



# 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

<input type="checkbox"/> Zoning Administrator	on the <u>7</u> day of <u>OCTOBER</u> , 20 <u>10</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): MATT KIRK & ERIC PETERSON

Project Address: 5119 E. COLONADO

Reasons for Appeal: SEE ATTACHED

Your appellant herein respectfully requests that Your Honorable Body ☒ Approve ☐ Deny this application.

	Appellant 1	Appellant 2
Name:	<u>MATT KIRK</u>	<u>ERIC PETERSON</u>
Address:	<u>5330 E. 4TH ST.</u>	<u>5507 WINDWARD AVE</u>
City/ZIP:	<u>LONG BEACH, CA 90814</u>	<u>LONG BEACH CA 90814</u>
Phone:	<u>(562) 597-8841</u>	<u>714-814-0707</u>
Signature:	<u>[Signature]</u>	<u>[Signature]</u>
Date:	<u>10/18/10</u>	<u>10-18-10</u>

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: SV App. No.: ER 30-07 Filing Date: 10/18/10

Materials Required: ☐ Plans ☐ Photographs ☒ Special Materials

Fee: \$3.00 ☒ Fee Paid Project (receipt) No.: PSPR18223

# **Application for Appeal**

**To Planning Commission approval of Addendum to EIR 30-07**

**Prepared By: Matthew Kirk, P.E.**

**Dated: October 18, 2010**

## **Reason for Appeal:**

**CEQA Section 15162 states as a reason to require a subsequent EIR or supplement to an EIR: New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:**

- A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**
- B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;**

**An increase to the volume of dredged material is increased by 140% (30,000cy to 72,000cy) qualifies as “substantially more severe”. The subsequent effects to the air quality of handling the increased volume and increase of truck traffic also meet the “substantially more severe” threshold. A change in the destination and route of the toxic material was not analyzed by the EIR thus also meets the “not discussed in the previous EIR” criteria required for a subsequent or supplement to the EIR.**

**The dry dredge method as discussed in the Addendum and what detrimental impacts it would cause by draining the Colorado Lagoon was not discussed in the EIR. The EIR did not discuss the biological impacts of draining the lagoon completely and the Addendum discusses how the dredging an additional 140% more material the impact is similar to that of the dry dredge method. That defies commonsense that draining the lagoon has the same impact as maintaining the water in the lagoon for dredging.**

**The Addendum identifies a sewage lift station required for some of the proposed alternatives yet does not address mitigation measures on how sewage overflows into the lagoon will impact biological resources and human use of the lagoon and Marine Stadium, this item again meets the threshold of “not discussed in the previous EIR”.**

**The loss of active park space and the impact to local sports organizations have been down played at best and ignored at worst. Many children use the park and if that active area is lost to some of the alternatives, how is traffic and air quality affected by the increase of parents having to drive the children to distant fields for practice and the cost to replace the area lost.**

LICENSED CONTRACTORS DECLARATION				WORKER'S COMPENSATION DECLARATION			
<p>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</p> <p>License Class _____ License No. _____</p> <p>Date _____ Contractor _____</p> <p style="text-align: center;"><b>OWNER-BUILDER DECLARATION</b></p> <p>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. &amp; 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):</p> <ul style="list-style-type: none"> <li>• 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. &amp; 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</li> </ul> <p>• I am exempt under Sec. _____, B. &amp; P. C. for this reason _____</p> <p>Date _____ Owner _____</p> <p style="text-align: center;">- IMPORANT -</p> <p>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</p> <p>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.</p> <p>Any permit issued as a result of this application becomes null and void if work is</p>				<p>_____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:</p> <p>Carrier: _____ Policy Number: _____</p> <p>_____ction need not be completed if the permit is for one hundred dollars (\$100) or less)</p> <p>_____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</p> <p>Date _____ Applicant _____</p> <p><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></p> <p>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.).</p> <p>Lender's Name _____</p> <p>Lender's Address _____</p> <p>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</p> <p>_____ Signature of Owner or Contractor _____ Date</p>			
<b>JOB ADDRESS</b> <b>5119 COLORADO ST</b>				<b>RECEIPT NO.</b> <b>00977982</b>		<b>DATE</b> <b>10/18/10</b>	
<b>JOB DESCRIPTION</b> <b>Appeal of the Planning Commissions decision to cerify the Addendum to EIR No. 30-07,</b>				<b>PROJECT NO.</b> <b>PSPR18223</b>		<b>AREA</b> <b>0.00</b>	
<b>OWNER</b>				<b>OCCUPANCY</b> <b>PLANNING</b>		<b>OPEN SPACE/PARKS</b>	
<b>ADDRESS</b>				<b>ASSESSOR NO.</b>		<b>ZONE</b> <b>P</b>	
<b>CITY</b>		<b>STATE</b>		<b>ZIP CODE</b>		<b>FSB</b>	
						<b>S</b>	
						<b>RSB</b>	
						<b>CENSUS TRACT</b> <b>577,603.00</b>	
<b>APPLICANT</b> <b>Eric Peterson Matt Kirk</b>							
<b>CONTRACTOR</b>							
<b>ADDRESS</b>							
<b>CITY</b>				<b>STATE</b>			
				<b>ZIP CODE</b>			
				<b>PHONE NO.</b>			
<b>STATE LICENSE NO.</b>				<b>CITY LICENSE NO.</b>			
<b>ARCHITECT/ENGINEER</b>				<b>LICENSE NO.</b>			
<b>ADDRESS</b>							
<b>CITY</b>				<b>STATE</b>			
				<b>ZIP CODE</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>TYPE OF CONSTRUCTION</b> <b>PCONSPR</b>	
<b>LEGAL DESCRIPTION</b>							

Paid by: MATT KIRK  
 \$53.00 Cash (CA)