State CEQA Guidelines for an Environmental Impact report (EIR) Amendment.
- The Amendment proposes a substantial increase in the size/scope of the project and adds on-site remediation processing close to homes, a public golf course and two schools.
- The Amendment does not include the results of new testing which show big increases in known lead contamination in the lagoon. The Amendment fails to adequately test the Colorado Lagoon and Marina Vista Park sediment/soils to determine the actual levels of contamination. The Amendment fails to adequately determine what the public health risks are in dredging, remediation and hauling of the 70,000+ cubic yards of soil. The Amendment does not state the increase in haul volume or truck trips due to the increased dredging, culvert/channel configurations or the processing of the lead contaminated soil with cement/lime or other chemicals. The Amendment does not address the possible health risks as the result of the on-site mixing of dredged soil with cement/lime or other chemicals. The Amendment does not evaluate the health risk threshold of fugitive dust or accidental migration of contaminants from the project site onto residential, parks, and local school properties.
- The Amendment does not consider all feasible mitigation measures for truck haul traffic, abatement of fugitive dust, lead or other contaminant exposure to the public. The Amendment does not include any contaminant monitoring of adjacent properties or propose any additional fugitive dust/contaminant mitigation above what is typically used for standard construction sites. The Amendment wrongly considers this project (which has increased substantially in duration) as short term and therefore any increase in duration as not significant. The Amendment fails to state the project's new schedule or a completion date.
- See Attachment (3 pages) for additional arguments on why our appeal of the Addendum should be APPROVED, ~~the~~ Resolution R and the Addendum NOT APPROVED and the Final EIR be REVISED.

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

	Appellant 1	Appellant 2
Name:	KERRIE ALEY	Peggy L. McCabe
Address:	PO BOX 41217	4616 E. 6th St.
City/ZIP:	LONG BEACH CA	Long Beach, CA. 90814
Phone:	(562) 212-0461	562-424-3198
Signature:	<i>Kerrie Aley</i>	<i>Peggy L. McCabe</i>
Date:	10-14-10	10-14-10

Attach additional sheets if necessary for further appellants.

Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).

(Staff Use Only Below This Line)

Received by: CJ/SK App. No.: EIR 30-07 Filing Date: 10/15/10  
Addendum

Materials Required: ☒ Plans ☐ Photographs ☐ Special Materials

Fee: \$50.00 ☐ Fee Paid Project (receipt) No.: PMOD18203

APPELLANT

COLORADO LAGOON APPEAL  
FINAL EIR ADMENDMENT

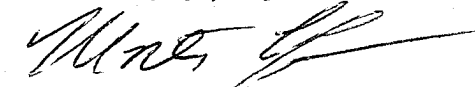
3

NAME: Monte Coffell

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SIGNATURE 

DATE: 10-14-10

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4

NAME: Allen Songer

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Ph: ~~562~~ 328-855-0190

Signature: 

Date: 10-14-10

allansonger@omegacinemaprocs.com


5

NAME: GREGORY WARREN

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CITY/ZIP LONG BEACH, CA

Ph: (562) 439-9177

SIGNATURE: 

DATE: 10-14-10

gwarren@cityoforange.org

6

NAME: BARRIE LAFFOON MUFT

ADDRESS: 604 PARK AVE

CITY/ZIP: LONG BEACH, CA

SIGNATURE: SEE ATTACHED EMAIL

DATE: OCT. 14 2010

APPELLANT

COLORADO LAGOON APPEAL  
FINAL EIR ADMENDMENT

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## APPEAL: COLORADO LAGOON RESTORATION FINAL EIR ADMENDMENT

Appellants: Park Avenue Residents, PQRS Neighborhood Group, Et al.

Project Address: Colorado Lagoon and Marina Vista Park

### Reasons for Appeal:

- The Amendment fails to meet the requirements of the California Environmental Quality Act and the conditions required in the State CEQA Guidelines for an Environmental Impact report (EIR) Amendment.
- The Amendment proposes a substantial increase in the size/scope of the project and adds on- site remediation processing close to homes, a public golf course and two schools.
- The Amendment does not include the results of new testing which show big increases in known lead contamination in the lagoon. The Amendment fails to adequately test the Colorado Lagoon and Marina Vista Park sediment/soils to determine the actual levels of contamination. The Amendment fails to adequately determine what the public health risks are in dredging, remediation and hauling of the 70,000+ cubic yards of soil. The Amendment does not state the increase in haul volume or truck trips due to the increased dredging, culvert/channel configurations or the processing of the lead contaminated soil with cement/lime or other chemicals. The Amendment does not address the possible health risks as the result of the on-site mixing of dredged soil with cement/lime or other chemicals. The Amendment does not evaluate the health risk threshold of fugitive dust or accidental migration of contaminants from the project site onto residential, parks, and local school properties.
- The Amendment does not consider all feasible mitigation measures for truck haul traffic, abatement of fugitive dust, lead or other contaminant exposure to the public. The Amendment does not included any contaminant monitoring of adjacent properties or propose any additional fugitive dust/contaminant mitigation above what is typically used for standard construction sites. The Amendment wrongly considers this project (which has increased substantially in duration) as short term and therefore any increase in duration as not significant. The Amendment fails to state the project's new schedule or a completion date.
- See Attachment (7 pages) for additional arguments on why our appeal of the Addendum should be APPROVED, the Resolution R and the Addendum NOT APPROVED and the Final EIR be REVISED.

RE: Important: Colorado Lagoon Restoration EIR Ammendment - Yahoo... <http://us.mc840.mail.yahoo.com/mc/showMessage?sMid=7&filterBy=&>



**RE: Important: Colorado Lagoon Restoration EIR Ammendment**

Thursday, October 14, 2010 5:52 PM

**From:** "Barrie Huff" <duffybuff@comcast.net>

**To:** "KerrieAley" <kerriealey@verizon.net>

Appellant: Barrie Laffoon Huff

Project Address: Colorado Lagoon – specifically 6th & Park Ave.

Reason for Appeal: My mother, Grace Laffoon, is a lifetime resident at 604 Park Ave. At age 91, she is confined to her home with Chronic Obstructive Pulmonary Disease. Exposure to indoor and outdoor pollutants increases her disability. She uses an oxygen machine to help her breathe at night. Her health has been put at risk with this project. (TAP)

This recent Colorado Lagoon project has been miserable for Grace with the noise, the dirt, and the shaking of her home. Now I understand that the scope of dredging is going to be increased and the contamination is greater than originally stated in the EIR. The lead levels will be higher and the increased truck traffic is unacceptable for this area.

The recent Colorado Lagoon EIR Addendum fails to protect residents from hazardous substances or address the negative construction impacts. A revised EIR should be drafted and made available for public review and comment.

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

Appellant 1

Name: Barrie Laffoon Huff

Address: 604 Park Ave.

City/Zip: Long Beach, CA 98014

Signature: Barrie L. Huff

Date: October 13, 2010

-----Original Message-----

From: KerrieAley [mailto:[kerriealey@verizon.net](mailto:kerriealey@verizon.net)]

Sent: Tuesday, October 12, 2010 6:17 AM

10/07/2010

2010 EIR ADMENDMENT  
APPEAL

City of Long Beach  
**Planning Commission**  
333 W. East Ocean  
Long Beach, CA 90803

Public Hearing: Colorado Lagoon EIR Admendment

In 2008 I appealed the Planning Commission's approval of the final Colorado Lagoon Restoration Environmental Impact Report to the City Council because the EIR clearly failed to inform governmental decision-makers and the public about the potential, significant environmental effects of the construction, hazardous sediment, traffic impacts and because the report failed to mitigate the negative impact of this project on residents.

The fact that Development Services is here today requesting approval for this addendum should add credence to the concerns of many residents including myself who testified as to the inadequacy of this EIR.

The proposed Addendum proposes substantial increases in the severity of impacts, includes new information from sediment tests which show substantial increases in the levels of contamination, changes the project definition and scope of hazardous soil removal and adds remediation processing. These changes greatly increase the severity of negative environmental impacts on local residents.

The Addendum fails to meet the conditions set in the State CEQA guidelines for an addendum. The findings made by Resolution R are misleading and makes presumptions which are inaccurate. Resolution R certifying an Addendum to the Final Environmental Impact Report for the Colorado Lagoon Restoration Project should be not be approved for the following reasons:

1. This Addendum has been available for review by the public for less than 5 days. Pertinent information has been left out of the Addendum. The Addendum does not list notice to any public agencies (such as the EPA, AQMD or the CLPPB) of the proposed changes to the EIR.
2. The scope of dredging has increased from 30,000 to 72,000 cubic yards (cy). The results of recent sediment surveys show that the degree and scope of contamination in the lagoon is much greater than originally stated in the EIR.
3. The Addendum does not include the results of new reports published in June 2010 (Reference Kinnetic Laboratories Inc "Sediment Survey of the Northern Arm of the Colorado Lagoon", "Sediment Survey of the Central Basin of Colorado Lagoon", "Sediment/Soil Characterization of the Side Slopes of Colorado Lagoon" and "Treatment of Colorado Lagoon Sediments". I was only able to recently review these documents through a public records request.
4. Composite sediment samples included in the EIR (Reference Kinetic Laboratories Inc "Colorado Lagoon: Sediment Testing and Material Disposal Report June 2004" show composite sample lead levels of 409 mg/kg (dry) while recent 2010 testing (not included in the Addendum) indicates levels as high as **1220 mg/kg (dry)** more than three times the Title 22 lead limit for residential soils. Neither the hearing notice nor the Addendum specifies the actual sediment contamination levels.

5. In its own reports Kinetic Laboratories uses lead as an indicator of urban runoff. Therefore if recent testing shows higher concentration of lead contamination in the Lagoon then one should expect higher levels of other known contaminants such as mercury, PAHs, DDT and other Pesticides, Chlordane, and PCBs; yet I can find no new test results showing the actual concentration of these toxins in the sediment.

6. The volume of hazardous contaminated soil that is now proposed to be removed has more than doubled from 16,000 cy yards to **44,000** cy greatly increasing the potential exposure of residents to these contaminants. The increase in total sediment proposed to be loaded onto haul trucks has increased from 30,000 to **72,000 cy** greatly increasing the exposure of residents, including small children to lead & toxins, construction dust, truck traffic and noise.

7. One must also consider that the composite soil testing in Marina Vista Park (a former land fill dump site) is also inadequate and can potentially add to the amount of hazardous soil to be removed. Because the approved final EIR Appendix L did not contain sediment studies for Marina Vista Park. I requested these documents through a public records request. This afternoon I received copies of the report from the draft EIR "Appendix L Colorado Lagoon/Marine Stadium Open Channel Route Soils Investigation, 2008" and it appears that this report was never included in or certified in the Final EIR. In this report arsenic is noted as exceeding the PRG for Residential Soils in all composite tests.

8. Given the close proximity of homes and schools to both the Colorado Lagoon and Marina Vista construction sites and the risk of inhalation of toxic substances, the EIR as a minimum should include screening-level health risk assessment using U.S. EPA Region 9 PRGs for lead, arsenic and all other contaminants which exceed the PRG limits for residential soil.

9. The presumption that the city's EIR mitigation measures eliminates that all human exposure to construction/dredging dust has been shown to be false by the large number of complaints filed by homeowners living near Park/6<sup>th</sup>/Appian & the P&E Right away during the recent Termino Avenue Drain Project (TAPD). Clearly the Colorado Lagoon EIR mitigation measures (which are less stringent the TADP EIR Mitigation ..which has no hazardous soil) does not protect residents from either construction dust or hazardous sediment.

10. Adding to concern about the migration of hazardous substances onto residential properties is the new plan to process **44,000** cubic yards of contaminated soil on site using a pug mill, cement/lime or other chemical reagents to stabilize the lead and other toxins in the sediment. There was no mention of processing this material in the original EIR. Kinetic Laboratories Incorporated tested the efficacy of processes to stabilize the lead and consulted with ADT Environmental Solutions. ADT states in their own promotional material that Pozzolanic Technology using cement/lime can increase the volume of material by as much as **+40%**. The Addendum does not consider the increased soil volume and resulting truck traffic from this proposed process. The Addendum does not specify what chemical reagents may be used or the possible negative impact on humans.

10. The Addendum does not account for the increase in excess material resulting from the proposed channel/culvert configurations. In the approved EIR the excavated soil for the channel construction was stated as 25,500 cy but the Addendum now states that the amount of excavated soil has increased to as high as **70,000 cy** depending on the option chosen. The Addendum does not state that the excavation volume may increase as much as **+300%** .

11. When one considers the impact of the additional dredging, contaminated soil processing and the increase in the amount of excavated soil the number of possible haul trucks increases by from 3360 to a high of **10,053** trips.

In the 2008 final EIR the number of sediment haul truck trips was 1350 but with the increase in dredging volume this number increases to 3240. The increases in volume due to the addition of cement and lime to stabilize the hazardous soil increases the number of sediment haul trips from 3240 to as high as 4536 trucks.

Worse...The number of truck trips resulting from changes in the culvert/channel excavation increases truck traffic from 2010 to high as 5,517 truck trips.

When all of the additional haul truck trips are added up the truck volume on three residential streets (Park Avenue, 6<sup>th</sup>, and Appian) increases from 3360 to as high as **10,053**. While the approved EIR includes specific trip calculations the Addendum includes NO such analysis and completely ignores the obvious significant truck traffic increase on local residential streets due to changes in the project.

12. For some odd reason the Addendum includes 2008 EIR appeal comments made by a former resident (who soon after sold his house on Park Avenue) but make no EIR commitment to mitigate any of the truck traffic. More telling the city failed to implement any of these suggestions during the county's recent TADP project and allowed months of haul truck traffic on 6<sup>th</sup> even though there was no mention of this new haul route or the 25 ft pile of uncovered dirt in either the TAPD EIR or during numerous community meetings.

Both the EIR and Addendum fail to consider the following possible traffic mitigation measures; closure of Park Avenue/6<sup>th</sup>/Appian Way during construction hours. Use multiple haul routes by adding Federation, Santiago, Appian (South), Eliot, Colorado, Bellflower roads to share the impact of haul truck traffic. Given the known congestion, high accident and speeding problem on Park Avenue between 7<sup>th</sup> and 4<sup>th</sup> other streets may be better suited for this amount of haul truck traffic. Both the EIR and Addendum fail to consider other truck haul routes.

The EIR and Addendum focus on protecting marine life and the preparation of the sediment for landfill but make almost no effort to ensure that toxic contaminants do not migrate onto residential properties or nearby schools.



Neither the EIR or Addendum includes a lead or air quality testing program for adjacent properties or haul route streets. The EIR and Addendum make claims that all negative impacts have been mitigated with no proof at all that this is the case.

In summary this Addendum fails the requirements of CEQA and the specified mitigation measures fails to protect residents from hazardous substances or mitigate negative construction impacts. A revised EIR should be drafted, new mitigation measures added and the document should be resubmitted for review by the public and responsible government agencies.

KS A

Kerrie Aley  
PO Box 41217  
Long Beach, CA 90853  
(562)212-0461

October 14 2008 City Council Appeal- Colorado Lagoon & Marina Vista Park Project

My name is Kerrie Aley.

I am here today to appeal the Planning Commission's decision to approve the Local Coastal Development Permit and Environmental Impact Report for the Colorado Lagoon & Marina Vista Park Project. I support the restoration of the Colorado Lagoon but have serious concerns about the City's failure to follow process and the inadequacy of the Environmental Impact Report to identify and mitigate serious construction impacts my neighborhood.

For this project, the City functions as both the lead approval agency and the project applicant and it is on this failure to follow its own planning process and protect the public it is supposed to serve that I am making this appeal to the Council today.

This project is an environmental clean up not a restoration. How did the Colorado Lagoon deteriorate to the sad condition it is in today? In the 1950's the City filled an existing channel between the lagoon and Marine Stadium for a proposed but not built cross-town Pacific freeway in the 1950's. They constructed a culvert but for 50+ years failed to maintain the culvert and it filled up with silt blocking tidal flushing which could have helped keep the lagoon's water clean. Then the City allowed more development around the neighborhood without proper drainage and allowed additional street run-off drainage into the lagoon. These drains poured storm water run-off containing DDT, PCP, lead and other hazardous contaminants into the lagoon. Last Saturday the City poured 1200 gallons of raw sewage into the lagoon because the City's sewers are undersized and poorly maintained. Today the City is asking residents to 'trust them' with no construction plan or adequate mitigation while they clean up an environmental disaster of their own making.

#### **Process & Municipal Code Violations:**

The following is a summary of the areas in which I believe the City has failed to follow the Municipal Code and its own processes:

Section 21.21.304 of the Municipal Code requires that ALL notices shall contain, as a minimum, the following information:

- Section A requires the applicant's name.  
***No project applicant is named on the notice of this public hearing.***
- Section D requires the location of the project, including an indication of whether it is in the coastal zone;  
***No mention on the notice for this public hearing whether the project is in the coastal zone.***
- Section E requires an indication of whether the project is appealable to the Coastal Commission;  
***Not on this notice. Not only is this project appealable to the Coastal Commission but because the City charged me \$50 to appear here today, the City has opened the door for an unlimited number of people to appeal this project to the Coastal Commission, thus bypassing a need to appeal this project today. The City might want to reconsider eliminating this fee because I do not think that the Coastal Commission should be the one determining land use in our City without a full vetting of issues by our city government and citizens.***
- Section G requires the reason for the public hearing;  
***The notice is incorrect, misleading and has no description or explanation of why I have submitted this appeal... which is the approval of the Environmental Impact Report and the proposed construction impact mitigation. The notice states incorrectly that I am appealing the General Plan Text Amendment to the Local Coastal Program and a change to the municipal code definition of passive parks. I have made no such complaint.***

**Both the Planning Commission and Appeal hearing notices are wholly deficient because without digging through volumes of EIR documents could residents determine that the City planned to use their residential street as a haul route for thousands of diesel trucks, dredging of hazardous soil or would spend years living next to stockpiles of dirt, trucks, heavy equipment and construction materials storage for many years to come .**

- Section H requires the general procedures for the hearing and the receipt of public comments; **No procedures on the notice for this hearing.**
- Section J requires the means for appeal, including an appeal to the Coastal Commission when applicable; **No means of appeal is stated on the notice for this hearing.**

#### 21.21.402 Action by hearing body.

*Conditions. Reasonable and necessary conditions on development may be attached to all decisions to ensure their consistency with the Zoning Regulations.*

***This section does not state that conditions may be used to add mitigation or defer mitigation to unwritten construction plans to comply with CEQA. In the project's conditions of approval there are over 53 mitigation measures which have been added to supplement the EIR and more is needed.***

Note (unread) 21.21.505 Findings on appeal.

All decisions on appeal shall address and be based upon the same conclusionary findings, if any, required to be made in the original decision from which the appeal is taken.

Section C. Local Coastal Development. Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.

***Section 2. C. 21.25.904 requires that the proposed development conforms to the certified local coastal program. This project does not meet this requirement without a prior Council and Coastal Commission amendment to the Local Coastal Plan and Resource Management Plan and this has not happened.***

#### Section 2. Council Action.

b. Effect In Coastal Zone. When an approved change in the text of the Zoning Regulations or a rezoning affects properties in the Coastal Zone, the change or rezoning shall be transmitted to the Coastal Commission for a determination of consistency with the certified local coastal program or an amendment thereto. The change in the text or rezoning shall not be effective in the Coastal Zone until after Coastal Commission approval.

***The City does not have approval from the Coastal Commission for the needed changes to the General Plan Local Coastal Program or Resource Management Plan for this project.***

#### Section 21.25.206 Required findings

The following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject permit and must be incorporated into the record of the proceedings relating to such approval or denial:

B. The proposed use will not be detrimental to the surrounding community including public health, safety or general welfare, environmental quality or quality of life;

***No such findings are included in the record of the proceedings.***

Section 21.25.1113 Findings required.

The planning commission, and the city council on appeal, may grant a determination of applicable law if, and only if, it first makes, after public hearing, each of the following findings:

Section B requires that project complies with all applicable provisions of law, including, but not limited to, all applicable zoning regulations;

***The noticing for this appeal violates the municipal code requirements.***

***The City has itself admitted that the project does not comply with existing zoning regulations including the Local Coastal Program, Waterlands Resource Management Plan, or the Municipal Code. The City's finding for this project are invalid because the Planning Commission only has advisory powers in these areas. I wonder whether this hearing is even legal. Approval of this permit requires prior Council approval of changes to the General Plan Local Coastal Program, Resource Management Plan, and the Municipal Code. No Council hearing has been scheduled or action taken on these changes. That means that the Commission's approval of the Local Coastal Development permit is contingent on Council and Coastal Commission action that has not yet happened.***

Section C requires that the project has complied, or will comply, with all applicable environmental requirements.

***The City has failed to meet the requirements of the California Environmental Quality Act and the City's Environmental Impact Report and mitigation fails to protect the public from the project's negative impact.***

Section D requires that the project is consistent with the provisions of the zoning district in which it is proposed to be located;

***The City admits that the project does not comply with current zoning.***

Section F requires that "no amendments to the general plan, the zoning regulations or the applicable zoning district have been initiated at the time of or prior to the grant of determination which would affect the use, design or lawfulness of the project."

***Clearly a violation. This project requires a prior amendment to the general plan and zoning regulations.***

### **CEQA , Environmental Impact Report, Mitigation of Construction Impacts**

This project's environmental impact report was written to comply with the requirements of the California Environmental Quality Act. The basic purpose of CEQA are to:

- (1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify the ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

An Environmental Impact Report (EIR) is a public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage. If the City's EIR identifies significant effect on the environment, the government agency approving the project must make findings on whether the adverse environmental effects have been substantially reduced or if not, why not. The City must also protect the environment by either changing the project, imposing conditions of the project to mitigate negative impacts, or make a finding that unavoidable significant environmental damage is acceptable.

I am appealing this EIR, Statement of Overriding Conditions, and Local Coastal Permit because I believe that the EIR must be revised to consider all significant environmental impacts to residential home/schools/streets.

Upon further study, new mitigation measures can be added which will reduce the construction impact of the Colorado Lagoon and Marina Vista Park on residents and schoolchildren. The public must be given an opportunity to review the construction plan prior to approval of the EIR, to assess whether adequate mitigation has been made for over 5,000 semi-trailer truck trips down one residential street (Park Avenue), loss of parking, construction noise exceeding 85 db, hazardous soil, and air quality impacts of the project.

#### **The basis of my appeal:**

- The California Environmental Quality Act (CEQA) requires that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena and open to public review. The EIR is inadequate.
- CEQA requires that information must be provided in the EIR for a specific plan, which demonstrates that impacts of the specific plan will be mitigated below level of significance. The City has deferred defining specific mitigation measures to unwritten construction plans. The City has failed to consider all feasible mitigations measures.
- The City has failed to consider the existing serious traffic congestion and accident problems on Park Avenue between 7<sup>th</sup> and 4<sup>th</sup> avenue. No traffic studies have been made to determine impact on residential streets & no mitigation has been proposed.
- The City has failed to provide details as to how these trucks trips and road closures will affect traffic & parking on other residential streets and schools.
- The City has deferred many details of how the over 8,000 semi-trailer equivalent truck trips, traffic diversion, air quality, and noise issues will be mitigated.
- The City considers the impact of daily diesel truck trips hauling building material, debris, excavated soil/hazardous waste within a few feet homes over a period of 30 months 11 hours per day as a "short term" issue not requiring a complete study and plan in the EIR.
- The current mitigation proposed for air quality, noise, and traffic issues is inadequate and unacceptable for a project so close to residential homes.
- The EIR states that the Termino Avenue Drain Project may happen concurrently with this project. The City does not consider the cumulative impact of other planned construction such as repair of 2<sup>nd</sup> street alleys and rebuilding of the Belmont Pier Pool.
- The EIR fails to consider the impact of roadway closures and the significant cumulative traffic impact of the areas special events at Marine Stadium and on 2<sup>nd</sup> street which now draw between 3,000 and 50,000 people into my neighborhood with no event traffic mitigation. None! I spent over seven hours in the City Attorney's office reviewing past and present Special Events documents and was unable to find one traffic or parking plan even though this is required by City policy.
- The EIR attempts to take mitigation credit for both the City of Long Beach and the Termino Avenue Drain project EIR construction staging and traffic control plans. Neither plan exists nor have mitigation measures been determined.

In summary I think the Council should approve my appeal and reject the Local Coastal Development Permit, relocate the truck haul route, define the construction plan, revise the EIR, and require additional mitigation measures to protect resident's health and safety.

In the mean time, the General Plan revision of the Local Coastal Program, Resource Management Plan, and Municipal Code Zoning definition for passive park revisions can be publically noticed and be put before the Council for a vote.

Thanks very much for your time and consideration of this matter.  
Kerrie Aley

<b>LICENSED CONTRACTORS DECLARATION</b>				<b>WORKER'S COMPENSATION DECLARATION</b>			
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  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 carrier and policy number are:  Carrier: _____ Policy Number: _____  ction 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  Date _____ Applicant _____			
<b>OWNER-BUILDER DECLARATION</b> 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 intended 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  • I am exempt under Sec. _____, B. & P. C. for this reason _____ Date _____ Owner _____ - IMPORANT - 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 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. Any permit issued as a result of this application becomes null and void if work is				<b>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</b>  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  _____ <div style="display: flex; justify-content: space-between;"> <span>Signature of Owner or Contractor</span> <span>Date</span> </div>			
<b>JOB ADDRESS</b> <b>5119 COLORADO ST</b>				<b>RECEIPT NO.</b> <b>00976060</b>		<b>DATE</b> <b>10/15/10</b>	
<b>JOB DESCRIPTION</b> <b>Third-Party Appeal of Planning Commission approval of Colorado Lagoon Final EIR</b>				<b>PROJECT NO.</b> <b>PMOD18203</b>		<b>AREA</b> <b>0.00</b>	
<b>OWNER</b> <b>ADDRESS</b> CITY _____ STATE _____ ZIP CODE _____				<b>OCCUPANCY</b> <b>ASSESSOR NO.</b> FSB _____ S _____ RSB _____		<b>PLANNING</b> <b>OPEN SPACE/PARKS</b> <b>ZONE</b> <b>P</b> <b>CENSUS TRACT</b> <b>577,603.00</b>	
<b>APPLICANT</b> <b>Kerrie Ale</b>							
<b>CONTRACTOR</b> <b>ADDRESS</b> CITY _____ STATE _____ ZIP CODE _____				<b>PHONE NO.</b> _____			
<b>STATE LICENSE NO.</b> <b>ARCHITECT/ENGINEER</b> <b>ADDRESS</b> CITY _____ STATE _____ ZIP CODE _____				<b>CITY LICENSE NO.</b> <b>LICENSE NO.</b> <b>PHONE NO.</b> _____			
<b>VALUATION</b> <b>0.00</b>		<b>PRESENT BLDG USE</b> _____		<b>PROPOSED BLDG USE</b> _____		<b>BLDG HEIGHT</b> <b>0.00</b>	
<b>LEGAL DESCRIPTION</b> _____		<b>TYPE OF CONSTRUCTION</b> <b>PAPWITHPC</b>					

Paid by:
 

KERRIE ALEY

CK 2930

\$50.00
 Check (CK)