



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

December 20, 2011

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, deny the appeals and uphold the decision of the Planning Commission certifying the Final EIR and approving the Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local Coastal Development Permit requests;

Adopt a Resolution recertifying the Final EIR 04-09 for the Second + PCH project (State Clearinghouse No. 2009101014);

Adopt a Resolution amending the Local Coastal Program (LCP) of the General Plan and forward supporting materials to the California Coastal Commission for approval and certification; and

Declare the Ordinance amending Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP, also known as PD-1) read the first time and laid over to the next regular meeting of the City Council for final reading. (District 3)

## DISCUSSION

The 10.93-acre project site is located in the southeastern portion of the City, bounded by Pacific Coast Highway (PCH) to the east, Second Street to the north, Marina Drive to the west and the Marina Shores shopping center to the south. The project site covers the entire Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP) district, also known as PD-1 (Exhibit A- Location Map). Surrounding land uses are primarily commercial retail in nature, particularly along PCH, with the Alamitos Bay Marina to the west and the Marina Pacifica residential community to the north. The Los Cerritos Wetlands is located east of PCH, approximately 400 feet northeast of the project site at the closest point, and separated by existing urban development. Since the project site is down-gradient from the Los Cerritos Wetlands, the project site and Los Cerritos Wetlands are not hydrologically connected.

The applicant originally proposed a mixed-use development project (Second +PCH project) that was larger than the project proposal, which is the subject of this staff report. On October 12, 2011, the Planning Commission held a public hearing on this project at a special meeting to consider certification of the Final Environmental Impact Report (EIR) and the project entitlement requests (Exhibit B – Planning Commission October 12, 2011

Staff Report). At this meeting, the Planning Commission also considered a text amendment request to the City's LCP and SEADIP Subarea 17 to allow residential land uses and development standards consistent with this project proposal (Exhibit C – Proposed Text Amendment to LCP and SEADIP Subarea 17).

After several hours of public testimony, the Planning Commission took the following actions:

- 1) Certified Final EIR 04-09 for this project (State Clearinghouse No. 2009101014).
- 2) Recommended that the City Council approve text amendments to the LCP and Subarea 17 of SEADIP to allow project development consistent with Alternative 3 (also known as Reduced Intensity Alternative A) of the Final EIR.
- 3) Continued the public hearing to the November 17, 2011 meeting date to consider approval of the project entitlement requests for project revisions in accordance with Alternative 3 of the Final EIR.

Alternative 3, as selected by the Planning Commission, would allow a maximum of 275 dwelling units, 155,000 square feet of commercial floor area, a 100 room hotel with 4,368 square feet of hotel restaurant floor area and 3,510 square feet of hotel meeting space, 20,000 square feet of non-hotel restaurant space, and a 4,175-square-foot science center. Maximum building height would remain unchanged from the applicant's original proposal at 150 feet, 12 stories. The comparison to the applicant's original project proposal to the Planning Commission's recommendation was as follows:

<u>Original Proposal</u>	<u>Current Proposal</u>
325 dwelling units	275 dwelling units
191,475 sq. ft. commercial	155,000 sq. ft. commercial
100-room hotel with 4,368 sq. ft. restaurant 3,510 sq. ft. meeting space	100-room hotel with 4,368 sq. ft. restaurant 3,510 sq. ft. meeting space
21,092 sq. ft. restaurant	20,000 sq. ft. restaurant
4,175 sq. ft. science center	4,175 sq. ft. science center
99 seat theater	No theater
148,500 sq. ft. open space (31 percent of site)	173,000 sq. ft. open space (36 percent of site)
1,440 parking spaces	1,440 parking spaces

After the Planning Commission's October 12, 2011 actions, five separate appeals were filed by individuals and groups. A list of these initial appellants is attached as Exhibit E.

On November 17, 2011, after receiving public testimony and other evidence, the Planning Commission approved additional actions related to the project, including the following:

- 1) Adopted a Resolution with revised Findings of Fact and a Statement of Overriding Considerations certifying the Final Environmental Impact Report (EIR 04-09); and
- 2) Approved the Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit requests (Exhibit D – Planning Commission November 17, 2011 Staff Report).

Adoption of the revised Findings was required since the Findings of Fact provided to the Planning Commission for the October 12, 2011 public hearing recommended a different project description than the one ultimately approved by the Planning Commission. These revised Findings of Fact reflect the Planning Commission recommendation that the City Council approve text amendments to the LCP and SEADIP Subarea 17 for project development consistent with Alternative 3 of the Final EIR (See attached Final EIR Resolution with Revised Findings).

The project approval requests include amendments to the LCP and SEADIP Subarea 17. Since the project site makes up all of Subarea 17, any amendments to this subarea would only apply to this site. The amendment request is necessary to allow residential uses and building heights greater than 30 feet for residential uses and 35 feet for non-residential uses. Any LCP amendment must be approved by both the City Council and the California Coastal Commission. Given the need to establish development standards that ensure all future project site improvements will be high quality and compatible with surrounding land uses, along with the procedural requirements of the Coastal Commission, staff recommends action of the LCP/SEADIP amendment as a condition precedent for final approval of the site specific entitlements. As such, the Planning Commission's actions to approve the site plan and other project-specific entitlements, including the Local Coastal Development Permit, are subject to final approval of the LCP/SEADIP amendments.

As stated above, the LCP amendment must be approved by both the City Council and California Coastal Commission. The project entitlements do not require Coastal Commission approval since the site is under the City's permit approval jurisdiction. In addition to the LCP amendment, one element of the project will require Coastal Commission approval. The applicant is requesting improvements to Marina Drive, which is under the permit jurisdiction of the Coastal Commission. Those specific improvements will be subject to Coastal Commission approval.

The Final EIR for this project determined that all project impacts can be mitigated to a level below significance with the exception of construction impacts to the Studebaker/Second Street intersection; operational and cumulative impacts to the Studebaker/Second Street and PCH/Second Street intersections; construction, operational and cumulative air quality and climate change impacts; and land use impacts related to consistency with the Urban Design Component of the General Plan Land Use Element, the Local Coastal Program, and the SEADIP standards for residential uses and building height.

The Statement of Overriding Considerations (SOC) is required due to the unavoidable adverse significant impacts identified in the Final EIR (air quality/greenhouse gas emissions, land use and planning, and transportation/circulation) that would be reduced

under Alternative 3 (Reduced Intensity Alternative A) but would still be significant and unavoidable. Whenever a project would result in unavoidable significant impacts, the lead agency must state in writing the specific reasons to support its action. If the economic, legal, social, technological or other benefits of a project outweigh the unavoidable adverse environmental impacts, the adverse effects may be considered to be acceptable. The specific project benefits are listed on pages 43 and 44 of the Findings/SOC, which include furthering City goals for provision of multi-family housing, revitalization of an underutilized site with a mixed-use development, enhanced pedestrian, bicycle and mass transit access to the adjacent marina and project site, enhanced job and home ownership opportunities, efficient use of land and energy conservation, and enhanced economic vitality of the project site.

The City received four additional appeals on the Planning Commission's November 17, 2011 actions, which all came from appellants for the October 12, 2011 hearing actions and, therefore, have been combined with these earlier appeals for a total of five appeals (Exhibit E – Appeals). General issues cited in these appeals include traffic impacts, building height, development intensity, and land use compatibility. Additionally, some appeals question the inconsistency of the approved entitlements with the existing standards in the LCP and SEADIP Subarea 17. As discussed above, City approvals of the site plan and other project-specific entitlements are subject to final approval of the LCP/SEADIP amendments by the Coastal Commission.

For the October 12, 2011 Planning Commission hearing, public hearing notices were distributed on September 28, 2011, as required by the Long Beach Municipal Code. Notices were provided to all property owners and tenants within a 1,000-foot radius of the project site, as well as to all persons and entities that submitted written comments on the Recirculated Draft EIR during the public comment period. Notices were posted on the project site on September 28, 2011. The public hearing notice was also published in the Press Telegram on September 28, 2011 (required for the LCP/SEADIP text amendment action).

For the November 17, 2011 Planning Commission hearing, public hearing notices were distributed on November 3, 2011, as required by the Long Beach Municipal Code. Notices were provided to all property owners and tenants within a 1,000-foot radius of the project site, as well as to all persons and entities that submitted written comments on the Recirculated Draft EIR during the public comment period. Notices were posted on the project site on November 3, 2011. No notice was published in the Press Telegram since action had already been taken on the LCP/SEADIP amendment at the October 12, 2011 hearing and the entitlement requests do not require notice publication in a local newspaper.

For this December 20, 2011 Council hearing, public hearing notices were distributed on December 6, 2011, as required by the Long Beach Municipal Code. Notices were provided to all property owners and tenants within a 1,000-foot radius of the project site, as well as to all persons and entities that submitted written comments on the Recirculated Draft EIR during the public comment period. Notices were posted on the project site on December 6, 2011. This public hearing notice was also published in the Press Telegram on December 6, 2011 (required for the LCP/SEADIP text amendment action).

This matter was reviewed by Assistant City Attorney Michael Mais on November 29, 2011 and by Budget Management Officer Victoria Bell on November 22, 2011.

TIMING CONSIDERATIONS

The Municipal Code requires City Council action within 60 days of appeals filed on actions taken by the Planning Commission. This appeal period ended on November 28, 2011.

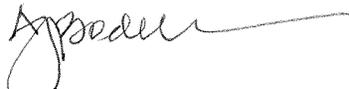
FISCAL IMPACT

There is no fiscal impact as a result of the recommended action. Project construction would generate a varying number of temporary jobs throughout the estimated 30-month construction period. Project operations are anticipated to result in 613 employment positions for a net increase of 447 employees over the existing 166 project site employees.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

  
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PATRICK H. WEST  
CITY MANAGER

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- Attachments:
- EXHIBIT A- Location Map
  - EXHIBIT B- Planning Commission October 12, 2011 Staff Report
  - EXHIBIT C – Proposed Text Amendment to LCP and SEADIP Subarea 17
  - EXHIBIT D- Planning Commission November 17, 2011 Staff Report with Conditions/Findings
  - EXHIBIT E – Appeals
  - Resolution to recertify Final EIR
  - Resolution to amend LCP of General Plan
  - City Council Ordinance

**EXHIBIT A**  
**LOCATION MAP**



0 400 800 Feet

### Aerial Photograph

Second+PCH Development  
Source: ESRI, 2010; PCR Services Corporation, 2010.

Exhibit A

FIGURE

II-2

**EXHIBIT B**

**PLANNING COMMISSION  
OCTOBER 12, 2011  
STAFF REPORT**



# 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

October 12, 2011

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

1. Adopt a Resolution with Findings of Fact and a Statement of Overriding Considerations certifying a Final Environmental Impact Report (EIR 04-09);
2. Recommend City Council approve a General Plan/Local Coastal Program Amendment and Amendment to Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP); and
3. Continue review of the Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit approval requests for a mixed-use project consisting of 325 residential units, 191,475 square feet of commercial retail space, 100 hotel rooms with 4,368 square feet of hotel restaurant space and 3,510 square feet of hotel meeting space, 21,092 square feet of non-hotel restaurant space, a 4,175-square-foot science center, a 99-seat theater, and 1,440 on-site parking spaces. (District 3)

APPLICANT: Seaport Marina LLC/David Malmuth Development LLC  
c/o David Malmuth  
3613 Bernwood Place, Suite 90  
San Diego, CA 92103  
(Application No. 0904-09)

**DISCUSSION**

The 10.93-acre project site is located in the southeastern portion of the City, bounded by Pacific Coast Highway (PCH) to the east, Second Street to the north, Marina Drive to the west and the Marina Shores shopping center to the south. The project site comprises the entirety of Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP) district, also known as PD-1 (Exhibit A - Location Map). Surrounding land uses are primarily commercial retail in nature, particularly along PCH, with the Alamitos Bay Marina to the west and the Marina Pacifica residential community to the north. The Los Cerritos Wetlands is located east of PCH, separated from the project site by existing commercial developments along PCH.

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October 12, 2011

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The applicant has proposed a mixed-use development consisting of 325 dwelling units, 191,475 square feet of commercial retail floor space, a 100-room hotel with 4,368 square feet of hotel restaurant space and 3,510 square feet of hotel meeting space, 21,092 square feet of non-hotel restaurant space, a 4,175-square-foot science center, and a 99-seat theater (Exhibit B – Site Plan). A total of 148,501 square feet of public open space would be located on the ground level (31 percent of site area). The project as proposed would therefore exceed the SEADIP requirement for a minimum 30 percent of the site to be developed as usable open space. Development would be situated in four blocks with one 12-story residential building and three 6-story residential buildings. A total of 1,440 on-site parking spaces would be provided, mostly on a subterranean parking level. While the Zoning Code would require over 2,000 on-site parking spaces, the applicant has provided a parking demand study that determined peak parking demand for this project proposal would be 1,417 spaces. A Standards Variance would be required for any project proposal that does not meet Zoning Code requirements. Based on the parking study conclusion that peak demand would be less than the proposed parking supply, staff would support this Standards Variance request at the appropriate time.

The proposed project approval requires amendments to the Local Coastal Program (LCP) and Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP). Subarea 17 comprises the entire project site, so any amendments to this subarea would only apply to this site. The amendment request is necessary to allow residential uses and building heights greater than 30 feet for residential uses and 35 feet for non-residential uses.

Two Study Sessions have recently been held before the Planning Commission (April 7, 2011 and May 19, 2011) to present the project as proposed by the applicant and solicit comments from the public and Planning Commissioners. The April 7 Study Session focused on the project Environmental Impact Report (EIR). The May 19 Study Session provided a discussion on the history of SEADIP and project compliance with SEADIP land use and development standards.

### **Project Proposal Analysis**

Staff believes that development on this project site should reflect the following considerations:

1. The need to redevelop and upgrade the project site;
2. Compatibility with surrounding properties; and
3. Adoption of land use and development standards that would be appropriate for other nearby sites.

While there are residential uses in the near vicinity of the project site (Marina Pacifica condominiums, Naples), the immediate surrounding area is characterized by commercial retail, hotel and office uses along the Pacific Coast Highway corridor. Some types of multi-family residential uses, while not presently located on Pacific Coast Highway, would not be incompatible with these existing commercial uses. The project site western frontage on Marina Drive abuts the Alamitos Bay Marina and offers the potential for multi-family

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residential structures with scenic marina and ocean views looking to the west and southwest.

The applicant proposes residential units in the 6- and 12-story buildings, with units located on the second through the sixth floors of the three 6-story buildings and on the third floor through the twelfth floor of the 12-story building. While higher stories offer more panoramic views, allowances for increased building height should be provided in the context of compatibility with surrounding land uses and structures.

Current SEADIP standards limit building height to the equivalent of three stories. The surrounding properties generally reflect this low-rise requirement. The four residential structures proposed for this project would introduce a very different level of building intensity to SEADIP. However, the LCP planning goals for SEADIP (page III-S-5) do allow for "considerable flexibility to group housing units in various ways to leave important natural amenities undeveloped ... and to create an open community atmosphere." In this case, natural amenities and open community atmosphere would involve marina views and existing development patterns.

Staff strongly supports the introduction of residential uses in this project site along with variations in building heights that are enhanced by differing heights for adjacent buildings along with open space areas between buildings to maximize view corridors. The introduction of residential uses on this site as part of a mixed-use development will encourage introduction of high quality residential uses in a built out environment. Residential uses will also encourage long term stability to the site. This is best achieved through amendments to the LCP and SEADIP Subarea 17 text. Text amendments would ensure that all future developments for this site, including but not limited to the applicant's proposal, would meet certain standards for design quality and land use intensity. These amendments would also set standards that could be applicable to other nearby properties for future improvement proposals.

The applicant's proposal was analyzed in the EIR along with six project alternatives (Exhibit C). Four of these alternatives involve a similar mix of land uses but reduced in commercial intensity and residential density. Alternative 3 (Reduced Intensity Alternative A) reduces residential density by 50 units while still allowing up to twelve stories in height. Alternatives 4, 5 and 6 reduce residential densities further and limit building height to a maximum of six stories. Residential densities would be reduced by 70 percent under Alternative 5 to 100 units and eliminated entirely under Alternative 6. Alternative 4 (Reduced Intensity Alternative B) would reduce density by 33 percent to 215 units. Staff believes Alternative 4 would provide a height level more compatible with the existing development character of surrounding properties, while still providing the mixed-use project benefits that include a substantial residential component.

At this time, staff is not recommending a specific level of development or a specific EIR alternative as it pertains to the amount of retail commercial floor area or other possible building intensities for various land uses. Rather, staff believes that establishment of a development envelope governed by height, floor area ratio, and residential density that is

mindful of future development on nearby sites is an appropriate first step. As a result, staff is proposing the following amendments to the LCP and SEADIP.

### **LCP/SEADIP Amendment**

Attached for your consideration is the proposed LCP and SEADIP Amendment text (Exhibit E). This Amendment text allows for residential density up to 215 units, consistent with the Final EIR Alternative 4 (Reduced Intensity Alternative B). Building height at a maximum of six stories would also be consistent with this alternative. However, building heights greater than 55 feet, four stories, would only be permitted through height averaging. The maximum permitted height would be 75 feet, six stories. Height averaging standards are intended to protect view corridors and to allow for an aesthetically appealing and visually compelling transition in height, massing and design proportions. Additional building height would be permitted for no more than 30 percent of the project site building footprint, provided the average height over the entire project site does not exceed 55 feet.

Hotel land uses would be appropriate for a tower structure greater than 75 feet in height to maximize public access to scenic views, provided the height averaging objectives are met. Staff supports greater heights for a hotel use, up to a maximum of 120 feet, to accommodate public access to marina and ocean vistas rather than privately owned residential uses. Height averaging would still be required across the entire site.

The LCP/SEADIP Amendment also includes design standards that address sustainability, building massing, architectural detailing, and mobility opportunities. All project structures must achieve at a minimum LEED Silver Certification, using sustainable materials that reinforce design variations. Varying building heights with open spaces between buildings are encouraged to allow greater visual variety in terms of light, shadow and architectural treatments. Buildings must include stepbacks and clearly identifiable breaks between lower and upper floors, with a variety of building heights and mass that complement adjacent buildings. Architectural detailing will emphasize pedestrian-oriented scale, with different treatments on lower floors than upper floors. Variations in colors, materials and articulation are required to enhance design quality and three-dimensional qualities. Project design must also encourage walkability and bicycle access in building placement, site design and streetscape.

Any LCP amendment must be approved by both the City Council and the California Coastal Commission. The project also requires approval of a State Coastal Development Permit by the Coastal Commission for the project improvements along Marina Drive. The Coastal Commission will not approve a Coastal Development Permit for any project that conflicts with existing LCP standards. Only after the Coastal Commission approves the LCP amendment will it consider any Coastal Development Permit approval requests for a project that is consistent with the amended standards.

Given the need to establish design guidelines and development standards that ensure all future project site improvements will be high quality and compatible with surrounding land uses, along with the procedural requirements of the Coastal Commission, staff recommends action on the LCP/SEADIP amendment prior to any specific project

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development approvals. The applicant requests for Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit approvals would therefore be postponed until after the LCP/SEADIP amendment process has been completed.

### **Project Economics**

The applicant commissioned a fiscal impact analysis by RCLCO. In addition, the applicant has provided a letter dated April 25, 2011, in which the applicant comments on the economic impact associated with each alternative examined in the EIR. A copy of that letter is attached as Exhibit D. The applicant has indicated that residential units would be the most valuable economic asset of this project, with sales prices estimated to increase by approximately 10 to 15 percent per floor due to enhanced views. Retail/restaurant uses are considered the second most valuable component by the applicant, with a minimum mass of about 175,000 square feet of retail and restaurant floor area needed to maintain economic viability. The proposed 100-room hotel is expected by the applicant to break even from a financial perspective. The science center and theater uses are viewed by the applicant as highly desirable amenities for the community but not as a direct revenue producer. The applicant has clearly stated on numerous occasions that a reduction in residential density will result in a non-financeable project and will request that the Planning Commission set aside staff recommendations in favor of a more financially feasible alternative. However, regardless of any economic projections from the applicant, all staff recommendations to the Planning Commission are based on the land use and planning considerations listed above regarding revitalization of the project site, future development compatibility with surrounding properties, and the adoption of land use and development standards that would be appropriate for other nearby sites.

### **Staff Recommendations**

Staff recommends the Planning Commission take the following actions:

1. Adopt the attached Resolution, Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (Exhibit F) certifying the Final EIR;
2. Recommend City Council approve a Local Coastal Program (LCP) Amendment and Amendment to Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP); and
3. Continue review of the Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit approval requests to a date uncertain.

### **PUBLIC HEARING NOTICE**

Public hearing notices were distributed on September 28, 2011, as required by the Long Beach Municipal Code. Notices were provided to all property owners and tenants within a 1,000-foot radius of the project site as well as to all persons and entities that submitted

## CHAIR AND PLANNING COMMISSIONERS

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October 12, 2011

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written comments on the Recirculated Draft EIR during the public comment period. Recently received written comments on the project have been included in the Planning Commission packet as separate submittals.

### ENVIRONMENTAL REVIEW

A Recirculated Draft Environmental Impact Report (SCH#2009101014) was prepared in accordance with the California Environmental Quality Act (CEQA) and was previously provided for your review. The EIR determined that all project impacts can be mitigated to a level below significance with the exception of the following:

- Construction impacts to the Studebaker/2<sup>nd</sup> Street intersection;
- Operational and cumulative impacts to the Studebaker/2<sup>nd</sup> Street and PCH/2<sup>nd</sup> Street intersections;
- Construction, operational and cumulative air quality and climate change impacts; and
- Land use impacts related to consistency with the Urban Design Component of the General Plan Land Use Element, the Local Coastal Program, and the SEADIP standards for residential uses and building height.

A Resolution certifying the EIR and adopting the Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program has been included for your review. The Final EIR component containing written responses to all written comments received on the Recirculated Draft EIR, along with the Mitigation Monitoring and Reporting Program (MMRP), was delivered to all Planning Commissioners on October 3, 2011.

The Resolution certifying this Final EIR includes Findings and a Statement of Overriding Considerations (SOC) provided in accordance with the CEQA Guidelines. The Findings include a determination that a reduced intensity alternative would incrementally reduce environmental impacts as compared with the applicant's project proposal. Staff recommends, as the preferred project for Final EIR certification, a reduced intensity alternative consistent with the land use and development standards in the proposed LCP/SEADIP text amendment provided in Exhibit E. The provisions of this amendment text would include some of the Alternative 4 (Reduced Intensity Alternative B) components, such as maximum density of 215 dwelling units, but would also allow for height averaging with heights up to 75 feet for permitted land uses, and 150 feet for hotel uses only, over no more than 30 percent of the project site. Under this text amendment, the average height over the entire project site would not exceed 55 feet.

The SOC is required due to the unavoidable adverse significant impacts identified in the Final EIR (air quality/greenhouse gas emissions, land use and planning, and transportation/circulation) that would be reduced under a reduced intensity alternative but would still be significant and unavoidable. Whenever a project would result in unavoidable significant impacts, the lead agency must state in writing the specific reasons to support its action. If the economic, legal, social, technological or other benefits of a project outweigh the unavoidable adverse environmental impacts, the adverse effects may be considered to

CHAIR AND PLANNING COMMISSIONERS

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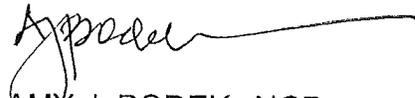
October 12, 2011

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be acceptable. The specific project benefits are listed on pages 43 and 44 of the Findings/SOC, which include furthering City goals for provision of multi-family housing, revitalization of an underutilized site with a mixed-use development, enhanced pedestrian, bicycle and mass transit access to the adjacent marina and project site, enhanced job and home ownership opportunities, efficient use of land and energy conservation, and enhanced economic vitality of the project site.

Respectfully submitted,

DEREK BURNHAM  
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

P:/Planning/PC Staff Reports (Pending)/2011-10-12/2<sup>nd</sup> & PCH – Staff Report/v2

AB:DB:CC

Attachments:           Exhibit A - Location Map  
                              Exhibit B - Site Plan  
                              Exhibit C – Project Alternatives  
                              Exhibit D – Applicant's Economic Feasibility Letter  
                              Exhibit E – LCP and SEADIP Amendments  
                              Exhibit F – Resolution and Findings/SOC

Previously Delivered - Environmental Impact Report (SCH#2009101014)

**EXHIBIT C**

**PROPOSED TEXT AMENDMENT  
TO LCP AND SEADIP  
SUBAREA 17**

**Local Coastal Program Amendment  
And  
SEADIP Sub-Area 17 Amendment**

**As of December 9, 2011**

**General Provisions**

The intent of this Subarea is to encourage visitor serving and coastal related land uses related to tourism, hotel, restaurant, retail, and public recreational uses.

**Permitted Land Uses**

This SEADIP Subarea is intended to be a mixed use district with an emphasis on visitor serving land uses, including coastal related land uses.

Specifically permitted visitor serving and coastal related land uses are:

- Hotels (market rate) as defined in Title 21 of the Long Beach Municipal Code (Zoning Code). Hotels are considered a priority land use for this SEADIP Subarea.
- Educational uses limited to marine-oriented science centers and aquariums open to the general public
- Public parks and open space, including active and passive recreation areas with an emphasis on scenic viewpoints and visual areas oriented towards the marina and ocean areas
- Public recreational facilities
- Public accessways, walking paths, and bicycle lanes
- Short-term public parking areas
- Marine-related retail sales, including boating supplies and fishing supplies
- Travel and commercial recreation services and uses
- Public restrooms

General permitted land uses are:

- Multi-Family Residential as part of a mixed-use development only, not to exceed 25 dwelling units per acre with a maximum of 275 units for the entire Subarea 17.
- Restaurants, including outdoor dining and ready-to-eat but not including drive-through lanes or vending carts
- Basic retail sales as provided in Table 32-1 of Title 21 of the Long Beach Municipal Code (Zoning Code) along with vending machines as an accessory use only
- Movie theater or live theater, indoor only

- Special temporary events with an approved City special event permit
- Basic personal services and fitness center/health clubs only as provided in Table 32-1 of Title 21 of the Long Beach Municipal Code (Zoning Code)
- Professional services as specifically listed in Table 32-1 of Title 21 of the Long Beach Municipal Code (Zoning Code)
- Museums, science centers and other similar public educational exhibit facilities

### **Conditionally Permitted Land Uses**

The following land uses require the approval of a Conditional Use Permit:

- Affordable Overnight Accommodations involving hotels, motels and hostels as these land uses are defined in Title 21 of the Long Beach Municipal Code (Zoning Code)
- Market rate inns, bed and breakfast inns, and motels as these land uses are defined in Title 21 of the Long Beach Municipal Code (Zoning Code)
- Sale of alcohol for on-site consumption
- Sale of alcohol for off-site consumption
- Live music performances, indoor and outdoor
- Outdoor movie theater and outdoor live theater
- Entertainment involving dancing with live music or any other type of music conveyance system
- Communications facilities limited to roof mounted cellular and personal communications services in accordance with Chapter 21.56 of the Long Beach Municipal Code
- On-premise electronic signs
- Retail merchandise units, subject to design review from the Development Services Department
- All other land uses not specifically listed, subject to a determination from the Director of Development Services

### **Prohibited Land Uses**

General prohibited land uses are:

- Residential uses only without non-residential components (no 100% residential use developments)
- Residential care facilities, group residences and shelters as these land uses are defined in Title 21 of the Long Beach Municipal Code (Zoning Code)

- Automobile related uses, including gasoline sales, repair, retail sales of vehicles, parts and equipment, limousine services, long-term vehicle storage, and rental agency uses
- Restaurant drive-through lanes
- Billboards and other off-premise signs, including off-premise electronic signs
- Tattoo parlors as defined in Title 21 of the Long Beach Municipal Code (Zoning Code)
- Vending carts
- Retail sales involving hardware, construction materials (e.g., lumber, drywall, masonry), guns, major household appliances (e.g., refrigerators, stoves), products manufactured on-site, indoor or outdoor sales events such as merchandise malls or swap meets, outdoor vending, food carts or mobile food trucks, pawn shops, or thrift stores and used merchandise stores.
- Personal services, excluding the permitted personal services specified above, as specifically listed in Table 32-1 of Title 21 of the Long Beach Municipal Code (Zoning Code)
- Daycare centers and child day care homes
- Institutional uses, including public and private elementary and secondary schools, professional schools, trade schools, places of worship, and social service offices
- Industrial uses, including all types of manufacturing, warehousing, truck terminals, freight forwarding, power generators, electrical distribution stations, and storage of hazardous materials
- Transportation facilities involving bus terminals or taxi cab stands

### **Development Standards**

#### **Setbacks:**

Minimum Setback from Property Line Abutting Street: Twenty (20) feet

Minimum Setback from Interior Property Line: Twenty (20) feet

Minimum Parking Area Setback: Twenty (20) feet from property line for ground level and above-ground parking areas. Zero feet from property line for subterranean parking areas.

Maximum Permitted Projections in Required Yard Setbacks:

Roof Overhang, Cornices, Eaves: Ten (10) feet

Balconies: Five (5) feet

Awnings: Ten (10) feet

Porte Cochere (over circular drive): Ten (10) feet

Architectural Protrusions: Ten (10) feet  
Fences: See Table 43-1 of Zoning Code

**Floor Area Ratio (FAR):**

Maximum 1.5

**Residential Density:**

Maximum 25 units per acre, with a maximum of 275 units for the entire Subarea 17

**Residential Unit Size:**

Minimum 500 square feet per residential dwelling unit

**Usable Open Space:**

Minimum 30 percent of site in accordance with general SEADIP provisions applying to all sub-areas

**Private Open Space:**

In accordance with Chapter 21.31 of the Zoning Code

**Landscaping:**

In accordance with Chapter 21.42 of the Zoning Code

**Signs:**

In accordance with Chapter 21.44 of the Zoning Code

**On-Site Parking:**

In accordance with Coastal standards per the Zoning Code for residential uses and Chapter 21.41 of the Zoning Code for non-residential uses. Pursuant to Zoning Code Section 21.41.219, developments over 150,000 square feet or more may submit a parking demand study in order to reduce the required shopping center requirement. The parking demand study must be prepared by an independent traffic engineer licensed by the State of California at the developer's expense for the review and approval of the Director of Development Services and the Director of Public Works. Mixed use developments may include shared parking that allows use of parking spaces for both residential guest and commercial land uses.

## **Building Height:**

**Maximum 55 feet (4 stories), with a maximum of 150 feet (12 stories) allowed through the use of height averaging for residential or hotel land uses only.**

**Height Averaging.** The 55 foot height limit may be exceeded up to 150 feet for residential and hotel land uses only through the following height averaging and height variation standards.

**Height Variation.** Variations in building heights are required, particularly for adjacent buildings on the same site, to provide a visually appealing differentiation of vertical structural components while preventing a monolithic massing that produces a walled or fortress appearance.

**1. Purposes of height averaging and height variation.** The purposes of height averaging and height variation are to provide for:

- a. Heights of some buildings above the standard 55 foot limit balanced by adjacent buildings with lower heights to protect view corridors and allow for an aesthetically appealing variation through visual transition in height, massing and design proportions.
- b. Additional building height complemented by accompanying lower building heights to emphasize prominent locations that will result in a more visually compelling development.

**2. Extent of height averaging and height variation allowed.**

Additional building height is permitted over no more than 30 percent of the building footprint on the project site, provided that the average height over the entire footprint does not exceed the otherwise required maximum 55 foot building height.

Height averaging and height variation requirements shall not be applied to stand alone parking and/or accessory structures.

The additional height allowed by this subsection through height averaging and height variation requirements shall require Planning Commission approval.

**3. Conditions of Approval.** The Planning Commission may impose conditions of approval and/or additional mitigation measures for the approval of additional height and height variation, including:

- a. Additional requirements for site planning and architectural design, including massing and articulation; and
- b. Additional requirements for public amenities, including public outdoor space and pedestrian paths.

### **Design Standards**

All new buildings shall be arranged to provide views between buildings to avoid the appearance of a wall of buildings and minimize obstruction of views. The scale, height, mass, location and materials of all new buildings, and major renovations to existing buildings, shall contribute to the perception of the site and surrounding area as a comprehensive, cohesive and integrated entity.

**Sustainable Design:** Incorporate sustainability concepts in both privately owned areas and public rights-of-way, including:

**LEED Certification:** All structures are required to achieve at a minimum LEED Silver Certification or equivalent.

**Materials:** Use sustainable materials that reinforce design variations in the horizontal and vertical building plane. Exterior materials should provide a variety of textures and layering that emphasize the building massing and structural elements. Stucco is not encouraged as a building material.

**Walkability:** Encourage walkability through integration of site design and streetscape improvements that allows for easy pedestrian access from public areas and open spaces to building entrances.

**Massing:** Encourage varying building heights with open spaces between buildings to allow for greater visual variety in terms of light, shadow and architectural treatments, including:

- a. Provide setbacks to avoid the appearance of monolithic structural bulk. Taller buildings should be sculpted to provide more of a slender tower look rather than a box-like rectangular mass.
- b. Establish a clearly identifiable break between the lower retail/restaurant floors and the upper floors, including but not limited to changes in materials, colors, articulation and/or fenestration.
- c. Offset (stagger) building heights with a differentiation of at least 10 feet so that no two adjacent buildings are the same height.

- d. Provide a variety of building heights and mass that complement adjacent buildings rather than two or three of the same designs on the site.
- e. For residential structures, the Privacy Standards set forth in Section 21.31.240 of the Zoning Code shall apply

**Architectural Detail:**

- a. Ground floor and second story facades shall utilize clear glass for maximum transparency.
- b. Ground floor and second story wall openings such as windows and doors shall comprise at least 75% of the building façade on these levels.
- c. Ground floor level massing, articulation and detail shall emphasize pedestrian-oriented scale through the use of quality materials and decorative details. Ground floors shall have different architectural treatments than upper floors to add greater visual quality and variety at the pedestrian level.
- d. Variations in façade colors, materials and articulation should be used to distinguish differences in building mass and land uses at different stories. An identifiable break should be noticeable between lower and upper stories through materials, projections, recessions, fenestration patterns or other architectural treatments.
- e. Building materials and architectural detailing should provide attractive three-dimensional qualities that avoid extensive blank wall appearances.
- f. Well-defined public entrances should include architectural accents and treatments to provide an inviting presence.
- g. Include surface changes, overhangs and other variations to enhance visual interest in design quality.
- h. Window glazing should be transparent except where privacy needs require some degree of screening. Reflectivity shall be minimized to prevent bird strikes.
- i. Windows should be recessed from the exterior building wall except where inappropriate with the architectural style. Tack-on materials around windows to give a recessed appearance are not permitted.

- j. Roofs of low-rise buildings shall be attractively treated for views from higher buildings. Rooftops usable for dining, viewing terraces, sun decks, and/or atria are encouraged.

**Open Space:**

- a. Landscaped open space areas shall provide a minimum of 20 feet in width between buildings. All open areas shall be landscaped in a park-like setting or designed as urban courtyards and plazas. All courtyard and plaza areas shall be treated with upgraded materials, ample color and rich detailing.
- b. Maximize the use of courtyard areas within a building mass.
- c. All exterior lighting shall be integrated with the building design to accentuate architectural features and landscaping as well as provide pedestrian safety. All exterior lighting shall include glare shields adequate to prevent spillover into the sky and off-site properties.
- d. All landscaping shall be in full compliance with Chapter 21.42 of the Long Beach Municipal Code.

**Streetscape:**

- a. Public art should be placed in prominent locations within and at the edges of open space areas that are clearly visible from the public rights-of-way.
- b. Maintenance of all landscaped parkways abutting the public streets shall be the responsibility of the project developer. Street trees and all landscaping in the parkway areas shall be provided in accordance with standards set forth by the Public Works Department, Street Trees Division and with the approval of the Director of Development Services.
- c. Streetscape elements, including street trees and parkways, should be designed to reduce energy use and include permeable surfaces that reduce stormwater runoff.

**Mobility Opportunities:**

- a. Encourage walkability in building placement, site design and streetscape.

- b. Provide bicycle access throughout site along with storage accommodations for public use (i.e., bike racks, bike corrals, etc.).
- c. Accommodate public transit, including shuttle services and express bus stops

**Transportation Demand Management:**

A transportation demand management program, consistent with the following policies, shall be prepared and submitted to the City for approval prior to any issuance of a coastal development permit for any new construction:

- a. Development shall be designed to maximize the use of public transit systems, public walkways and bicycle paths. Building entries and exits shall be designed to be convenient to pedestrians and transit riders.
- b. Bicycle lanes and wide pedestrian paths or walkways shall be integrated into the roadways and sidewalks to link shoreline recreation areas.
- c. Developers, building managers, and employers shall provide incentives for transit ridership (e.g., subsidies for transit use, shuttles to transit stations), ridesharing and vanpools (including preferential parking privileges), and other transportation demand measures designed to reduce vehicle miles traveled.
- d. Additional programs shall be developed and implemented that provide incentives and benefits similar to those referenced in the preceding subparagraph c. to individuals who do not own or use automobiles and reside in the surrounding area.
- e. Shared use programs shall be implemented for bicycles and vehicles (e.g., on-site provision of bicycles and zipcars for tenant and employee use).
- f. Secure bicycle parking, lockers, and showers for use by employees and tenants who commute by bicycle shall be provided. In addition, bicycle parking and outdoor public facilities (tables, benches, etc.) shall be provided.
- g. Commercial property owners shall be encouraged to participate in the South Coast Air Quality Management District's Commute Reduction Program.

## Bird-Safe Buildings:

- a. Bird-Safe Building Policies:
  1. All new buildings, and major renovations of existing buildings, shall be required to provide bird-safe building facade treatments in order to reduce the potential for bird-strikes.
  2. Landscaped areas next to buildings, including patios and interior courtyards, shall be designed and sited to avoid or minimize bird-strike hazards caused by reflective building surfaces.
  3. Buildings shall be designed to use minimal external lighting (limited to pedestrian safety needs) and to minimize direct upward light, spill light, glare and artificial night sky glow. Buildings shall also be designed to minimize light pollution from interior lighting to the maximum feasible extent.
  
- b. Bird-Safe Building Standards. All new buildings, and major renovations of existing buildings, shall be required to provide bird-safe building treatments for the facade, landscaping, and lighting consistent with the guidelines provided below:
  1. Glazing treatments:
    - (a) Fritting, permanent stencils, frosted, non-reflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, or UV patterns visible to birds shall be used to reduce the amount of untreated glass or glazing to less than thirty-five percent (35%) of the building facade.
    - (b) Where applicable, vertical elements within the treatment pattern should be at least one-quarter inch (1/4") wide at a maximum spacing of four inches (4") and horizontal elements should be at least one-eighth inch (1/8") wide at a maximum spacing of two inches (2").
    - (c) No glazing shall have a "Reflectivity Out" coefficient exceeding thirty percent (30%). That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed thirty percent (30%).
    - (d) Equivalent treatments recommended by a qualified biologist may be used if approved by the City and/or the Coastal Commission.
  
  2. Lighting Design.
    - (a) Nighttime lighting shall be minimized to levels necessary to provide pedestrian security.

- (b) Buildings shall be designed to minimize light spillage and maximize light shielding to the maximum feasible extent.
  - (c) Building lighting shall be shielded and directed downward. Up-lighting is prohibited. Use of "event" searchlights or spotlights shall be prohibited.
  - (d) Landscape lighting shall be limited to low-intensity and low-wattage lights.
  - (e) Red lights shall be limited to only that necessary for security and safety warning purposes.
3. Landscaping.
- (a) Trees and other vegetation shall be sited so that the plants are not reflected on building surfaces.
  - (b) In order to obscure reflections, trees and other vegetation planted adjacent to a reflective wall or window shall be planted close to (no further than three feet from) the reflective surface.
  - (c) For exterior courtyards and recessed areas, building edges shall be clearly defined by using opaque materials or non-reflective glass.
  - (d) Walkways constructed of clear glass shall be avoided.
4. Building Interiors.
- (a) Light pollution from interior lighting shall be minimized through the utilization of automated on/off systems and motion detectors.
5. Lights Out For Birds.
- (a) The City shall encourage building owners and operators to participate in "Lights Out For Birds" programs or similar initiatives by turning off lighting at night, particularly during bird migration periods.

**Off-Site Improvements:**

Off-site improvements include, but are not limited to, repair, reconstruction and upgrades to all adjacent public streets, sidewalks, curb-cuts, street medians, pedestrian overpasses, bicycle lanes, and all public rights-of-way to the satisfaction of the Director of Public Works.

**EXHIBIT D**

**PLANNING COMMISSION  
NOVEMBER 17, 2011  
STAFF REPORT  
WITH CONDITIONS/FINDINGS**



# 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

November 17, 2011

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

1. Adopt a Resolution with revised Findings and a Statement of Overriding Considerations certifying a Final Environmental Impact Report (EIR 04-09); and
2. Approve the Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit requests for a mixed-use project consisting of 275 residential units, 155,000 square feet of commercial retail space, 100 hotel rooms with 4,368 square feet of hotel restaurant space and 3,510 square feet of hotel meeting space, 20,000 square feet of non-hotel restaurant space, and a 4,175-square-foot science center. (District 3)

**APPLICANT:**

Seaport Marina LLC/David Malmuth Development LLC  
c/o David Malmuth  
14098 Boquita Drive  
Del Mar, CA 92014  
(Application No. 0904-09)

**DISCUSSION**

The 10.93-acre project site is located in the southeastern portion of the City, bounded by Pacific Coast Highway (PCH) to the east, Second Street to the north, Marina Drive to the west and the Marina Shores shopping center to the south. The project site covers the entire Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP) district, also known as PD-1 (Exhibit A- Location Map). Surrounding land uses are primarily commercial retail in nature, particularly along PCH, with the Alamitos Bay Marina to the west and the Marina Pacifica residential community to the north. The Los Cerritos Wetlands is located east of PCH, separated from the project site by existing commercial developments along PCH.

The applicant originally proposed a mixed-use development project that was larger than the project proposal which is the subject of this staff report. The Planning Commission held a public hearing on this project at a special meeting on October 12, 2011. After taking several hours of public testimony, the Commissioners approved the following actions:

CHAIR AND PLANNING COMMISSIONERS

Application No. 0904-09

November 17, 2011

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1. Certify Final EIR 04-09 for this project (State Clearinghouse No. 2009101014);
2. Recommend that the City Council approve text amendments to the LCP and Subarea 17 of SEADIP to allow project development consistent with Alternative 3 (also known as Reduced Intensity Alternative A) of the Final EIR; and
3. Continue the public hearing to the November 17, 2011 meeting date to consider approval of the project entitlement requests for project revisions in accordance with Alternative 3 of the Final EIR.

Alternative 3 would allow a maximum of 275 dwelling units, 155,000 square feet of commercial floor area, a 100 room hotel with 4,368 square feet of hotel restaurant floor area and 3,510 square feet of hotel meeting space, 20,000 square feet of non-hotel restaurant space, and a 4,175-square-foot science center. Maximum building height would remain unchanged from the applicant's original proposal at 150 feet, 12 stories. The comparison to the applicant's original project proposal are therefore as follows:

<u>Original Proposal</u>	<u>Current Proposal</u>
325 dwelling units	275 dwelling units
191,475 sq. ft. commercial	155,000 sq. ft. commercial
100 room hotel with 4,368 sq. ft. restaurant 3,510 sq. ft. meeting space	100 room hotel with 4,368 sq. ft. restaurant 3,510 sq. ft. meeting space
21,092 sq. ft. restaurant	20,000 sq. ft. restaurant
4,175 sq. ft. science center	4,175 sq. ft. science center
99 seat theater	No theater
148,500 sq. ft. open space (31 percent of site)	173,000 sq. ft. open space (36 percent of site)
Up to 1,440 parking spaces	Up to 1,440 parking spaces

The project approval requests include amendments to the Local Coastal Program (LCP) and Subarea 17 of SEADIP. Since the project site makes up all of Subarea 17, any amendments to this subarea would only apply to this site. The amendment request is necessary to allow residential uses and building heights greater than 30 feet for residential uses and 35 feet for non-residential uses.

### **Land Use Reductions**

Commercial design modifications proposed by the applicant for this reduced project would decrease first floor retail commercial space by 31,958 square feet and second floor retail space by 4,517 square feet (Exhibit B – Site Plan, Floor Plans, Elevations). Changes in residential density are proposed as follows:

- Block 1 (northern area fronting Second Street) would be reduced by eleven dwelling units from 70 to 59 units;
- Block 2 (mid-area fronting PCH) would lose 39 dwelling units, including the elimination of six townhomes, from 149 to 110 units;
- Block 3 (southern area with hotel component and 12-story building) would remain unchanged with a total of 106 units since the podium would be unaltered from project revisions; and
- Block 4 (mid-area fronting Marina Drive) does not include residential units.

### **Site Modifications**

The Block 1 footprint would decrease in size by approximately 12 feet along the southern length of this block. The footprint of the “S” shaped building has been reduced due to the smaller podium base to eliminate two units per floor, along with one unit near the pool area at podium level converted into a community room. The retail podium setback on Second Street would increase from 22 to 34 feet. The southern elevation would include a private residential connection directly to the interior of the project site.

The Block 2 footprint would be reduced by approximately 15 feet on the western length of this block. The retail podium setback along PCH would be increased by 16 feet, resulting in a 38-foot street setback. This expended street setback along PCH would allow for additional landscaping as well as project signage.

The ground floor for Block 3 would be slightly decreased to widen Marina View Lane. Block 3 setbacks would remain unchanged. The theater floor area originally proposed for the third story of the building at the northeastern corner of this block would be eliminated, with the mass of this architectural element reduced in height. The science center lobby would be relocated from Marina View Lane to PCH for better sidewalk activation along PCH. With the increased Block 2 street setback along PCH, the visibility of this architectural element on PCH would become more prominent.

Block 4 would be reduced in footprint size by approximately 15 feet along the eastern length. The setbacks along Marina Drive would remain as originally proposed to maintain the pedestrian character of this street frontage. Restaurant and open space would replace retail space on the podium level to take advantage of adjacent marina views and ocean breezes.

The proposed reductions in ground floor retail podiums would increase ground floor open space by 24,500 square feet, from approximately 148,500 square feet to 173,000 square feet, to over 36 percent of the project site (greater than the minimum 30 percent required under SEADIP). This added open space would be distributed throughout the site with larger internal open space areas as well as deeper street setbacks along Pacific Coast Highway, Second Street and Marina View Lane. Open space at the corners of Second Street/Marina Drive and Second Street/PCH have also increased through larger setbacks and reduction of the Block 1 podium southwest corner.

Marina View Lane has been widened from 30 feet to approximately 46 feet over the entire length of this street, with sidewalk width along this internal street increased from approximately 11 feet to 17 feet. This is intended to create a more accommodating pedestrian environment, allowing for larger landscaped areas and more space for public amenities such as street furniture. Staff is very supportive of these modifications, which will result in an aesthetically diverse and attractive project design.

In general, the building internal service areas have been increased in size to enhance the functionality and productivity of these areas. The trade-off would be a reduction in retail space depths, which the applicant believes would be more efficient and marketable than the original design.

### **Building Heights**

Block 1 building height would remain at six stories, with five residential floors above ground floor commercial retail space.

Block 2 originally had a variety of building heights, ranging from three stories along PCH to five- and six-story interior heights, consisting of residential levels above ground floor retail commercial space. For this reduced project, the applicant proposes reduced heights of three and four residential stories above ground floor retail, with the southern edge of this block remaining at six stories with five residential stories above ground floor retail. This will allow the opportunity for greater variation in building heights and rooflines to produce a more streamlined and well-scaled project appearance.

Block 3 would retain the 12-story, 150-foot building consisting of ground floor retail, second story hotel-related restaurant and meeting areas, and residential units on the third through eleventh floors (with the twelfth floor used as a mechanical room). The five-story hotel building, located at the southeastern corner of the project site fronting PCH, would also remain unchanged. This building would provide hotel rooms on the second through fourth floors along with residential units on the fifth floor. Elimination of the theater land use would lower the science center building at the northeastern corner of this block by one story.

Block 4 building height would remain unchanged from the original project proposal. Staff is supportive of the building height modifications, which provide more variety to the project design features.

### **Parking Analysis**

Under the applicant's original project proposal, a total of 1,440 on-site parking spaces would be provided, mostly on a subterranean parking level. The applicant provided a shared parking demand study that determined peak parking demand for the original project proposal would be 1,417 spaces. With the reduced density and commercial floor area for Alternative 3, the Zoning Code parking requirement would be 1,729 spaces, which is a reduction from the original project proposal's requirement of over 2,000 parking spaces.

Since the shared parking study determined peak parking demand at 1,417 spaces for the applicant's original proposal, peak parking demand under Alternative 3 would be lower due to reduced density and commercial floor area. Therefore, the 1,440 proposed parking spaces would be more than adequate to accommodate development under this reduced alternative. The applicant has prepared a revised shared parking analysis to determine the reduced peak parking demand under this revised project description. Staff recommends that the project provide up to 1,440 parking spaces, with the exact amount to be determined based upon this revised shared parking demand study mutually satisfactory to the applicant and the City.

### **Staff Recommendations**

Staff recommends the Planning Commission take the following actions:

1. Adopt a Resolution with revised Findings and a Statement of Overriding Considerations certifying a Final Environmental Impact Report (EIR 04-09); and
2. Approve the Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit approval requests for a mixed-use project consisting of 275 residential units, 155,000 square feet of commercial retail space, 100 hotel rooms with 4,368 square feet of hotel restaurant space and 3,510 square feet of hotel meeting space, 20,000 square feet of non-hotel restaurant space, and a 4,175-square-foot science center.

The Resolution with revised Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program is provided as Exhibit C to this staff report. Adoption of the revised Findings is required since the Findings provided to the Planning Commission for the October 12, 2011 public hearing recommended a different project than the one ultimately approved by the Planning Commission. These revised Findings reflect the Planning Commission recommendation that the City Council approve text amendments to the LCP and SEADIP Subarea 17 for project development consistent with Alternative 3 of the Final EIR.

The Findings supporting approval of the Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local Coastal Development Permit requests are included as Exhibit D. The recommended Conditions of Approval for these entitlement requests are included as Exhibit E. It is important to note that the City Council will take action on the

Planning Commission recommendations at a public hearing to take place after the Commission's November 17, 2011 public hearing. The date of this City Council hearing has been tentatively scheduled for December 20, 2011. Any Planning Commission approvals of the entitlement requests would be contingent on City Council approval of the Commission recommendations on the LCP and SEADIP Subarea 17 text amendments. If the City Council does not approve the recommended LCP and SEADIP text amendments, the Commission entitlement approvals would be rendered null and void and the applicant would be required to request project entitlement approvals that reflect the City Council approvals.

### **PUBLIC HEARING NOTICE**

Public hearing notices were distributed on November 3, 2011, as required by the Long Beach Municipal Code. Notices were provided to all property owners and tenants within a 1,000-foot radius of the project site as well as to all persons and entities that submitted written comments on the Recirculated Draft EIR during the public comment period. As of the preparation of this report, no responses have been received.

### **ENVIRONMENTAL REVIEW**

A Recirculated Draft Environmental Impact Report (SCH#2009101014) was prepared in accordance with the California Environmental Quality Act and was previously provided for your review. The Planning Commission approved a Resolution certifying this Final EIR at the October 12, 2011 public hearing. The EIR determined that all project impacts can be mitigated to a level below significance with the exception of construction impacts to the Studebaker/Second Street intersection; operational and cumulative impacts to the Studebaker/Second Street and PCH/Second Street intersections; construction, operational and cumulative air quality and climate change impacts; and land use impacts related to consistency with the Urban Design Component of the General Plan Land Use Element, the Local Coastal Program, and the SEADIP standards for residential uses and building height.

The Statement of Overriding Considerations (SOC) is required due to the unavoidable adverse significant impacts identified in the Final EIR (air quality/greenhouse gas emissions, land use and planning, and transportation/circulation) that would be reduced under Alternative 3 (Reduced Intensity Alternative A) but would still be significant and unavoidable. Whenever a project would result in unavoidable significant impacts, the lead agency must state in writing the specific reasons to support its action. If the economic, legal, social, technological or other benefits of a project outweigh the unavoidable adverse environmental impacts, the adverse effects may be considered to be acceptable. The specific project benefits are listed on pages 43 and 44 of the Findings/SOC, which include furthering City goals for provision of multi-family housing, revitalization of an underutilized site with a mixed-use development, enhanced pedestrian, bicycle and mass transit access to the adjacent marina and project site, enhanced job and home ownership opportunities, efficient use of land and energy conservation, and enhanced economic vitality of the project site.

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Respectfully submitted,

DEREK BURNHAM  
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:CC

Exhibits

- A. Location Map
- B. Site Plan, Floor Plans, Elevations
- C. Final EIR Resolution and Revised Findings/SOC
- D. Findings for Site Plan Review, Tentative Subdivision map, Standards Variance,  
and Local Coastal Development Permit
- E. Conditions of Approval

Previously Delivered - Environmental Impact Report (SCH#2009101014)

## **CONDITIONS OF APPROVAL**

**Case No. 0904-09**

**Date: November 17, 2011**

1. This approval shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
2. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
3. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
4. All conditions of approval and mitigation measures must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on the site plan or a subsequent reference page.
5. The applicant shall submit for Site Plan Review and any other applicable entitlements for each building and/or phase of the project. Each building and/or phase shall be presented to the Planning Commission for review and consideration.
6. Prior to submittal of Site Plan Review, applicant shall submit final comprehensive site layout for review and approval of the Director of Development Services.

7. The project shall comply with the architectural design, sustainability and landscaping requirements identified in the amended text for Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP) and the amended Local Coastal Program.
8. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Site Plan Review Committee or Planning Commission, respectively.
9. Site development, including landscaping, shall conform to the approved plans on file in the Development Services Department. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
10. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
11. Any graffiti found on site must be removed within 24 hours of its appearance.
12. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259.
13. Energy conserving equipment, lighting and construction features shall be utilized where applicable.
14. All rooftop mechanical equipment shall be fully screened from public view including all areas, as able. Said screening must be architecturally compatible with the building (concession/restaurant, administration building, etc.) in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services to the issuance of a building permit.

15. Adequately sized trash enclosure(s) shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
16. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
17. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
18. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
19. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other permits from the Building Bureau must be secured.
20. Prior to City approval of any plans, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Long Beach Police Department for their determination of compliance with Police Department security recommendations. For additional information, contact Mike Weber at (562) 570-5805.
21. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed.
22. Prior to the issuance of any building permit, the applicant shall submit complete landscape and irrigation plans of the proposed landscaping for the review and approval of the Director of Development Services. Irrigation and landscape design shall be for moderate to drought tolerant plants. All new trees, shrubs, vines, and ground cover shall be identified and the size, quantity and location shown on the plans.

23. The applicant shall comply with the following conditions to the satisfaction of the Public Works Department:

**GENERAL REQUIREMENTS**

- a. The final map shall be based upon criteria established by the Director of Public Works.
- b. Prior to final map approval, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.
- c. All facilities required by the Department of Public Works not in place and accepted prior to final map approval must be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. Prior to the start of any on-site/off-site construction, the Subdivider shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

**PUBLIC RIGHT-OF-WAY**

- e. The Subdivider shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.
- f. The Subdivider shall provide public sidewalk at least 10 feet wide along Pacific Coast Highway, Second Street and Marina Drive. Any additional right-of-way needed for this path shall be dedicated to the City of Long Beach for sidewalk purposes. Sidewalk improvements shall be constructed with to the satisfaction of the Director of Public Works.
- g. The Subdivider shall provide any necessary easements to the City of Long Beach for proposed public utility facilities, sewers and storm drains, City facilities such as traffic signal

controls, signage, required slopes, bus stops, refuse collection access, and any other public necessities to the satisfaction of the interested Department or agency and shall show these on the final map.

- h. Plans submitted show buildings sited over a dedicated storm drain easement crossing the site. This facility must be relocated and the easement quitclaimed, as structures cannot be built within a utility right-of-way.
- i. Unless approved by the Director of Public Works, easements shall not be granted to third parties within areas proposed to be granted, dedicated, or offered for dedication to the City of Long Beach for public streets, alleys, utility or other public purposes until the final map filing with the County Recorder. If easements are granted after the date of tentative map approval and prior to final map recordation, a notice of subordination must be executed by the third-party easement holder prior to the filing of the final map filing.

#### **OFF-SITE IMPROVEMENTS**

- j. The Subdivider shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. Any such off-site improvements found damaged by the construction of the on-site improvements shall be repaired or replaced by the Subdivider to the satisfaction of the Director of Public Works.
- k. The Subdivider shall remove unused driveways and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. The size and configuration of all proposed driveways serving the project site shall be subject to the review and approval of the City Traffic Engineer.
- l. Conceptual plans submitted show custom patterned public sidewalks. The details of the custom sidewalk paving must be reviewed and approved by the Department of Public Works. An installation and maintenance agreement may be required.

- m. There is a Long Beach Transit bus stop on the Pacific Coast Highway project frontage in an area designated as a "plaza". The placement of bus stop furniture in this area should be a part of the off-site improvement plan. A widened sidewalk with enhanced paving should be provided for the bus stop area (at a minimum, 12 feet of sidewalk width should be provided). Developer shall collaborate with Long Beach Transit and the Director of Development Services to take advantage of this opportunity to enhance the public transit system.
- n. The Developer shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
- o. The Subdivider shall provide for tree wells, new street trees with root barriers and irrigation on all adjacent public streets. The Subdivider and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- p. The Subdivider shall provide for new ground cover and irrigation system on Marina Drive and 2<sup>nd</sup> Street adjacent to the project site. The Subdivider and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- q. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
- r. All rough grading shall be completed prior to the approval of the final map. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected to the satisfaction of the Director of Public Works prior to the final map approval.
- s. The Subdivider shall construct the required storm drain line in connection with the proposed development in accordance with approved plans. An excavation permit issued by the

Department of Public Works is required for all work in the public right-of-way. The proposed storm drain system must be reviewed, approved and accepted for operations and maintenance by the County of Los Angeles Department of Public Works. The Subdivider shall also provide said plans to the Director of Public Works for review prior to approval of the final map.

- t. The Subdivider shall underground all existing overhead utility lines within all adjacent public streets to the satisfaction of the affected utility companies and the Director of Public Works and prior to the final map approval.
- u. The Subdivider shall construct the proposed bike path in accordance with approved plans to the satisfaction of the Director of Public Works. The Subdivider and successors shall be responsible for the maintenance of the bike path.

#### **TRAFFIC & TRANSPORTATION**

- v. A Traffic Report including a traffic impact study must be prepared for this project, under the supervision and approved (stamped) by a registered Traffic Engineer in the State of California. Any proposed physical street improvements included within the mitigation measures must include a scaled drawing stamped by a registered civil engineer.
- w. Pacific Coast Highway is a State highway under the jurisdiction of the California Department of Transportation (Caltrans). A street improvement permit from Caltrans will be required for all work within the East Pacific Coast Highway right-of-way.
- x. The Subdivider proposes to construct a traffic signal on Pacific Coast Highway approximately 700 feet south of Second Street and reconstruct a drive entrance to the shopping center on the east side of Pacific Coast Highway to align with the project entrance. Plans for the intersection improvements must be reviewed and approved by Caltrans and the City Director of Public Works.
- y. Conceptual plans submitted show six driveways onto Pacific Coast Highway, which may exceed the final number of

driveways allowed on this highway frontage. All driveways and other constructed features within the Pacific Coast Highway right-of-way must be reviewed and approved by Caltrans and the City Traffic Engineer.

- z. The Subdivider proposes to install a crosswalk across Marina Drive approximately 900 feet south of Second Street at the intersection with a relocated driveway for the City parking lot west of the project, and make improvements to this intersection. Crosswalks are not permitted at unsignalized intersections – a traffic signal must be added to install the crosswalk. Plans for the intersection improvements must be reviewed and approved by the City Director of Public Works.
- aa. The Subdivider proposes to construct a pedestrian bridge over Marina Drive. This bridge would have to be maintained by the Subdivider and their successors under an Installation and Maintenance Agreement with the City. No median supports shall be allowed within the Marina Drive roadbed. Plans for the bridge must be reviewed and approved by the City Director of Public Works.
- bb. The proposed bus stop on Marina Drive shall be coordinated with Long Beach Transit and the Department of Public Works. The Subdivider shall be responsible for providing all necessary improvements for the proposed bus stop.
- cc. The Subdivider shall submit detailed off-site improvement plans to Long Beach Transit and coordinate design and construction issues with transit staff to ensure that construction does not interfere with transit bus operations on Pacific Coast Highway.
- dd. The Subdivider shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- ee. The Subdivider shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.

- ff. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- gg. The Subdivider shall contact the City Traffic & Transportation Bureau to modify the existing curb marking zones adjacent to the project site.
- hh. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices (MUTCD), 2003 edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
- ii. Prior to approving an engineering plan, all projects greater than one acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the Subdivider or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared.
- jj. The Subdivider shall submit grading and related storm drain plans with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes for review and approval by the Director of Development Services and the Director of Public Works prior to the final map approval.
- kk. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

#### **LONG TERM MAINTENANCE**

- II. The Subdivider and successors shall be responsible for the maintenance of the site drainage system and for the operation and maintenance of the private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the

adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project "Conditions, Covenants and Restrictions", and a recorded copy of said document shall be provided to the Director of Public Works.

24. The applicant shall comply with the following conditions to the satisfaction of the Development Services Department, Building Bureau:

- a. New construction in this project shall comply with the requirements of the current building and construction codes in the City of Long Beach. Currently, these codes are the 2007 Edition of the California Building Code (based on the 2006 Edition of the International Building Code) as amended by Title 18 of Long Beach Municipal Code, 2007 Edition of the California Mechanical Code (based on the 2006 Edition of the Uniform Mechanical Code of the IAPMO), 2007 Edition of the California Electrical Code (based on 2005 National Electrical Code of the NFPA), and 2007 Edition of the California Plumbing Code (based on the 2000 Edition of the Uniform Plumbing Code by IAPMO).
- b. Separate building permits are required for miscellaneous structures such as, but not limited to, signs, fences, retaining walls, trash enclosures, flagpoles, and pole mounted yard lighting foundations.
- c. Separate permit applications for electrical, plumbing, and/or mechanical plan checks are required.
- d. A separate plan review and approval by the Planning Bureau will be required.
- e. A separate plan review and approval by the Fire Prevention Bureau will be required.
- f. A separate plan review and approval by the City Redevelopment Bureau may be required.
- g. A separate plan review and approval by the Public Works Bureau will be required.
- h. A sewerage permit or an exemption from the Los Angeles County Sanitation District sewer connection fees will be required for this project.

- i. The building and facilities must be accessible to and usable by the physically disabled per Title 24 of the 2007 Edition of the California Code of Regulations.
- j. When fully completed plans are submitted to the Development Services Department for formal building plan review, provide on the title sheet an analysis that establishes justification for the building area and height based on available yards, type of construction, sprinkler systems and occupancy group.
- k. All sheets of the plans and the first sheet of the calculations are required to be stamped and signed by the California licensed Architect and/or Engineer responsible for the design. The professional license must be current and in good standing.
- l. The Clean Water Act of 1972 requires adequate and proper design and construction measures be taken to protect the storm water system and waterways from contamination. Applicable Best Management Practices (BMP's) must be implemented during construction per the City of Long Beach Municipal Code, Chapter 18.95.
- m. If the disturbed area of the project is one acre or greater, construction plans must include features meeting the applicable Construction Activities BMP's (CA-1 through CA-40) and Erosion and Sediment Control BMP's (ESC-1 through ESC-56) of the "California Storm Water Best Management Practice Handbooks" (Construction Activity) (1993). A Storm Water Pollution Prevention Plan (SWPPP) must be submitted to and approved by the City.
- n. If the disturbed area of the project is greater than five acres, an SWPPP (**S**to**o**r**m** **W**ater **P**ollution **P**revention **P**lan) must be prepared and submitted to both the RWQCB (**R**egional **W**ater **Q**uality **C**ontrol **B**oard) and the City of Long Beach per the City of Long Beach Municipal Code, Chapter 18.95. In addition, an NOI (**N**otice of **I**ntent) to comply with the State Construction Activity Storm Water Permit shall be filed with the RWQCB. Evidence of such filing shall be submitted to the City.

- o. The project must comply with the additional Standard Urban Storm Water Mitigation Plan (SUSMP) regulations per the City of Long Beach Municipal Code, Chapter 18.95 for 100,000+ square foot commercial developments. The first 3/4-inch volume of water produced from a rainfall event on the site must be collected and treated prior to its discharge to a storm water conveyance system.

### **Special Conditions (Mitigation Measures)**

#### **Air Quality/Global Climate Change:**

Mitigation Measure B-1: General contractors shall ensure that all construction equipment be properly tuned and maintained at an off-site location in accordance with manufacturer's specifications. This mitigation measure would reduce all criteria pollutant emissions during construction.

Mitigation Measure B-2: General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Mitigation Measure B-3: Construction emissions should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

Mitigation Measure B-4: Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible.

Mitigation Measure B-5: All construction vehicles shall be prohibited from idling in excess of five minutes, both on- and off-site. Signs shall be posted limiting idling to five minutes.

Mitigation Measure B-6: The project applicant shall utilize coatings and solvents that are consistent with applicable SCAQMD rules and regulations, in particular Rule 1113 (Architectural Coatings).

Mitigation Measure B-7: Water exposed surfaces at least three times a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-8: All trucks hauling dirt, sand, soil or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard

(i.e., minimum vertical distance between the top of the material and the top of the truck). Wash mud-covered tires and under-carriages of trucks leaving construction sites. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-9: Sweep adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud that would otherwise be carried off by trucks departing the site. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-10: Securely cover loads with a tight fitting tarp on any truck leaving the construction site. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-11: Building walls shall be watered prior to use of demolition equipment. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-12: All on-site construction equipment greater than 50 horsepower (hp) shall be designated as EPA Tier 3 certified engines or engine retrofits comparable to EPA Tier 3 certified engines. This mitigation measure would reduce NO<sub>x</sub> emissions during construction.

Mitigation Measure B-13: Diesel-fueled vehicles which will be on-site for 3 or more consecutive days shall be equipped with a diesel particulate filter (DPF) or other control device or technology capable of achieving comparable reductions in particulate matter (PM) emissions. The device or technology shall be properly maintained and operational at all times when on-site. This mitigation measure applies to on- and off-road vehicles, but excludes delivery or haul trucks which visit the site intermittently.

Mitigation Measure B-14: The project applicant shall, as feasible, schedule deliveries during off-peak traffic periods to encourage the reduction of trips during the most congested periods. This mitigation measure would reduce all criteria pollutant emissions during operation.

Mitigation Measure B-15: The proposed project would provide preferred parking to low-emission and flex fuel vehicles. The project applicant shall also post information on mass transit and alternative transportation options offered in the vicinity of the proposed project.

**Biological Resources:**

Mitigation Measure C-1:

The developer or a designated representative shall ensure that impacts to migratory raptor and songbird species are avoided through one or more of the following methods: (1) vegetation removal activities shall be scheduled outside the nesting season for raptor and songbird species (nesting season typically occurs from February 15 to August 31) to avoid potential impacts to nesting species (this will ensure that no active nests will be disturbed and that habitat removal could proceed rapidly); and/or (2) any construction activities that occur during the raptor and songbird nesting season shall require that all suitable habitat be thoroughly surveyed for the presence of nesting raptor and songbird species by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the qualified biologist to minimize impacts. The developer or designated representative shall submit proof of compliance with this measure to the City of Long Beach Department of Development Services prior to tree removal on-site.

**Archaeological and Paleontological Resources:**

Mitigation Measure D-1: An archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (the "Archaeologist") shall be retained by the project applicant and approved by the City to oversee and carry out the mitigation measures stipulated in the EIR.

Mitigation Measure D-2: A qualified archaeological monitor shall be selected by the Archaeologist, retained by the project applicant, and approved by the City to monitor ground-disturbing activities within the project site that include digging, grubbing, or excavation into native sediments that have not been previously disturbed for this project. Ground-disturbing activities do not include movement, redistribution, or compaction of sediments excavated during the project. The Archaeologist shall attend a pre-grade meeting and develop an appropriate monitoring program and schedule.

Mitigation Measure D-3: In the event that cultural resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find.

Mitigation Measure D-4: All cultural resources unearthed by project construction activities shall be evaluated by the Archaeologist. If the Archaeologist

determines that the resources may be significant, the Archaeologist will notify the project applicant and the City and will develop an appropriate treatment plan for the resources. The Archaeologist shall consult with an appropriate Native American representative in determining appropriate treatment for unearthened cultural resources if the resources are prehistoric or Native American in nature.

Mitigation Measure D-5: Treatment plans developed for any unearthened resources shall consider preservation of the resource or resources in place as a preferred option. Feasibility and means of preservation in place shall be determined through consultation between the Archaeologist, the Native American representative, the project applicant, and the City.

Mitigation Measure D-6: The Archaeologist shall prepare a final report to be reviewed and accepted by the City. The report shall be filed with the project applicant, the City, and the California Historic Resources Information System South Central Coastal Information Center. The report shall include a description of resources unearthened, if any, treatment of the resources, and evaluation of the resources with respect to the California Register of Historic Resources and the National Register of Historic Places. The report shall also include all specialists' reports as appendices, if any. If the resources are found to be significant, a separate report including the results of the recovery and evaluation process shall be required. The City shall designate repositories in the event cultural resources are uncovered.

Mitigation Measure D-7: A qualified paleontologist shall attend a pre-grade meeting and develop a paleontological monitoring program for excavations into older Quaternary deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

Mitigation Measure D-8: If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage.

Mitigation Measure D-9: At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.

Mitigation Measure D-10: Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to

their final repository.

Mitigation Measure D-11: Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.

Mitigation Measure D-12: If fossils are found, following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the project applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.

Mitigation Measure D-13: If human remains are encountered unexpectedly during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains. Preservation of the remains in place or project design alternatives shall be considered as possible courses of action by the project applicant, the City, and the Most Likely Descendent.

### **Geology and Soils:**

Mitigation Measure E-1: Liquefaction and Seismic-Related Ground Failure. Proposed building foundations shall be constructed utilizing driven pre-cast piles or cast-in-place pile foundations that extend through the liquefiable zones into competent material, or an equivalent foundation system, for shoring and structural support in order to reduce the potential for adverse impacts related to liquefaction, differential settlement, ground lurching, and dewatering-related ground settlement. Alternatively, densification of the liquefiable soils using vibro-displacement stone columns or compaction grouting would mitigate the liquefaction hazard, and the new structures could then be supported on shallow foundation systems. The specific building foundation method(s) to be employed shall be determined by the project geotechnical engineer, and reviewed and approved by the City Engineer prior to issuance of building permits.

Mitigation Measure E-2: Ground Settlement. If determined necessary by the project geotechnical engineer, removal and recompaction of compressible soils or in-situ ground modification shall be utilized, based on detailed design stage recommendations, in order to address potential ground settlement.

Mitigation Measure E-3: Ground Settlement. In order to address potential ground settlement during construction activities, the construction contractor shall limit the depth of construction dewatering, install sheet piles, and pump from within the excavation to reduce the impacts to groundwater levels outside the excavation, install monitoring wells to evaluate groundwater, monitor adjacent areas for indications of settlement, and/or protect settlement-sensitive structures through ground improvement or foundation underpinning, as deemed appropriate by the project geotechnical engineer.

Mitigation Measure E-4: Construction-Related Vibration. Depending upon the specific technique to be employed to mitigate liquefaction hazards, and prior to initiation of construction, a Vibration Management Plan (VMP) shall be prepared by a qualified consultant hired by the applicant for review and approval by the City. The VMP shall address the potential for specifically proposed construction activities to cause vibration induced ground settlement on off-site properties. The performance standard for vibration management shall be to prevent vibration induced ground settlement on nearby properties that would result in structural damage or damage to other sensitive off-site improvements. More specifically, the performance standard shall ensure that construction of the project would not result in off-site ground settlement greater than ½ inch in non-building areas or greater than ¼ inch building areas. If it is determined that there would be no potential for significant settlement on off-site properties due to proposed construction techniques, no further requirements for mitigation would apply. In the event potential for significant settlement is identified, the VMP shall include mitigation requirements that will ensure that the performance standard to prevent significant off-site ground settlement is met. Mitigation techniques to reduce the impacts of vibration may include avoiding construction activities that involve vibration, limiting construction involving vibration to specified distances from off-site sensitive receptors, monitoring vibration and settlement during construction, and/or protecting sensitive improvements from excessive settlement by ground stabilization or foundation underpinning. Monitoring methods include installation of ground survey points around the outside of excavations to monitor settlement and/or placing monitoring points on nearby structures or surfaces to monitor performance of the structures. If monitored movement shows potential for the performance standard to be exceeded during the course of construction, all work potentially associated with vibration induced settlement shall stop and the City shall be immediately informed. Subsequently, the contractor's methods shall be reviewed and changes made, as appropriate, with alternative methods of settlement reduction identified for implementation by the contractor to the satisfaction of the City.

## **Hazards and Hazardous Materials**

Mitigation Measure F-1: Soil Management Plan. The developer shall prepare a project-specific Soil Management Plan (SMP) that will be reviewed and approved by the City of Long Beach prior to the start of construction. The SMP will function as an umbrella plan. It shall incorporate all of the requirements associated with the mitigation measure below, and will include, but not be limited to the findings and recommendations contained in the: (1) Geophysical Survey; (2) Soil Vapor Survey/Health Risk Screening; (3) Transportation Plan; and (4) Dust Monitoring Plan. The SMP will incorporate methodologies for detecting the various environmental concerns noted in relevant hazardous materials investigations during the construction phase of the project. The SMP shall include measures to address each environmental concern, if encountered, according to the applicable regulatory standards and the mitigation measures contained herein. In addition, the SMP shall require notification and reporting, according to agency protocols, of applicable local and State regulatory agencies, including the Department of Toxic Substances Control (DTSC), the Regional Water Quality Control Board (RWQCB), CalRecycle, California Department of Oil and Gas and Geothermal Resources, Long Beach Fire Department, and the City of Long Beach.

Mitigation Measure F-2: Asbestos and Lead-Based Paint Abatement. Prior to demolition activities, a qualified contractor shall perform an asbestos and lead-based paint containing materials survey. Thereafter, the qualified contractor shall also sufficiently abate the structures to be demolished on the site according to the applicable and current local, State and federal guidelines.

Mitigation Measure F-3: Geophysical Survey. Prior to subsurface disturbance and demolition at the project site, the developer shall conduct a geophysical survey. The purpose of the geophysical survey is to locate subsurface features or anomalies, if any, that may pose an environmental concern or present a risk of upset at the site. The geophysical survey shall:

- 1) Accurately locate and mark the oil pipeline located along the northeast border of the site.
- 2) Search for, identify and mark the six abandoned oil wells and associated pipelines that are reportedly located at the project site due to historic use of the site for oil production and facilities.
- 3) Detect the presence of other subsurface anomalies, if any, such as underground vaults/features, buried debris, historical dump sites, waste drums, or tanks.

The geophysical survey will inform the site construction and remediation activities so as to remove or avoid subsurface hazardous materials or associated facilities. The results of the geophysical survey shall be included in the SMP, which shall be reviewed and approved by the City of Long Beach.

Mitigation Measure F-4: Soil Vapor Survey and Health Risk Screening.

(A) Soil Vapor Survey: The developer shall conduct a systematic soil vapor survey of the project site prior to construction to investigate the possible presence of VOCs in site soils. The survey will be performed according to the applicable standards of the DTSC and California Environmental Protection Agency (CalEPA). Soil borings shall be placed to a depth of at least five feet below the deepest excavation to occur during site construction and soil vapor samples shall be collected at five-to-ten foot intervals. Soil samples shall also be collected at a five-foot interval from the soil borings to assess the soil for heavier petroleum hydrocarbons that may be present due to past oil field use of the site. The survey shall specifically include:

1) An evaluation of methane and hydrogen sulfide concentrations (due to possible methane and hydrogen sulfide gases associated with historic oil fields use) to a depth of at least five feet below the deepest excavation to occur during site construction. These soil vapor borings shall be placed in the vicinity of any abandoned oil wells located during the geophysical survey; and

2) Additional soil vapor borings to test for VOCs on and in the vicinity of the land area where the former on-site gas station was located; and in locations where the off-site gas station may have impacted the site through lateral migrations of soil vapors.

(B) Health Risk Screening. Following completion of the soil vapor survey, a qualified environmental professional shall use the results of the survey to develop a health risk screening that assesses health and safety concerns associated with VOC levels at the site for construction workers and future site users. The health risk screening assessment will be performed according to the applicable standards of the DTSC and CalEPA. If the health risk screening assessment indicates that elevated VOCs in soil pose a health risk to site users, then the developer will further define and implement additional measures, tailored to the extent of environmental contamination, that minimize soil vapor exposure to acceptable levels as established by the applicable regulatory agency, including DTSC. The potential mitigation measures could include, but not be limited to, the following:

1) During Construction – VOC levels shall be monitored closely during construction in accordance with South Coast Air Quality Management District (SCAQMD) Rule 1166. This rule requires VOC monitoring of petroleum-impacted soils during construction activities. If VOC concentrations exceed threshold levels specified in the Rule, vapor suppression shall be required by amending soil with water or chemical foam. VOC-impacted soil shall be stockpiled and covered in accordance with the Rule. Rule 1166 compliance requirements shall be included in the SMP required by Mitigation Measure F-1 above.

2) Post-Construction – In the unlikely event that concentrations of VOC persist in site soils post-construction, vapor mitigation shall be performed to protect future site users. Post-construction long-term vapor mitigation measures selected shall be determined based on the remaining extent of VOC concentrations and the associated health risk, if any. Mitigation measures associated with post-construction VOC control could include the following:

i) Soil Vapor Extraction – post-construction vapor mitigation would include a soil vapor extraction (SVE) system to remove residual VOCs from the soil. The SVE system would be employed to remediate soil vapor to a level considered safe for uses proposed on the site.

ii) Vapor Barrier/Sub-slab Depressurization – If the soil vapor survey indicates that extremely high VOCs are present at the site, post-construction, resulting in elevated human health risk, a vapor barrier and sub-slab depressurization system shall be designed and implemented for the proposed buildings to be constructed at the site.

Mitigation Measure F-5: Pre-Construction Removal Action. The developer shall perform pre-construction removal to include sampling, as necessary to characterize waste, removal action, off-site disposal of characterized waste and confirmation sampling of removal areas. The specific area to undergo pre-construction removal action includes:

1) Removal of Debris and Dirt from Satellite Enclosure. Debris and dirt located in a satellite enclosure on the southern portion of the site shall be removed prior to site construction. The mitigation shall include collection and laboratory analysis of representative soil samples from the debris and dirt to characterize the waste for off-site disposal purposes. Based on the laboratory analysis and waste characterization, the soil and debris shall be disposed of at an appropriate facility.

Mitigation Measure F-6: Construction De-Watering Permit. From review of previous environmental reports regarding the project site, groundwater at the site has likely been impacted by petroleum hydrocarbons from one or more possible sources including the former gas station on the project site, the petroleum release from the gas station located across PCH from the site, and former oil field activities. Dewatering will be required during site construction. As such, the developer shall obtain a De-Water permit through the Regional Water Quality Control Board (RWQCB) to de-water and discharge water from the site. The developer will comply with all requirements of the de-watering permit. Petroleum impacted groundwater is subject to pre-treatment during de-watering activities to meet National Pollutant Discharge Elimination System (NPDES) Construction Dewatering permit limits. The construction activities shall conform to the NPDES requirements. The RWQCB requires the water to be tested for possible pollutants. The developer shall collect groundwater samples from existing site wells to determine pre-treatment system requirements for extracted groundwater. A water treatment system shall be designed and installed for treatment of extracted groundwater removed during dewatering activities so that such water complies with the applicable RWQCB and NPDES permit standards before disposal.

Mitigation Measure F-7: Oil Sumps and Mud Pits. The previously identified oil sumps in the northern area of the site and the area of suspected mudpits and any known areas of dark stained soil noted in historical aerial photographs shall be added to site plans included in the SMP. These areas shall be excavated and the soil stockpiled on plastic sheeting at the site. The stockpiled soil shall be sampled and laboratory analyzed in accordance with requirements outlined in the SMP and pursuant to the applicable DTSC guidelines. The stockpiled soil shall be characterized in accordance with the laboratory analysis and disposed of at a facility that is licensed to accept the soil based on established site action levels.

Mitigation Measure F-8: Construction Dewatering. Construction dewatering requirements as outlined in the Construction Dewatering permit shall be included in the SMP. Construction dewatering shall be performed in accordance with the permit and SMP during site construction and demolition activities.

Mitigation Measure F-9: Construction Site Observer. A qualified construction site observer shall be present at all times during site excavation activities to observe for areas of possible contamination including, but not limited to, the presence of underground anomalies such as underground structures, pipelines, buried debris, waste drums, tanks, stained soil or odorous soil. The SMP shall provide notification protocols and specific instructions regarding the actions to be taken (i.e., sampling, testing for contamination levels, excavation and stockpiling, or halting construction for remediation) if subsurface anomalies are encountered during construction. Specific instructions shall include field monitoring to assess any safety concerns associated with the subsurface anomaly, environmental

sampling, reporting requirements, removal and confirmatory sampling. Removal action of subsurface anomalies shall be documented by the construction site observer in the daily field log including documenting all actions taken in accordance with the SMP, including photo documentation.

Mitigation Measure F-10: Abandoned Oil Wells. Mitigation measures associated with the six known on-site abandoned oil wells shall be provided in the SMP (required by Mitigation Measure F-1), including actions to perform in the event that an abandoned oil well is encountered during construction activities. A summary of these mitigation measures include the following:

1. The developer shall submit the appropriate project application documents to DOGGR to comply with its Construction Site Review process. Thereafter, DOGGR will notify the applicant of required procedures, including re-abandonment permits and procedures, and possible methane mitigation measures.
2. Known abandoned oil wells shall be uncovered during construction without disturbing the casing.
3. A DOGGR inspector shall be notified to inspect the well and provide, if necessary, re-abandonment measures.
4. The well shall be re-abandoned by a licensed contractor in accordance with current regulatory requirements of DOGGR.
5. The construction site observer shall be on the look out at all times during site excavation for abandoned oil wells. Actions to be taken to monitor the abandoned oil well with field instrumentation to assess any safety concerns shall be included in the SMP.

Mitigation Measure F-11: Former LA County Flood Control Dump Site. If, during construction, a dump site is discovered, then the developer shall implement tailored mitigation to remove the dump materials during site construction activities. Response actions to be taken by the contractor if the former dump is encountered shall be provided in the SMP (required by Mitigation Measure F-1) and may include removal through excavation of dump debris, staging of the debris on plastic, monitoring of the excavation for landfill gas, debris loading and disposal in an off-site permitted facility.

Mitigation Measure F-12: Soil Transportation Plan. The developer shall develop a Soils Transportation Plan in compliance with State of California and federal Department of Transportation requirements for the safe and legal transport to an off-site disposal facility for hazardous materials that may be encountered during construction activities.

Mitigation Measure F-13: Dust Monitoring Plan. The developer shall provide a Dust Monitoring Plan in accordance with the requirements of South Coast Air Quality Management District (SCAQMD) Rule 403 to monitor and control fugitive dust that may be generated as a result of construction activities through application of Best Available Control Measures during construction.

Mitigation Measure I-1: Blasting and impact pile driving shall not be used for construction activities. If sonic pile drivers are used for the construction of the proposed project, the other pieces of construction equipment on-site at the time shall not be operated within 600 feet of the property line closest to the noise sensitive receptor location R4.

Mitigation Measure I-2: Engine idling from construction equipment such as bulldozers and haul trucks shall be limited. Idling of haul trucks shall be limited to five (5) minutes at any given location as established by the South Coast Air Quality Management District.

Mitigation Measure I-3: Construction activities shall be scheduled so as to avoid operating several pieces of heavy equipment simultaneously (i.e., no more than six (6) pieces of equipment within 600 feet from the property line of the noise-sensitive receptor R4), which causes excessively high noise levels.

Mitigation Measure I-4: Noise-generating construction equipment operated at the project site shall be equipped with effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Mitigation Measure I-5: The project developer shall retain the services of a qualified acoustical engineer with expertise in design of building sound isolations, who shall submit a signed report to the City during plan check for review and approval, which demonstrates that the proposed building design for the residential uses and the hotel building achieves an interior sound environment of 45 dBA (CNEL), as required by the City's building code.

Mitigation Measure I-6: The project developer shall retain the services of a qualified acoustical engineer experienced in mechanical noise analysis to provide an acoustical report to City building officials during plan check, which demonstrates that the project's mechanical design meets the requirements of the City's Noise Ordinance. All noise attenuating features necessary to demonstrate compliance with the City's Noise Ordinance shall be identified in the acoustical report.

Mitigation Measure K-1: the project developer shall notify LBPD of the times of day and locations of all temporary lane closures throughout construction activities, and such closures shall be coordinated so that they do not occur during peak traffic periods, to the extent feasible.

Mitigation Measure L-1: TDM Plan. The proposed project shall implement a TDM Plan. The TDM Plan shall consist of subsidized transit passes for all residents and employees, on-site flex cars, guaranteed ride home, airport shuttle for hotel guests and a bike facility on-site.

Mitigation Measure L-2: Shuttle Service. The proposed project shall implement a shuttle service along 2<sup>nd</sup> Street between Bay Shore Avenue and the project site.

Mitigation Measure L-3: Intersection No. 6 – PCH at 7<sup>th</sup> Street. Modify the existing medians on PCH and restripe PCH to provide a second northbound left-turn lane. Modify the existing traffic signal accordingly. Implementation of this improvement completely offsets the impact of the proposed project. The installation of this mitigation measure is subject to the approval of the City of Long Beach and/or Caltrans.

Mitigation Measure L-4: Intersection No. 14 – Bay Shore Avenue at 2<sup>nd</sup> Street. Project shuttle service. Implementation of this improvement completely offsets the impact of the proposed project.

Mitigation Measure L-5: Intersection No. 17 – PCH at 2<sup>nd</sup> Street. Project shuttle service. Purchase right-of-way from the Mobil gas station located on the southeast corner of the intersection and construct an exclusive northbound right-turn lane. Restripe 2<sup>nd</sup> Street to convert the eastbound shared through/right-turn lane into an exclusive third eastbound through lane. Modify the existing traffic signal to provide an eastbound right-turn overlap phase. Modify the median and extend the left-turn storage for the dual westbound left-turn lanes on 2<sup>nd</sup> Street. The installation of these mitigation measures are subject to the approval of the City of Long Beach and/or Caltrans.

Mitigation Measure L-6: Intersection No. 8 – Studebaker Road at SR-22 Westbound Ramps. Modify the intersection to create two separate intersections. The northerly intersection will be entirely new and will consist of the SR-22 westbound off-ramp. The new intersection will provide two northbound through lanes, three southbound through lanes, dual westbound left-turn lanes and a free westbound right-turn lane controlled by a two-phase traffic signal. The existing southerly intersection will consist of the SR-22 westbound on-ramp and will provide two northbound through lanes, a free northbound right-turn lane, an exclusive southbound left-turn lane and two southbound through lanes controlled by a two phase traffic signal. Implementation of these improvements completely

offsets the impact of the proposed project. The installation of these mitigation measures are subject to the approval of the City of Long Beach and/or Caltrans.

Mitigation Measure L-7: Intersection No. 18 – Shopkeeper Road at 2<sup>nd</sup> Street. Restripe Shopkeeper Road to provide a separate northbound right-turn lane. Extend the storage capacity for the westbound left-turn lane on 2<sup>nd</sup> Street. Modify the existing traffic signal accordingly. Implementation of these improvements completely offsets the impact of the proposed project. The installation of these mitigation measures are subject to the approval of the City of Long Beach.

Mitigation Measure L-8: Construction Truck Traffic. In order to minimize the temporary construction impact at the intersection of PCH/2<sup>nd</sup> Street, construction travel patterns to the site shall be modified and trucks shall circulate the site in a “counterclockwise” manner, Trucks traveling to the site shall travel through the PCH/2<sup>nd</sup> Street intersection, make a westbound left-turn at Marina Drive and make a southbound left-turn into the site through the existing median break. This path of travel would require a flag person at the Marina Drive entrance to facilitate the safe travel of trucks through the existing median break along Marina Drive.

Mitigation Measure L-9: Transportation Improvement Fee. Pursuant to the requirements of the City of Long Beach Municipal Code, Transportation Improvement Fees shall be required of the project. The Transportation Improvement Fee, based on the size of all new residential and commercial development in the City of Long Beach, is assess as shown below:

- Residential: \$1,125.00 per unit
- Retail (City-Wide): \$3.00 per square foot
- Hotel (City-Wide): \$750 per guest room
- Movie Theater (City-Wide): \$140 per seat

The precise fee, plus any credit for existing development, shall be determined by the City of Long Beach upon issuance of project building permits.

Mitigation Measure L-10: Intersection No. 25 – Seal Beach Boulevard at PCH. Convert the westbound right turn lane into a third westbound through lane and widen to allow for an exclusive right-turn lane. Implementation of these improvements completely offsets the impact of the proposed project. The installation of this mitigation measure is subject to the approval of the City of Seal Beach and/or Caltrans.

Mitigation Measure M.3-1: Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract indicating that the construction contractor shall only contract for waste disposal services with a company that recycles demolition and construction-related wastes. The contract

specifying recycled waste service shall be presented to the Development Services Department prior to approval of the certificate of occupancy.

Mitigation Measure M.3-2: In order to facilitate on-site separation and recycling of construction related wastes, the construction contractor shall provide temporary waste separation bins on-site during demolition and construction.

Mitigation Measure M.3-3: The proposed project shall include recycling bins at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. The bins shall be picked up and appropriately recycled as a part of the proposed project's regular trash disposal program.

Mitigation Measure M.3-4: New homeowners/tenants shall be provided with educational materials on the proper management and disposal of household hazardous waste, in accordance with educational materials made available by the County of Los Angeles Department of Public Works.

### SITE PLAN REVIEW FINDINGS

- 1. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;**

The proposed project design incorporates an integrated and consistent design theme that is compatible in design, character and scale with the neighboring structures and properties. The materials used for the new construction, including colored glass, precast stone panels, wood composite panels, steel trellis and painted stucco, are complementary to the materials used on the adjacent buildings. Variations in building heights are incorporated into the project design that will provide visually appealing differentiations between project buildings as well as allow for better protection of existing view corridors and establish a more sensitive transition to surrounding developments.

- 2. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES OR SPECIFIC PLAN REQUIREMENTS, SUCH AS PD GUIDELINES OR THE GENERAL PLAN;**

The project site is located in Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP). The proposed project would conform to all applicable development standards as recommended by the Planning Commission to the City Council on October 12, 2011 for a text amendment to the Local Coastal Program (LCP) and SEADIP Subarea 17.

- 3. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS POSSIBLE;**

No mature trees or street trees will be removed as a result of the project.

- 4. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THE ZONING ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT;**

The proposed public improvements, which involve on-site improvements to sidewalks and curb-cuts accessing public streets, would be beneficial to the surrounding community and would not exceed any identified impacts of the proposed project coupled with cumulative development.

- 5. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT); AND**

The project will conform to all requirements set forth in Chapter 21.64 of the Long Beach Municipal Code. The proposed project will implement a Transportation Demand Management (TDM) Plan consisting of subsidized transit passes for all project residents and employees, on-site flex cars, guaranteed rides home, airport shuttle for hotel guests, and an on-site bicycle facility (See Mitigation Measure L-1 TDM Plan, Final Environmental Impact Report for the Second + PCH Development, State Clearinghouse No. 2009101014).

**6. THE APPROVAL IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.**

The project would be designed to increase energy efficiency, reduce greenhouse gas emissions, and achieve LEED certification as required by the City's green building ordinance. The project would be in compliance with all requirements set forth in Section 21.45.400.

**STANDARDS VARIANCE FINDINGS**

**1. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE WHEN COMPARED TO OTHER SITES IN THE SAME ZONE;**

The project is unique in its location between a major commercial corridor (Pacific Coast Highway) and the Alamitos Bay Marina. The project site is not unique in terms of dimensions, topography or any other physical characteristics that would restrict the provision of on-site parking spaces.

This proposed mixed-use project is subject to Zoning Code Section 21.41.219, which allows the Zoning Administrator to require a parking demand study for large shopping centers over 150,000 square feet. The proposed project will provide a variety of land uses, including multi-family residential, commercial, restaurant, hotel, and science center uses. This project's commercial retail component alone would total 155,000 square feet, and therefore this project would meet the shopping center requirement. Zoning Code Section 21.41.219 specifies that the parking demand study, done at the applicant's expense by an independent traffic engineer licensed by the State of California, shall be submitted to the City for review and approval in order to consider any request for a reduced shopping center parking ratio.

The applicant has provided a shared parking demand study that determined peak parking demand for all project land uses to be 1,417 on-site parking spaces. Under the original project proposal, the applicant would provide a total of 1,440

on-site parking spaces, thus exceeding peak demand by 23 spaces. The reduced project approved by the Planning Commission, which meets the Final EIR Alternative 3 (Reduced Intensity Alternative A) description, would result in 50 fewer dwelling units, a 36,475 square foot reduction in commercial retail floor area, and a 1,092 square foot reduction in non-hotel restaurant floor area than under the original project proposal. This reduced project would generate less parking demand than the original project and therefore the 1,440 proposed parking spaces would be adequate to accommodate peak parking demand and would justify approval of a Standards Variance to allow less than Code required on-site parking.

2. **THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL RIGHT TO USE OF THE PROPERTY AS OTHER PROPERTIES IN THE SAME ZONE ARE USED AND WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS;**

See Paragraph 1 discussion above. The shared parking demand study, prepared in accordance with Zoning Code Section 21.41.219, determined that the proposed project parking supply would be adequate to accommodate peak parking demand. The project is therefore not inconsistent with Code requirements for other similar large shopping center projects and would not be inconsistent with the purpose of the Zoning regulations pursuant to Section 21.41.219.

3. **THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND**

The project parking supply would be adequate to accommodate peak parking demand. The project therefore would not cause parking-related adverse effects upon the community in regard to inadequate on-site parking provision and any resultant spill-over on the neighboring properties or public parking spaces.

4. **IN THE COASTAL ZONE, THE VARIANCE WILL CARRY OUT THE LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG THE COAST.**

Approval of the Standards Variance request would not interfere with any physical, visual or psychological aspects of coastal access. The project would provide large open space corridors throughout the site, allowing views of the ocean and marina from the site as well as from Pacific Coast Highway. The

project would also offer public access to coastal vistas through a variety of land uses open to the public, including commercial retail, restaurant and hotel uses.

### **TENTATIVE SUBDIVISION MAP FINDINGS**

**1. THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

The General Plan Land Use Designation (LUD) for the subject site is LUD No. 7 Mixed Uses. There are no specific plans applicable to the project site. The proposed subdivision complies with the subdivision requirements and the proposed map is consistent with the General Plan.

**2. THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

The proposed subdivision is consistent with Land Use District (LUD) No. 7 (Mixed Uses) as well as the City's Subdivision Ordinance. The conditions imposed on the subdivision will allow for improvements of the 275 units that will be consistent with General Plan LUD No. 7. There are no specific plans applicable to the project site. Therefore, the subdivision is consistent with the General Plan and other applicable plans.

**3. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT;**

As conditioned, the site is physically suitable for this type of mixed use development. The Final Environmental Impact Report (EIR) for this project (State Clearinghouse No. 2009101014) requires a Soil Management Plan, a Geophysical Survey, and pre-construction debris removal actions prior to issuance of building permits. The site can provide proper access for both pedestrians and vehicles.

**4. THE SITE IS PHYSICALLY SUITED FOR THE PROPOSED DENSITY OF DEVELOPMENT;**

The project site is approximately 10.93 acres (gross) in size. As conditioned, the site is physically suitable for the proposed density of the development. The required soils analysis, de-watering requirement and other mitigation measures of the Final EIR for this project (State Clearinghouse No. 2009101014) will address soil stabilization issues prior to construction. No other unique characteristics exist which would prevent safe access and full utilization of the property.

5. **THE DESIGN OF THE SUBDIVISION OR PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIAL AND AVOIDABLE INJURY TO FISH AND WILDLIFE OR THEIR HABITAT;**

The Final EIR for this project determined that no substantial environmental damage or substantially and avoidable injury to fish and wildlife and their habitat would occur as a result of project implementation.

6. **THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS; AND**

The Final EIR for this project determined that the project would have significant and unavoidable adverse construction and operational air quality impacts as well as significant and unavoidable adverse traffic impacts at two project vicinity intersections (2<sup>nd</sup> and Pacific Coast Highway, 2<sup>nd</sup> and Studebaker). A Statement of Overriding Considerations was approved by the Planning Commission on October 12, 2011, finding that project benefits outweighed the project environmental impacts.

7. **THAT THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.**

All concerned City departments were notified and had an opportunity to review the tract map. Based on the comments received from these departments, Staff has determined that the proposed tract map will not conflict with any public access easements.

#### **LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS**

Pursuant to Chapter 21.25, Division IX of the Long Beach Municipal Code, the City shall not approve a Local Coastal Development Permit unless positive findings are made consistent with the criteria set forth in the Local Coastal Development Permit regulations.

1. **THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND**

Findings

Case No. 0904-09

Date: November 17, 2011

Page 6

The project site is located in Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP), also known as Planned Development District 1 (PD-1) in the Zoning Code (Title 21 of the Long Beach Municipal Code). Subarea 17 currently allows commercial uses only in accordance with the Community Automobile-Oriented (CCA) commercial zoning district.

The project site is also located in the Southeast Area (SEADIP) Community Plan portion of the City's Local Coastal Program (LCP). This LCP Community Plan area currently allows primarily low density residential uses with approximately 86 acres devoted to commercial and light industrial uses.

On October 12, 2011 the Planning Commission recommended that the City Council adopt text amendments to the LCP and SEADIP Subarea 17 for this project site. The proposed development conforms to the recommended LCP text amendment.

The project site is currently improved with a hotel and accessory commercial land uses. There are no housing units on the project site. As there are no residential units that will be demolished, the project is not subject to Chapter 21.60 and Chapter 21.61 of the Long Beach Municipal Code relative to relocation assistance for qualified very low and low-income households and the maintenance of and replacement of very low to moderate-income housing units in the Coastal Zone.

**2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

Chapter 3 of the Coastal Act deals with the public's right to use of the beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development that restricts public access to the beach and/or water resources. The project as currently proposed will not reduce access or public views to the adjacent marina and ocean.

The proposed development would not block public access to the beach or any other public coastal recreational resources. The proposed development includes a hotel, a science center open to the public, and publicly accessible on-site open space areas.

**EXHIBIT E**

**APPEALS**

**APPEAL FROM**

**DAVID ROBERTSON AND MARY SUTTIE**



# 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 12<sup>th</sup> day of OCTOBER 20 11

Appellant(s): DAVID ROBERTSON & MARY SUTTIE

Project Address: 2<sup>ND</sup> & PCH (6400 E. PCH)

Reasons for Appeal: THE EIR IS FLAWED, A SPLIT PLANNING COMMISSION VOTE DID NOT FOLLOW STAFF RECOMMENDATIONS & THE APPROVED RECOMMENDATIONS "REZONE" A LARGE AREA WITH NO CITIZEN OR NEIGHBORHOOD INPUT.

IN ADDITION, THE DEVELOPER HAS NOT PROVIDED SUFFICIENT PROJECT FEASIBILITY DATA TO ADEQUATELY ADDRESS EIR REQUIRED ALTERNATIVES.

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

	Appellant 1	Appellant 2
Name:	DAVID ROBERTSON	MARY SUTTIE
Address:	331 LINARES AVE	331 LINARES AVE
City/ZIP:	LONG BEACH 90803	LONG BEACH 90803
Phone:	562 439 8727	562 439 8727
Signature:	<i>DCRobertson</i>	<i>Mary Suttie</i>
Date:	10/19/2011	10/19/11

Attach additional sheets if necessary for further appellants.

EMAIL REPORT → DCROBERTSON.MAI@GMAIL.COM  
 Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).

(Staff Use Only Below This Line)

Received by: MA/SK App. No.: 0904-09 Filing Date: 10/19/11

Materials Required:  Plans  Photographs  Special Materials

Fee: \$50  Fee Paid Project (receipt) No.: P01124986

Date: November 11, 2011

To: Planning Commissioners and Planning Staff:  
c/o Craig Chalfant: Project Planner - [Craig.chalfant@longbeach.gov](mailto:Craig.chalfant@longbeach.gov)  
Charles Durnin, Chair; Donita Van Horik, Becky Blair, Philip Saumur,  
Melani Smith, Leslie Gentile, & Alan Fox

From: Mary Suttie & David Robertson  
331 Linares Avenue  
Long Beach, Ca 90803

RE: Second and PCH Project/Public Hearing on November 17

There is something wrong - when a landowner - who has deliberately let the Seaport Marina hotel on the project site become an EYESORE - so much so that a portion of the hotel rooms cannot be used - requests that you - the City Planners - approve a Plan allowing them to build an Icon Gateway for the Southeast Side of Long Beach. They say that Long Beach would be proud of the new plan - but they will only make a bigger eyesore and a large traffic jam!

There is something wrong - when the Local Coastal Plan (SEADIP) calls for buildings not to exceed a 35' height limit and a Developer wants to build a 150-foot, 12-story tower that is out of character for the area, very near the Newport Inglewood earthquake fault line, above a liquefaction area, and in the midst of a migratory bird flyway?

There is something wrong - when the EIR states there will be Better Traffic Flow - after the proposed project adds 12,000 more cars per day to the 2nd Street and Pacific Coast Highway intersection which is already an "F" RATED intersection!! In addition your approval will require TAX PAYERS to pick up the BILL for future infrastructure (i.e. PEDESTRIAN BRIDGES over PCH & 2nd ST. and widen of Bridges & Roads in the area) to allow the traffic to flow. Please note that the DEVELOPERS say they can't afford to build these improvements?

There is something wrong - when the Planning staff recommends that the City Council approve a General Plan/Local Coastal Program Amendment to Subarea 17 of (SEADIP) which specifically would allow all the adjacent sites, (i.e. Pumpkin Patch, Marina Shores, Marina Pacifica, Market Place, Gas Lamp & Golden Sails) to build the higher density and heights - without any input from the neighboring communities or development of an inclusive EIR.

We ask you to reject this faulty EIR and the short sited Staff recommendations regarding this proposed 2nd and PCH Development and amendments to (SEADIP). Please preserve the character of a community, where in the late 70's many individuals from developers, homeowners, business owners, conservationists, and engineers, came together and spent several years and

many meetings to agree upon a vision to help protect the South East Area from what is now being proposed. Please maintain the Character of this community within the (SEADIP) Guidelines.

Thank you.

*As a matter of record - We appealed the Planning Commission's decision of October 12 (to City Council). We were informed that we would have to appeal again, (which is the purpose of this letter to staff and commissioners), assuming no change in the Planning Commission's approvals to be discussed on November 17.*

*We were advised that our original appeal would be upheld, and there will be no additional fee. However, we were also advised to appeal again in order to have standing as an appellant, either by speaking at the November 17th meeting or writing a letter to Planning. This is our letter.*

Sincerely,

Mary Suttie & David Robertson  
562 439-8727

**APPEAL FROM**  
**LOS CERRITOS WETLANDS LAND TRUST**



# 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>12</u> day of <u>October</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): Los Cerritos Wetlands Land Trust

Project Address: 6400 E. Pacific Coast Highway

Reasons for Appeal: Please see attached letter, exhibit A

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

	Appellant 1	Appellant 2
Name:	<u>Los Cerritos Wetlands Land Trust</u>	
Address:	<u>P.O. Box 30165</u>	
City/ZIP:	<u>Long Beach, CA 90853</u>	
Phone:	<u>562-293-3011</u>	
Signature:	<u>Michelle Black</u>	
Date:	<u>10-8-11</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: [Signature] App. No.: 0904-09 Filing Date: 10/19/11

Materials Required:  Plans  Photographs  Special Materials

Fee: 55.00  Fee Paid Project (receipt) No.: P20N24989

**CHATTEN-BROWN & CARSTENS**

TELEPHONE: (310) 314-8040  
FACSIMILE: (310) 314-8050

2601 OCEAN PARK BOULEVARD  
SUITE 205  
SANTA MONICA, CALIFORNIA 90405

E-mail: MNB@CBCEARTH.LAW.COM

October 18, 2011

*By Hand Delivery and Facsimile (562) 570-6194*

City of Long Beach  
Department of Development Services  
333 West Ocean Blvd., 5<sup>th</sup> Floor  
Long Beach, CA 90802

Re: 2<sup>nd</sup> + PCH Project, 6400 E. Pacific Coast Highway  
Appeal of Los Cerritos Wetlands Land Trust  
Application 0904-09 (District 3)

Dear Department of Development Services,

The Los Cerritos Wetlands Land Trust (Land Trust) appeals the Planning Commission's October 12, 2011 decisions certifying the environmental impact report (EIR), adopting a statement of overriding considerations, and approving General Plan/Local Coastal Program and SEADIP amendments for the 2<sup>nd</sup> + PCH project (Project). It is unclear from the multiple votes that the Planning Commission took whether or not it approved Site Plan Review, Tentative Subdivision Map, Standards Variance, and the Local Coastal Development Permit approval, but if the Commission approved any of those or other entitlements, we appeal them as well.

The Project will allow residential development in an area of Long Beach where it is not currently permitted, will allow much greater heights and densities than are currently permitted, and may have significant, unmitigated impacts on traffic congestion, aesthetics, nighttime lighting and glare, and the biological resources of the Los Cerritos Wetlands. The EIR's failure to declare some impacts significant, its failure to adequately analyze other impacts, and its refusal to include all feasible mitigation violate the California Environmental Quality Act (CEQA).

Further, the Project is inconsistent with the California Coastal Act and with the existing Local Coastal Program for Southeast Long Beach.

The Land Trust is also concerned that the proposed amendments to SEADIP will be used to increase development intensity in all of Southeast Long Beach, not just subarea 17. Increased development outside of subarea 17 was not studied in the EIR, but was identified as a consideration in the staff report prepared for the October 12, 2011 hearing.

City of Long Beach  
Department of Development Services  
October 18, 2011  
Page 2

The Land Trust hereby incorporates its oral comments and previously-submitted comment letters into this appeal (April 25, 2011 and October 12, 2011), as well as the comments of Heather Altman and Bill Waterhouse, Caltrans, Mary Parsell, Erica Stuckey, and the City of Seal Beach.

We also request a copy of any Notice of Determination pursuant to Public Resources Code section 21092.2.

Thank you for your consideration of this appeal. The Land Trust looks forward to the City Council's review of this matter.

Sincerely,

  
Michelle Black

Cc:  
City Clerk



# 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>17<sup>th</sup></u> day of <u>November</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): Los Cerritos Wetlands Land Trust

Project Address: 6400 E. Pacific Coast Highway

Reasons for Appeal: Please see attached letter

- noncompliance with CEQA
- noncompliance with California Coastal Act

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

	Appellant 1	Appellant 2
Name:	<u>Los Cerritos Wetlands Land Trust</u>	
Address:	<u>P.O. Box 30165</u>	
City/ZIP:	<u>Long Beach, CA 90833</u>	
Phone:	<u>562-293-3011</u>	
Signature:	<u>[Signature]</u>	
Date:	<u>11.21.11</u>	

Attach additional sheets if necessary for further appellants.

Elizabeth 714-357-8576

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

(Staff Use Only Below This Line)

Received by: LF App. No.: 0904-09 Filing Date: 11/22/2011

Materials Required:  Plans  Photographs  Special Materials

Fee: \$50.00  Fee Paid Project (receipt) No.: POTH 25387

**CHATTEN-BROWN & CARSTENS**

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November 21, 2011

*By Hand Delivery*

City of Long Beach  
Department of Development Services  
333 West Ocean Blvd., 5<sup>th</sup> Floor  
Long Beach, CA 90802

Re: 2<sup>nd</sup> + PCH Project, 6400 E. Pacific Coast Highway  
Appeal of Los Cerritos Wetlands Land Trust  
Application 0904-09 (District 3)

Dear Department of Development Services,

The Los Cerritos Wetlands Land Trust (Land Trust) appeals the Planning Commission's November 17, 2011 decisions certifying the environmental impact report (EIR), adopting findings and a statement of overriding considerations, and approving a site plan for the 2<sup>nd</sup> + PCH project (Project). The Land Trust also appeals all other entitlements granted to the Project on November 17, 2011, including the coastal development permit, subdivision map, and standards variance.

The Project will allow residential development in an area of Long Beach where it is not currently permitted, will allow much greater heights and densities than are currently permitted, and may have significant, unmitigated impacts on traffic congestion, aesthetics, nighttime lighting and glare, and the biological resources of the Los Cerritos Wetlands, even with the reductions incorporated into the site plan. The EIR's failure to declare some impacts significant, its failure to adequately analyze other impacts, and its refusal to include all feasible mitigation violate the California Environmental Quality Act (CEQA).

Further, the Project is inconsistent with the California Coastal Act and with the existing Local Coastal Program for Southeast Long Beach.

The Land Trust is also concerned that the proposed amendments to SEADIP will be used to increase development intensity in all of Southeast Long Beach, not just subarea 17. Increased development outside of subarea 17 was not studied in the EIR, but was identified as a consideration in the staff report prepared for the October 12, 2011 hearing.

City of Long Beach  
Department of Development Services  
November 21, 2011  
Page 2

The Land Trust hereby incorporates its oral comments and previously-submitted comment letters into this appeal (April 25, 2011 and October 12, 2011), as well as the comments of Heather Altman and Bill Waterhouse, Caltrans, Mary Parsell, Erica Stuckey, and the City of Seal Beach. In addition, the Land Trust incorporates the November 14, 2011 comments of Melvin L. Nutter, attached.

Further, the Land Trust requests a copy of any Notice of Determination that is filed or posted, pursuant to Public Resources Code section 21092.2.

Thank you for your consideration of this appeal. The Land Trust looks forward to the City Council's review of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Black", written in a cursive style.

Michelle Black

Cc: City Clerk

Attachments:

1. Letter from Melvin L. Nutter to Planning Commission, November 14, 2011

MELVIN L. NUTTER  
ATTORNEY AT LAW

ARCO CENTER  
200 OCEANGATE, SUITE 850  
LONG BEACH, CALIFORNIA 90802-4353

Telephone (562) 432-8715  
Facsimile (562) 491-0907  
E-mail: MelNutter@alum.pomona.edu

November 14, 2011

Planning Commission  
City of Long Beach  
333 W. Ocean Blvd.  
Long Beach, CA 90802

Re: Application of Seaport Marina LLC/David Malmuth Development LLC for Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit approval (Second + PCH Application No. 0904-09)  
Planning Commission Hearing: November 17, 2011 - Regular Agenda Item 2

Honorable Commissioners:

The comments and requests that follow I make on behalf of the Los Cerritos Wetlands Land Trust (LCWLT). The LCWLT provided comments concerning the adequacy of the Draft and the Final Environmental Impact Report. To the extent that those comments are relevant to the current proceeding, they are incorporated herein by reference. The focus of this communication is to urge you to recognize your responsibilities procedurally and substantively under the California Coastal Act.

We recognize that you are forwarding to the City Council recommendations concerning potential amendments to the General Plan, the Local Coastal Program (LCP) and the SEADIP Ordinance. Those recommendations do not change the standards you are charged with applying as you consider the pending application. Until changed, the current certified LCP controls both land use and zoning. Put simply, the applicant has asked you to approve a Coastal Development Permit (CDP) for a project that violates current law.

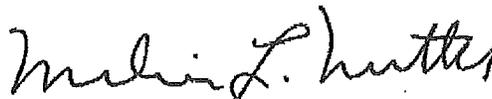
In due course, the City Council may authorize your Planning staff to submit an application to the Coastal Commission for certification of the LCP amendment you recommended it approve. Nevertheless, that does not absolve you of your responsibility to apply the law as it now exists. Further, there are reasons why ignoring the law at this stage is a bad idea. Please consider the following:

1. The law requires any Coastal Development Permit you issue to be consistent with the City's certified LCP. State law as well as Chapter 21.25, Division IX of the Long Beach Municipal Code includes this requirement.
2. On page 5 of the proposed Site Plan Review Findings appears the following finding: "The proposed development conforms to the certified local coastal program . . ."

3. The proposed development may conform "to the recommended LCP text amendment" as asserted in the Findings, but it is not consistent with the City's current certified LCP. The proposed finding is unsupported by the record and contradicted by the facts.
4. Without major changes to the project or to the certified LCP, approval of the project by the City will be legally indefensible.
5. For any amendment to an LCP to be effective, the California Coastal Commission must approve the amendment. As a former Chair of that Commission and as a long time Commission observer, I cannot recall a single instance in which the Coastal Commission approved a major amendment without first requiring significant changes.
6. Under the circumstances, it is extremely unlikely that the Coastal Development Permit the applicant has asked you to approve will ever be issued.
7. Before the Coastal Commission is able to certify an amendment to the LCP, under the Permit Streamlining Act the applicants may require the City to act on the application. Therefore, it would be appropriate for you to deny the application until the Coastal Act issues the LCP amendment raises have been resolved.
8. If you elect to approve a CDP not allowed by the City's certified LCP, at the very least you should condition that approval so that no permit will be issued until and unless the project meets the requirements of a certified LCP.
9. The applicants have expended time and money pursuing development entitlements to which they are not now legally entitled. If they had asked the City to update that portion of the City's LCP that affects their property before seeking development entitlements, they could have designed a project consistent with rules that the City would administer. If the City approves the current application, unfortunately for both the City and the applicants, the Coastal Commission on appeal, rather than the City, may deny the project or dictate the conditions required for its approval.

In summary, regardless of your LCP amendment recommendations, the LCWLT believes it is premature for the City to approve a Coastal Development Permit for this project because it violates the requirements of the City's certified Local Coastal Program.

Yours very truly,



Melvin L. Nutter

**CHATTEN-BROWN & CARSTENS**

2601 OCEAN PARK BOULEVARD

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SANTA MONICA, CALIFORNIA 90405

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DPC@CBCEARTH.LAW.COM

October 12, 2011

Planning Commission  
City of Long Beach  
333 W. Ocean Blvd.  
Long Beach, CA 90802

Re: Comments on Draft Environmental Impact Report on the Second + PCH  
Project, SCH no. 2009101014

Honorable Commissioners:

On behalf of LCWLT, we submitted comments on the Draft Environmental  
Impact Report (DEIR) on April 25, 2011.

While there has been some progress in the evolution of the proposed project  
apparent in the Final EIR (FEIR) to limit development to six stories, this is still too  
intense for the project site and its surroundings in Southeast Long Beach. We do not  
believe our comments on the DEIR or the underlying concerns have been sufficiently  
addressed. Also, it appears any positive changes that were evident in the FEIR's  
statement of the City's intention to limit development to six stories were taken away in  
the statement of the staff report for the October 12, 2011 hearing (Staff Report) of  
creating a building envelope that would allow for a twelve story hotel.

The confusing and conflicting information between the FEIR and the Staff Report  
makes the EIR so misleading and uninformative that it should be returned to staff to be  
clarified and recirculated. Therefore, we submit this letter to note that we disagree with  
the responses to our comments in the FEIR's Response to Comments (RTC), and to  
continue to urge the City to either disapprove the Project, or require preparation of a  
legally adequate EIR. While we disagree with Staff's recommendations for approval of  
the LCP amendment, certification of the EIR, and adoption of a statement of overriding  
considerations, we agree with the recommendation that the City may not approve the  
requested Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local  
Coastal Development Permit at this time.

Below are our comments on certain areas. Since the FEIR was only released  
recently on September 29, we have not had sufficient time to thoroughly review the FEIR  
before the Planning Commission hearing on October 12. Therefore we reserve the right  
to submit further comments before the City Council considers this matter and we do not

waive any objections we made in our comment letter on the DEIR.

Changes in the proposal apparent in the recently released Staff Report, for example to include a 12 story hotel instead of residential development, mean there would be different patterns of traffic impacts, parking requirements, and feasibility of alternatives than those addressed in the EIR. Therefore, new analysis is needed to reflect the "building envelope" strategy being proposed by Staff instead of attempting to fix a particular proposal for review and approval. The following are our observations to this point.

**A. Staff's Recommendation Not to Approve Various Components of the Application Is Correct.**

The Staff Report recommends that the Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local Coastal Development Permit approval requests be continued until a future date. (Staff Report, p. 1.) We stated that these approvals could not be granted until after the Coastal Commission certifies the LCP amendment, if it certifies the amendment at all. (Chatten-Brown & Carstens letter of April 25, 2011 (CBC Letter), p. 6.) Staff's recommendation on this issue must be followed.

**B. The Statement of Overriding Considerations Cannot be Adopted Because the Applicant's Denials of Financial Feasibility Have No Substantial Support.**

The Staff Report states that the text amendments to the LCP would apply to "all future developments for this site, including but not limited to the applicant's proposal." (Staff Report, p. 3.) Because the City is now contemplating an LCP amendment proposed by Staff which appears to be independent of a particular project proposal, the opinions of financial feasibility from a single developer about a particular site configuration are irrelevant. From the LCP amendment perspective, it is equally feasible to adopt an amendment that would allow for far fewer significant impacts than the proposed amendment would have.

In our comment letter on the draft EIR, we objected to the lack of inclusion of any data to support the rejection of the financial feasibility of any form of the project other than what the Applicant proposes. (CBC Letter, p. 16, RTC Comment 160.17.) The Staff Report states that a fiscal impact analysis was prepared by RCLCO, but it was not attached. We objected to its non-inclusion in the DEIR and again object it is not in the staff report or the FEIR. We attached a copy of it to our comment letter, but that does not serve to allow its circulation to the public for review and evaluation as it should be. The applicant letter attached as Exhibit D to the Staff Report is nothing more than self-serving assertions by the project applicant that do not provide any evidence, or even specific

factual assertions based upon dollar amounts, to support the claims made about financial feasibility of various alternatives. The Staff Report states that the applicant "has clearly stated on numerous occasions that a reduction in residential density will result in a non-financeable project." (Staff Report, p. 5.) However, the applicant's statements are not evidence. What is required is factual data. Necessary factual data to analyze claims of economic infeasibility include property purchase documents and any pro formas prepared for project proposals. Without such information, no rejection of alternatives as financially infeasible can properly be substantiated.

Alternative D in the EIR would represent a feasible, less impactful alternative compared to the proposed project or to Staff's apparent<sup>1</sup> recommendation for a 12 story hotel.

The proposed findings in support of a statement of overriding considerations do not meet the requirements of CEQA. They do not sufficiently establish that all mitigation measures and alternatives are infeasible. The findings track approval of the proposed project and then shift to justifying the staff alternative without real explanation of the impacts of the alternative.

### **C. The Lack of Clarity About If Development is Limited to Six Stories Requires Recirculation of the FEIR.**

Although we continue to believe that development under current zoning is both feasible and the least impactful, if a development envelope is expanded it should not be more than four stories. The information in the FEIR and staff report regarding building height limitations is so confusing and conflicting as to be misleading. The FEIR states, in bold printing, "Building Height: maximum 55 feet (4 stories); with a maximum of 75 feet (6 stories) through the use of height averaging." (RTC-34.) Yet, despite what appears to be a clear limit of a maximum of 75 feet (6 stories), the Staff Report states staff supports up to 120 feet for a hotel (Staff Report, p. 4), or possibly 150 feet set forth in Exhibit E (Staff Report, Exh. E, p. 4)- *twice as high as the maximum stated in the FEIR.*

---

<sup>1</sup> The Staff's recommendations apparently changed between the release of the FEIR and the release of the Staff Report. Page RTC-7 of the Second + PCH Final Environmental Impact Report (FEIR) states that, "*City staff are recommending approval of Alternative 4 (Reduced Intensity Alternative B), which would limit onsite building height to 6 stories.*" But then the Staff Report says "At this time, staff is not recommending a specific level of development or a specific EIR alternative. . . ." (Staff Report, p. 3.)

The various statements in the FEIR and Staff Report are contradictory. Page RTC-7 of the Second + PCH Final Environmental Impact Report (FEIR) states that, "*City staff are recommending approval of Alternative 4 (Reduced Intensity Alternative B), which would limit onsite building height to 6 stories.*" Consistent with this limitation, the Staff Report states "The maximum permitted height would be 75 feet, six stories." (Staff Report, p. 4.) However, contrary to the statement in RTC-7 and the staff report, the report also states "Staff supports greater heights for a hotel use, up to a maximum of 120 feet, to accommodate public access to marina and ocean vistas rather than privately owned residential uses." (Staff Report, p. 4.) Is the maximum height then 75 feet (six stories), or is it 120- 150 feet and 12 stories? If the intention of the addition of height above 75 feet is to serve the public and provide access to marina and ocean views, what provisions will be made in the hotel to ensure such use and access?

Exhibit E to the Staff Report proposes a new, significantly different LCP Amendment than is set forth in the Response to Comments of the FEIR. The Staff Report proposed LCP Amendment is for a height limit of 150 feet (12 stories) for hotel uses. This renders the FEIR non-responsive and misleading since it provided false information about what the text of the LCP Amendment would be with regard to the height limit. The difference between a 12 story limited building and a 6 story limited building represents a significant impact that requires recirculation of the FEIR.

**D. Staff Proposes to Amend the LCP in a Way to Set a Precedent for a Wide Area on the Basis of Analysis Undertaken for Only a Single Project.**

Now that the actual text of the LCP Amendment that is being proposed is available with the Staff Report, albeit belatedly, it is possible to see that the EIR, which only attempted to analyze impacts associated with the proposed project site, is woefully inadequate for analyzing impacts from the LCP amendment intended as a model for the entire area. The amendment text should be the central focus of the DEIR, not an afterthought dependent upon which alternative the City Council favors. The presently proposed amendment which will allow a 12 story hotel, with six story buildings for residential and retail combined uses, would set a precedent for development throughout Southeast Long Beach.

Staff plainly intends that the development set a precedent that would be applicable to other areas. The staff report states that, "development on this project site should reflect the following considerations: . . . 3) Adoption of land use and development standards that would be appropriate for other nearby sites." (Staff Report, p. 2.) Since development standards are intended to apply not just to the project site, but elsewhere as well, the impact of changing those standards should be analyzed in the DEIR. Contrary

to this, the FEIR states "approval of the plan amendments currently being sought by the project applicant would not require approval of similar amendments for any other future developer in the area." (Master Response 23, p. RTC-29.) With areawide increases in development that would be allowed by revised standards, entirely different, and more severe, traffic, public services, growth inducing, air quality, aesthetic, and other impacts would foreseeably occur. With the Staff Report's expression of intent to apply site standards elsewhere, the potential for similar amendments elsewhere is not just speculation, as asserted by the FEIR.

Rather than attempting to proceed further with a site-specific LCP amendment that is intended to set a precedent and appropriate standards for nearby areas, the better course would be to first prepare a comprehensive master plan for the *entire* Pacific Coast Highway (PCH) corridor area (2nd/PCH, Marketplace, Marina Pacifica shopping center, Golden Sails, and other areas along PCH). Then, the City must analyze what the traffic and other impacts would be from greater density throughout the entire area, figure out how to mitigate traffic impacts from all potential projects (including for example grade separation and ATSAC) and mitigate other impacts. Then, it would be fair to allocate any allowable increased density among all the stakeholders. No increased-density project should go forward until this type of comprehensive plan analysis has been conducted.

**E. Traffic and Parking Impacts, Though Overwhelming, are Still Understated.**

Traffic generated from the project site will represent a tenfold increase, thus placing a heavy burden on already congested local streets. With our comment letter on the Draft EIR, we submitted the analysis of traffic expert Fred Minagar. As he stated, there are various ways in which the traffic analysis understated impacts. We stand by those objections, and do not view the FEIR as responsive to those comments. Now that the proposed project appears to be evolving into a different proposal, the traffic impacts will be different from, and in some ways, more severe than, those that were analyzed in the DEIR. The DEIR did not analyze the potential traffic impacts created by a 12 story hotel, nor did it analyze the different parking patterns that would be associated with it. The EIR continues to claim that sufficient parking will be provided with a shared parking plan. However, there is no evidence of the sufficiency of such a plan so the impact should be assumed to be significant. Also, a parking plan must be disclosed for public review as part of the EIR. Finally, the DEIR miscalculated parking requirements and not that corrected information has been provided, the EIR should be recirculated.

**F. Biological Impacts Are Improperly Discounted.**

Our comment letter identified various standards of significance for biological

resource impacts that should have been applied that would show impacts to the Los Cerritos Wetlands and wildlife associated with it and Southeast Long Beach would be significant. (CBC Letter, p. 29.) The FEIR refers to master Responses 6, 7, and 8, but these responses do not adequately answer the concerns raised. Despite some urbanization in the area, much of the wetlands area remains in a natural state. Master Response 8 does not sufficiently address the contribution of the proposed project buildings to increased potential for bird collisions because it states City of San Francisco standards or the Standards for Bird-Safe Buildings "could be made conditions of project approval" but does not require that they be. (FEIR, RTC-15.) The FEIR claims there will only be an "imperceptible increase in traffic noise associated with the project" but does not show where in the FEIR there is evidence to support this assertion. (FEIR, p. RTC-836.) Traffic in the area would increase enormously, and with it, traffic noise will inevitably increase.

**G. The Project's Proposal For Residential Development on Public Trust Tidelands Violates the Public Trust Doctrine.**

The FEIR is nonresponsive to the comment that residential development is prohibited on former public trust tidelands that still retain their public trust tidelands status such as the project site. (Comment 160.52.) The FEIR denies this is a comment on the FEIR, but this comment goes to the heart of residential development proposed for tidelands. It is a significant land use conflict that the EIR fails to address at all. The FEIR states the land is not subject to the public trust doctrine, but provides no rebuttal of the factual evidence consisting of maps that were submitted with our comment letter that show that it is. Although the property is private property, the land is still subject to the public trust doctrine. Residential development on it may not be approved without removal of public trust status by the State Legislature.

**H. Aesthetic Impacts Were Insufficiently Analyzed.**

The visual analysis for the project remains deficient, since street level perspectives and view blockage impacts should still be analyzed. The FEIR is not sufficiently responsive to Comment 160.53 and others about aesthetic issues.

**I. Hazardous Materials and Impacts on Human Health.**

The FEIR improperly defers analysis of hazardous materials and methane analysis and mitigation formulation. The FEIR is not adequately responsive to Comment 160.54 and others about hazardous materials.

**J. Air Quality Impacts Associated with the Project are Not Fully Disclosed.**

In our comment letter on the DEIR, we noted that the air quality analysis in the DEIR needed to describe the health impacts associated with air pollution, including premature deaths, asthma attacks, and hospitalizations. (Comment 160.57). The FEIR states such problems can be attributed to other sources than the project. While that may be true, the project would contribute to these impacts as well. The FEIR admits that "concentrations of PM10 would exceed the SCAQMD's LST threshold" and therefore a statement of overriding considerations would have to be adopted. (FEIR, RTC-842.) Before this impact may be overridden, it must be thoroughly understood. The SCAQMD's Local Significance Thresholds (LSTs) were set to reflect the fact that air pollution could have locally significant effects even if regionally they are not significant. Because air pollution affects public health, we ask again that the human health impacts of the project-induced exceedances of LSTs and other air quality standards be disclosed and recirculated for public evaluation before the project may be approved.

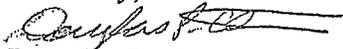
**Conclusion.**

We again urge you to maintain existing zoning and LCP requirements for the project site. SEADIP was achieved as the result of an extensive multi-stakeholder process. The delicate balances of compromise reached in it, such as limitation of building height to 35 feet and prohibition of residential development in this area while more development was allowed in other areas such as downtown, should not be disturbed at the behest of a single potential developer.

Staff is correct to recommend that the City not approve the Site Plan Review, Tentative Subdivision map, Standards Variance, and Local Coastal Development Permit that are requested at this time. Furthermore, we urge the City to reject the LCP amendment that is proposed. If the amendment is not rejected altogether, a legally adequate EIR should be prepared, and a feasible, less environmentally harmful alternative should be approved. We also incorporate the objections and comments made by all other commenters in their DEIR and FEIR comments, including but not limited to Heather Altman, William Waterhouse, Mary Parsell, Caltrans, Seal Beach, and Erica Stuckey.

Thank you for your consideration of our views. We hope the City will ensure the continued vitality of SEADIP and its unique existing residential communities and Los Cerritos Wetlands.

Sincerely,

  
Douglas P. Carstens

RE: FEIR 2nd & PCH  
Doug Carstens  
to:  
craig.chalfant  
10/12/2011 12:28 PM  
Cc:  
mfp2001, "Elizabeth Lambe"  
Show Details

Dear Mr. Chalfant,  
Attached please find the comment letter of Los Cerritos Wetlands Land Trust for the Planning Commission hearing this evening regarding 2<sup>nd</sup> & PCH.  
We also intend to deliver it by hand at the Planning Commission hearing.  
Please let me know if you have any questions.  
Thank you,  
Doug Carstens

---

**From:** Mary Parsell [<mailto:mfp2001@hotmail.com>]  
**Sent:** Tuesday, October 11, 2011 8:19 PM  
**To:** Craig Chalfant Planner City of LB  
**Cc:** district3@longbeach.gov; district5 longbeach; district2@longbeach.gov; district1@longbeach.gov; district6@longbeach.gov; district7@longbeach.gov; district8@longbeach.gov; district9@longbeach.gov; bob foster  
**Subject:** FW: FEIR 2nd & PCH

---

Subject: RE: FEIR 2nd & PCH  
Date: Tue, 11 Oct 2011 13:15:45 -0700

El Dorado Audubon Society  
California Chapter of The National Audubon Society

Mission: Protection of Native Birds and Their Habitats and Protecting the Earth's Biodiversity  
for the Benefit of Humanity

October 10, 2011  
Via Email and Hand Delievery 10/11/11

Craig Chalfant, Planner, City of Long Beach  
Planning Commission, City of Long Beach

RE: Final EIR, 2nd and PCH

The FEIR is flawed and the project is not in compliance with the general plan, local zoning of SEADIP.

El Dorado Audubon is concerned with lack of enough alternatives in the FEIR, those alternatives that are the least environmentally detrimental are to be considered.

We are concerned that the proposed project is not compliance with the general plan, local zoning, SEADIP. Changes to SEADIP require a process going through the Coastal Commission. The CEQA process and the Coastal Commission process are two separate processes. So this is not a clean process at all.

The staff report published just a few days ago talks about a "development envelope" and is not consistent with FEIR. We are confused as to why an FEIR and a staff report would differ and why a new concept "development envelope" is included on short notice to us and to the public. We read this to mean that surrounding areas beyond this parcel are affected and are absolutely *shocked* by this as we have been told over and over again in public meetings that this FEIR process is only for this parcel.

After reading for hours and listening to Attorney Doug Carsten for more than an hour, we refer you to Attorney Carsten's input on this and support his comments re: traffic, local land use and air quality. (We were not able to review the differences between the staff report and the FEIR on Monday as all libraries in Long Beach are closed on Sunday and Monday!)

Our Town -- Long Beach also brings up many important points which we support.

El Dorado Audubon has supported restoration and preservation of Los Cerritos Wetlands for over 35 years. SEADIP was created by a wide cross section of the public including developers, businesses and neighborhoods. SEADIP took into consideration the Pacific Flyway and resident and migrating birds of the San Gabriel River, wetlands and ocean -- in 30 years not much changes -- birds and other wildlife are here in our urban environment -- may they continue to be and let us not at this juncture of public money being spent for acquisition and restoration -- do the wrong thing. *Let us support visitor serving uses along the coast which will bring economic benefit to the region.*

Sincerely,

Mary Parsell  
President  
El Dorado Audubon Society  
[mfp2001@hotmail.com](mailto:mfp2001@hotmail.com)  
562/252-5825

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From: [mfp2001@hotmail.com](mailto:mfp2001@hotmail.com)  
To: [district1@longbeach.gov](mailto:district1@longbeach.gov); [district2@longbeach.gov](mailto:district2@longbeach.gov); [district3@longbeach.gov](mailto:district3@longbeach.gov);  
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[district9@longbeach.gov](mailto:district9@longbeach.gov); [district7@jamesjohnsonlb.com](mailto:district7@jamesjohnsonlb.com); [district8@longbeach.gov](mailto:district8@longbeach.gov); [mayor@longbeach.gov](mailto:mayor@longbeach.gov)  
Subject: FW: DEIR 2nd & PCH  
Date: Sat, 23 Apr 2011 16:50:51 -0700

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Subject: DEIR 2nd & PCH  
Date: Sat, 23 Apr 2011 16:03:55 -0700

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FROM:

El Dorado Audubon Society  
California Chapter of The National Audubon Society

Mission: Protection of Native Birds and Their Habitats and Protecting the Earth's Biodiversity  
for the Benefit of Humanity

April 20, 2011

Mr. Craig Chalfant  
Department of Development Services  
City of Long Beach

RE: DEIR 2nd and PCH

Dear Craig:

We are concerned with the following:

1. This project's close proximity to Los Cerritos Wetlands. On one side of the project is the Alamitos Bay Marina and parking lot and Marina Drive. On the other side is Pacific Coast Highway, a shopping center and the wetlands acquired and in public ownership.

Los Cerritos Wetlands is an Audubon California "Important Bird Area". It is part of the biological system that includes Seal Beach National Wildlife Refuge, Bolsa Chica, Huntington Wetlands and Upper Newport Back Bay. It is on the Pacific Flyway. It is the last restorable estuary in Los Angeles County. There are now 200 acres of Los Cerritos Wetlands in public ownership under the Los Cerritos Wetlands Authority. The LCWA has secured funding from the State of California Lower Los Angeles & San Gabriel Rivers & Mtns. Conservancy to fund a restoration study of the 200 acres.

How does this project with a number of tall buildings (12 story, 6 story and so on) very close together affect the wildlife that moves between the San Gabriel River, the marina and the wetlands? Wildlife includes migrating birds on the Pacific Flyway, wintering, and resident species? How does the noise, lights and increased activity affect the wildlife? Would it disorient birds? To state that it does not and would not be affected is not enough. The analysis is inadequate, there are no solutions offered to minimize the impacts and no mitigation offered. Please explain.

2. This project is not consistent with existing zoning SEADIP and would require changes in SEADIP. We are concerned with local land use and do not agree with "spot zoning" for Southeast Long Beach.

3. Traffic

The difference between current traffic counts and projected traffic counts are enormous. How can traffic be mitigated at 2nd and PCH, 2nd and Studebaker without impacting the Los Cerritos Wetlands which are already protected? There are two bridges -- one into Naples and one into Seal Beach. How can traffic be mitigated without widening these bridges? There are no plans offered for this.

Impact of intersections and traffic along

Studebaker Road -- Atherton, 405 Freeway off-ramp, Sterns, Willow, Spring, Wardlow, Carson

Palo Verde -- Anaheim, Atherton, Sterns, 405 Freeway, Willow, Spring, Wardlow, Carson

Bellflower -- Atherton, Sterns, Willow, 405 Freeway, Spring, Wardlow, Carson

Woodruff -- Willow, 405 Freeway off-ramp, Spring, Wardlow, Carson

Clark -- Atherton, Willow, Spring, Wardlow, Carson

4. Alternatives

The DEIR leaves out the "hotel only" alternative.

5. Shared parking? By shared does this mean using the publicly owned parking lot of the Los Alamitos Marina?

The marina and parking areas for the marina are public parkland maintained by the City of Long Beach Dept. of Parks, Recreation and Marine.

Sincerely,

Mary Parsell  
Conservation Chair, El Dorado Audubon  
[www.eldoradoaudubon.org](http://www.eldoradoaudubon.org)  
[eldoradoaudubon@yahoo.com](mailto:eldoradoaudubon@yahoo.com)

**CHATTEN-BROWN & CARSTENS**

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October 12, 2011

Planning Commission  
City of Long Beach  
333 W. Ocean Blvd.  
Long Beach, CA 90802

Re: Comments on Draft Environmental Impact Report on the Second + PCH  
Project, SCH no. 2009101014

Honorable Commissioners:

On behalf of LCWLT, we submitted comments on the Draft Environmental  
Impact Report (DEIR) on April 25, 2011.

While there has been some progress in the evolution of the proposed project  
apparent in the Final EIR (FEIR) to limit development to six stories, this is still too  
intense for the project site and its surroundings in Southeast Long Beach. We do not  
believe our comments on the DEIR or the underlying concerns have been sufficiently  
addressed. Also, it appears any positive changes that were evident in the FEIR's  
statement of the City's intention to limit development to six stories were taken away in  
the statement of the staff report for the October 12, 2011 hearing (Staff Report) of  
creating a building envelope that would allow for a twelve story hotel.

The confusing and conflicting information between the FEIR and the Staff Report  
makes the EIR so misleading and uninformative that it should be returned to staff to be  
clarified and recirculated. Therefore, we submit this letter to note that we disagree with  
the responses to our comments in the FEIR's Response to Comments (RTC), and to  
continue to urge the City to either disapprove the Project, or require preparation of a  
legally adequate EIR. While we disagree with Staff's recommendations for approval of  
the LCP amendment, certification of the EIR, and adoption of a statement of overriding  
considerations, we agree with the recommendation that the City may not approve the  
requested Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local  
Coastal Development Permit at this time.

Below are our comments on certain areas. Since the FEIR was only released  
recently on September 29, we have not had sufficient time to thoroughly review the FEIR  
before the Planning Commission hearing on October 12. Therefore we reserve the right  
to submit further comments before the City Council considers this matter and we do not

waive any objections we made in our comment letter on the DEIR.

Changes in the proposal apparent in the recently released Staff Report, for example to include a 12 story hotel instead of residential development, mean there would be different patterns of traffic impacts, parking requirements, and feasibility of alternatives than those addressed in the EIR. Therefore, new analysis is needed to reflect the "building envelope" strategy being proposed by Staff instead of attempting to fix a particular proposal for review and approval. The following are our observations to this point.

**A. Staff's Recommendation Not to Approve Various Components of the Application Is Correct.**

The Staff Report recommends that the Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local Coastal Development Permit approval requests be continued until a future date. (Staff Report, p. 1.) We stated that these approvals could not be granted until after the Coastal Commission certifies the LCP amendment, if it certifies the amendment at all. (Chatten-Brown & Carstens letter of April 25, 2011 (CBC Letter), p. 6.) Staff's recommendation on this issue must be followed.

**B. The Statement of Overriding Considerations Cannot be Adopted Because the Applicant's Denials of Financial Feasibility Have No Substantial Support.**

The Staff Report states that the text amendments to the LCP would apply to "all future developments for this site, including but not limited to the applicant's proposal." (Staff Report, p. 3.) Because the City is now contemplating an LCP amendment proposed by Staff which appears to be independent of a particular project proposal, the opinions of financial feasibility from a single developer about a particular site configuration are irrelevant. From the LCP amendment perspective, it is equally feasible to adopt an amendment that would allow for far fewer significant impacts than the proposed amendment would have.

In our comment letter on the draft EIR, we objected to the lack of inclusion of any data to support the rejection of the financial feasibility of any form of the project other than what the Applicant proposes. (CBC Letter, p. 16, RTC Comment 160.17.) The Staff Report states that a fiscal impact analysis was prepared by RCLCO, but it was not attached. We objected to its non-inclusion in the DEIR and again object it is not in the staff report or the FEIR. We attached a copy of it to our comment letter, but that does not serve to allow its circulation to the public for review and evaluation as it should be. The applicant letter attached as Exhibit D to the Staff Report is nothing more than self-serving assertions by the project applicant that do not provide any evidence, or even specific

factual assertions based upon dollar amounts, to support the claims made about financial feasibility of various alternatives. The Staff Report states that the applicant "has clearly stated on numerous occasions that a reduction in residential density will result in a non-financeable project." (Staff Report, p. 5.) However, the applicant's statements are not evidence. What is required is factual data. Necessary factual data to analyze claims of economic infeasibility include property purchase documents and any pro formas prepared for project proposals. Without such information, no rejection of alternatives as financially infeasible can properly be substantiated.

Alternative D in the EIR would represent a feasible, less impactful alternative compared to the proposed project or to Staff's apparent<sup>1</sup> recommendation for a 12 story hotel.

The proposed findings in support of a statement of overriding considerations do not meet the requirements of CEQA. They do not sufficiently establish that all mitigation measures and alternatives are infeasible. The findings track approval of the proposed project and then shift to justifying the staff alternative without real explanation of the impacts of the alternative.

### **C. The Lack of Clarity About If Development is Limited to Six Stories Requires Recirculation of the FEIR.**

Although we continue to believe that development under current zoning is both feasible and the least impactful, if a development envelope is expanded it should not be more than four stories. The information in the FEIR and staff report regarding building height limitations is so confusing and conflicting as to be misleading. The FEIR states, in bold printing, "Building Height: maximum 55 feet (4 stories); with a maximum of 75 feet (6 stories) through the use of height averaging." (RTC-34.) Yet, despite what appears to be a clear limit of a maximum of 75 feet (6 stories), the Staff Report states staff supports up to 120 feet for a hotel (Staff Report, p. 4), or possibly 150 feet set forth in Exhibit E (Staff Report, Exh. E, p. 4)- *twice as high as the maximum stated in the FEIR.*

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<sup>1</sup> The Staff's recommendations apparently changed between the release of the FEIR and the release of the Staff Report. Page RTC-7 of the Second + PCH Final Environmental Impact Report (FEIR) states that, "*City staff are recommending approval of Alternative 4 (Reduced Intensity Alternative B), which would limit onsite building height to 6 stories.*" But then the Staff Report says "At this time, staff is not recommending a specific level of development or a specific EIR alternative. . . ." (Staff Report, p. 3.)

The various statements in the FEIR and Staff Report are contradictory. Page RTC-7 of the Second + PCH Final Environmental Impact Report (FEIR) states that, "*City staff are recommending approval of Alternative 4 (Reduced Intensity Alternative B), which would limit onsite building height to 6 stories.*" Consistent with this limitation, the Staff Report states "The maximum permitted height would be 75 feet, six stories." (Staff Report, p. 4.) However, contrary to the statement in RTC-7 and the staff report, the report also states "Staff supports greater heights for a hotel use, up to a maximum of 120 feet, to accommodate public access to marina and ocean vistas rather than privately owned residential uses." (Staff Report, p. 4.) Is the maximum height then 75 feet (six stories), or is it 120- 150 feet and 12 stories? If the intention of the addition of height above 75 feet is to serve the public and provide access to marina and ocean views, what provisions will be made in the hotel to ensure such use and access?

Exhibit E to the Staff Report proposes a new, significantly different LCP Amendment than is set forth in the Response to Comments of the FEIR. The Staff Report proposed LCP Amendment is for a height limit of 150 feet (12 stories) for hotel uses. This renders the FEIR non-responsive and misleading since it provided false information about what the text of the LCP Amendment would be with regard to the height limit. The difference between a 12 story limited building and a 6 story limited building represents a significant impact that requires recirculation of the FEIR.

**D. Staff Proposes to Amend the LCP in a Way to Set a Precedent for a Wide Area on the Basis of Analysis Undertaken for Only a Single Project.**

Now that the actual text of the LCP Amendment that is being proposed is available with the Staff Report, albeit belatedly, it is possible to see that the EIR, which only attempted to analyze impacts associated with the proposed project site, is woefully inadequate for analyzing impacts from the LCP amendment intended as a model for the entire area. The amendment text should be the central focus of the DEIR, not an afterthought dependent upon which alternative the City Council favors. The presently proposed amendment which will allow a 12 story hotel, with six story buildings for residential and retail combined uses, would set a precedent for development throughout Southeast Long Beach.

Staff plainly intends that the development set a precedent that would be applicable to other areas. The staff report states that, "development on this project site should reflect the following considerations: . . . 3) Adoption of land use and development standards that would be appropriate for other nearby sites." (Staff Report, p. 2.) Since development standards are intended to apply not just to the project site, but elsewhere as well, the impact of changing those standards should be analyzed in the DEIR. Contrary

to this, the FEIR states "approval of the plan amendments currently being sought by the project applicant would not require approval of similar amendments for any other future developer in the area." (Master Response 23, p. RTC-29.) With areawide increases in development that would be allowed by revised standards, entirely different, and more severe, traffic, public services, growth inducing, air quality, aesthetic, and other impacts would foreseeably occur. With the Staff Report's expression of intent to apply site standards elsewhere, the potential for similar amendments elsewhere is not just speculation, as asserted by the FEIR.

Rather than attempting to proceed further with a site-specific LCP amendment that is intended to set a precedent and appropriate standards for nearby areas, the better course would be to first prepare a comprehensive master plan for the *entire* Pacific Coast Highway (PCH) corridor area (2nd/PCH, Marketplace, Marina Pacifica shopping center, Golden Sails, and other areas along PCH). Then, the City must analyze what the traffic and other impacts would be from greater density throughout the entire area, figure out how to mitigate traffic impacts from all potential projects (including for example grade separation and ATSAC) and mitigate other impacts. Then, it would be fair to allocate any allowable increased density among all the stakeholders. No increased-density project should go forward until this type of comprehensive plan analysis has been conducted.

#### **E. Traffic and Parking Impacts, Though Overwhelming, are Still Understated.**

Traffic generated from the project site will represent a tenfold increase, thus placing a heavy burden on already congested local streets. With our comment letter on the Draft EIR, we submitted the analysis of traffic expert Fred Minagar. As he stated, there are various ways in which the traffic analysis understated impacts. We stand by those objections, and do not view the FEIR as responsive to those comments. Now that the proposed project appears to be evolving into a different proposal, the traffic impacts will be different from, and in some ways, more severe than, those that were analyzed in the DEIR. The DEIR did not analyze the potential traffic impacts created by a 12 story hotel, nor did it analyze the different parking patterns that would be associated with it. The EIR continues to claim that sufficient parking will be provided with a shared parking plan. However, there is no evidence of the sufficiency of such a plan so the impact should be assumed to be significant. Also, a parking plan must be disclosed for public review as part of the EIR. Finally, the DEIR miscalculated parking requirements and not that corrected information has been provided, the EIR should be recirculated.

#### **F. Biological Impacts Are Improperly Discounted.**

Our comment letter identified various standards of significance for biological

resource impacts that should have been applied that would show impacts to the Los Cerritos Wetlands and wildlife associated with it and Southeast Long Beach would be significant. (CBC Letter, p. 29.) The FEIR refers to master Responses 6, 7, and 8, but these responses do not adequately answer the concerns raised. Despite some urbanization in the area, much of the wetlands area remains in a natural state. Master Response 8 does not sufficiently address the contribution of the proposed project buildings to increased potential for bird collisions because it states City of San Francisco standards or the Standards for Bird-Safe Buildings "could be made conditions of project approval" but does not require that they be. (FEIR, RTC-15.) The FEIR claims there will only be an "imperceptible increase in traffic noise associated with the project" but does not show where in the FEIR there is evidence to support this assertion. (FEIR, p. RTC-836.) Traffic in the area would increase enormously, and with it, traffic noise will inevitably increase.

**G. The Project's Proposal For Residential Development on Public Trust Tidelands Violates the Public Trust Doctrine.**

The FEIR is nonresponsive to the comment that residential development is prohibited on former public trust tidelands that still retain their public trust tidelands status such as the project site. (Comment 160.52.) The FEIR denies this is a comment on the FEIR, but this comment goes to the heart of residential development proposed for tidelands. It is a significant land use conflict that the EIR fails to address at all. The FEIR states the land is not subject to the public trust doctrine, but provides no rebuttal of the factual evidence consisting of maps that were submitted with our comment letter that show that it is. Although the property is private property, the land is still subject to the public trust doctrine. Residential development on it may not be approved without removal of public trust status by the State Legislature.

**H. Aesthetic Impacts Were Insufficiently Analyzed.**

The visual analysis for the project remains deficient, since street level perspectives and view blockage impacts should still be analyzed. The FEIR is not sufficiently responsive to Comment 160.53 and others about aesthetic issues.

**I. Hazardous Materials and Impacts on Human Health.**

The FEIR improperly defers analysis of hazardous materials and methane analysis and mitigation formulation. The FEIR is not adequately responsive to Comment 160.54 and others about hazardous materials.

**J. Air Quality Impacts Associated with the Project are Not Fully Disclosed.**

In our comment letter on the DEIR, we noted that the air quality analysis in the DEIR needed to describe the health impacts associated with air pollution, including premature deaths, asthma attacks, and hospitalizations. (Comment 160.57). The FEIR states such problems can be attributed to other sources than the project. While that may be true, the project would contribute to these impacts as well. The FEIR admits that "concentrations of PM10 would exceed the SCAQMD's LST threshold" and therefore a statement of overriding considerations would have to be adopted. (FEIR, RTC-842.) Before this impact may be overridden, it must be thoroughly understood. The SCAQMD's Local Significance Thresholds (LSTs) were set to reflect the fact that air pollution could have locally significant effects even if regionally they are not significant. Because air pollution affects public health, we ask again that the human health impacts of the project-induced exceedances of LSTs and other air quality standards be disclosed and recirculated for public evaluation before the project may be approved.

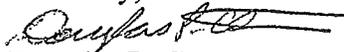
**Conclusion.**

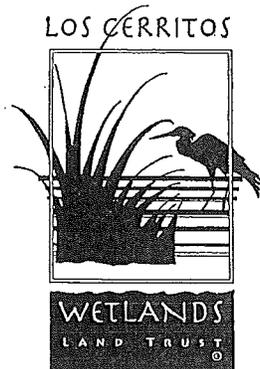
We again urge you to maintain existing zoning and LCP requirements for the project site. SEADIP was achieved as the result of an extensive multi-stakeholder process. The delicate balances of compromise reached in it, such as limitation of building height to 35 feet and prohibition of residential development in this area while more development was allowed in other areas such as downtown, should not be disturbed at the behest of a single potential developer.

Staff is correct to recommend that the City not approve the Site Plan Review, Tentative Subdivision map, Standards Variance, and Local Coastal Development Permit that are requested at this time. Furthermore, we urge the City to reject the LCP amendment that is proposed. If the amendment is not rejected altogether, a legally adequate EIR should be prepared, and a feasible, less environmentally harmful alternative should be approved. We also incorporate the objections and comments made by all other commenters in their DEIR and FEIR comments, including but not limited to Heather Altman, William Waterhouse, Mary Parsell, Caltrans, Seal Beach, and Erica Stuckey.

Thank you for your consideration of our views. We hope the City will ensure the continued vitality of SEADIP and its unique existing residential communities and Los Cerritos Wetlands.

Sincerely,

  
Douglas P. Carstens



**Los Cerritos Wetlands Land Trust**  
*for Long Beach and Seal Beach*

**PO Box 30165**  
**Long Beach, CA 90853**

**562-293-3011**  
**[www.lewlandtrust.org](http://www.lewlandtrust.org)**

Mr. Derek Burnham  
Senior Planner  
City of Long Beach  
333 W. Ocean Blvd.  
Long Beach, CA 90802

Dear Mr. Burnham,

As you know from our previous comments, the Los Cerritos Wetlands Land Trust believes that the RDEIR for the proposed Second + PCH project fails to meet CEQA alternatives requirements. We believe this because the range of alternatives selected for discussion in the DEIR does not focus on alternatives that "avoid or substantially lessen one or more of the significant effects." Rather, the DEIR limits its alternatives discussion to variations of the No Project Alternative and variations of the Proposed Project. Although the DEIR states that "the process of selecting project alternatives to be analyzed in this EIR included an identification of the significant effects associated with the Second + PCH project," (DEIR, p. V-2) the alternatives presented do not reflect that consideration. The variations are not tailored to achieve CEQA's objective of avoiding specifically identified impacts. Nor does the DEIR describe how the selection of alternatives took into consideration the project's specific impacts.

Alternative 1, the No Project/No Development Alternative, assumes no change from the current land use on the site. The DEIR takes the curious position that the No Project/No Development Alternative will result in impacts greater than the proposed project's, some less than significant, others "potentially significant". For example, the DEIR states that "impacts to views under this [No Project/No Development] Alternative would be greater than under the proposed project but still less than significant." (DEIR, p. V-15) The text goes on to state that the No Project/No Development Alternative's impacts would be greater than the proposed project because "the project site would not be improved with a unified mixed-use development with enhanced architectural and extensive landscaping elements." (ibid) These statements are misguided, as the preparers of the DEIR have lost sight of a fundamental principal of impact assessment, namely, that impacts are evaluated based on the anticipated change in conditions over existing conditions. The No Project/No Development Alternative would not change existing conditions in terms of views or visual quality of the site. It would therefore have no impact, significant or otherwise, on views or visual quality. The DEIR substitutes its own non-CEQA method of evaluation through its assertion that the failure to enhance the site somehow constitutes an impact. This evaluation disregards both the requirement to evaluate impacts against changes in baseline conditions and the requirement to apply significance thresholds, two fundamental

requirements of CEQA. In formulating its assessment around artificially introduced criteria, the DEIR ceases to serve as an information document and becomes a misinformation document. It has departed from its proper role of seeking out the environmentally superior alternative and resorted to a role of promoting the alleged benefits of the project, first seen in the DEIR's Project Description.

Alternative 2, which is inappropriately named the No Project/Existing Zoning Alternative would maximize development under existing zoning. The inclusion of this alternative in the discussion runs counter to any intelligible strategy to focus on alternatives that avoid or substantially lessen the project's significant impacts. In fact, a basic understanding of the traffic conditions in the project vicinity makes it clear that an increase in commercial square footage over existing conditions will impact key intersections at the PM peak and Saturday midday peak periods during which intersections are already heavily impacted. Not only does the DEIR's focus on this alternative not serve a reasonable strategy to avoid impacts, it seems to serve the strategy of providing a straw-man alternative to make the proposed project appear more desirable. Moreover, the alternative is inappropriately named. It is not a No Project alternative, and its name wrongly implies that a project that is consistent with the current zoning is tantamount to no project at all, or worse, a project with severe traffic impacts. A more earnest discussion would have sought to identify a project whose scale, intensity and type of land use would result in effects that fall below the thresholds of significant impacts incurred by the proposed project.

The remaining alternatives, A through D, similarly lack any strategic orientation toward avoiding the impacts identified elsewhere in the DEIR, rather they merely represent incremental variations on the project as a menu of varying development intensities that have no direct link to impact avoidance. As a result, the entire Alternatives discussion is a scattershot of alternatives that have little or no chance of achieving the main objective of the DEIR, identification of an environmentally superior alternative.

A more strategic approach, and one that is aligned with CEQA's objectives, would be to select alternatives based on their ability to avoid significant impacts of the project. The DEIR identifies significant effects in five broad areas:

- (1) Air Quality
- (2) Land Use and (3) Planning
- (4) Traffic and (5) Circulation

### **Air Quality**

The DEIR identifies five air quality impacts; the first three seem most likely to be avoidable through a reduced project.

1. Short-term construction-related regional emissions of NO<sub>x</sub> exceed thresholds even with mitigation. See Table IV.B-4 of DEIR. Site preparation/excavation and building foundation both exceed daily threshold for NO<sub>x</sub> of 100 lbs per day. Can both of these fall below threshold if intensity of development is reduced (e.g., towers are removed so excavation diminishes and foundations are reduced)?

2. Regional operational emissions exceed the SCAQMD daily emission thresholds for VOC, NO<sub>x</sub>, CO and PM<sub>10</sub>. See Table IV.B-6 of DEIR. Mobile sources are greatest contributor, by far.

3. Significant and unavoidable impacts with regard to AQMP consistency (because of the above).
4. Exceeds SCAQMD localized construction threshold for PM10
5. Cumulative significant impact with regard to GHG emissions.

### **Land Use & Planning**

The Second + PCH project, as it is currently proposed, is inconsistent with the General Plan and zoning for the area, which limits height to 35 feet. The proposed scale and intensity, which are inconsistent with the General Plan and zoning, lead to physical impacts related to Air Quality and Traffic & Circulation. Strictly speaking, there are three impacts: intensity, height and the proposed residential land use.

### **Traffic and Circulation**

Analysis commissioned by the Los Cerritos Wetlands Land Trust and conducted by Darnell & Associates (<http://www.darnell-assoc.com>) targeted the project's specific impacts and therefore focused on alternatives that substantially lessen or avoid impacts in accordance with CEQA. From that analysis we learned that as many as 5 impacted intersections identified in the DEIR as significant and unavoidable (even with mitigation measures) can be avoided through strategic project redesign. These avoidance-oriented alternatives provide evidence for a range of available alternative projects that would avoid from one to five significant traffic impacts.

The significant PM peak hour impact at the 2nd Street/Bay Shore Intersection can be avoided with a 30 percent reduction in the project's proposed retail component.

Two significant traffic impacts can be avoided with a project alternative that eliminates the residential component and reduces the proposed retail component by 30 percent. This alternative would avoid the PM peak hour impact at the 2nd Street/Bay Shore Avenue Intersection and the AM peak hour impact at the 2nd Street/Studebaker Road Intersection. This alternative also has the potential to avoid all of the significant land use impacts identified in the DEIR— related to inconsistency with General Plan designations and zoning, building height, development intensity and residential use.

**Five significant traffic impacts can be avoided with a project alternative that eliminates the residential component and reduces the proposed retail component by 50 percent. They are:**

- **Impacts are avoided at the PCH/7th Street Intersection (both PM peak and Saturday MIDDAY, thus eliminating all of the project's impacts at this intersection);**
- **2nd Street/Bay Shore Avenue Intersection (PM peak hour);**
- **2nd Street/PCH Intersection (AM peak hour);**
- **2nd Street/Studebaker Road Intersection (AM peak hour).**

**This alternative would almost certainly avoid all of the significant land use impacts identified in the DEIR.**

One significant impact can be avoided with a project alternative that reduces the proposed retail component by 30 percent and converts another 56,000 square feet of retail to 140 hotel rooms (bringing the total number of hotel rooms to 240 and leaving a total proposed retail component of 78,033 square feet). This alternative successfully avoids a significant PM peak hour impact at the 2nd Street/Bay Shore Avenue Intersection.

As many as four significant traffic impacts can be avoided with an alternative that reduces the retail component by 50 percent and converts another 56,000 square feet of retail to 140 hotel rooms (bringing the total number of hotel rooms to 240 and leaving a total proposed retail component of 39,739 square feet). This alternative would successfully avoid the project's impacts to the PCH/7th Street Intersection and the 2nd Street/Bay Shore Intersection, eliminating both the PM peak hour impacts and Saturday Midday impacts at both intersections, thus entirely avoiding all traffic impacts at these two intersections.

These avoidance oriented alternatives suggest that there are many available alternatives, including combinations and variations of those listed above, that are environmentally superior to the project as it is currently proposed.

We share the result of this research with you with the hope that it will be of use as you consider alternatives to Second + PCH and that it will inform staff's recommendation to the Planning Commission. Moreover, it is our hope that, working together, the City and the Los Cerritos Wetlands Land Trust can jointly move forward with a process that will result in a set of well-founded criteria that will allow reasonable redevelopment not only at the corner of 2nd Street and PCH, but elsewhere within the SEADIP area. We believe that development within SEADIP should meet the city's own adopted criteria of low intensity development that is consistent in mass and height with the surrounding area. We, the Los Cerritos Wetlands Land Trust, would like to work with the City to update SEADIP in a way that involves the community and takes into account the impacts of traffic, height and intensity, as well as land use types appropriate for the area and the requirements of the Coastal Act. It would be a win-win to find development scenarios that would be economically viable and result in an updated SEADIP and would guide future development and growth in this important area affecting fragile wetlands.

Sincerely,

Elizabeth Lambe  
Executive Director  
Los Cerritos Wetlands Land Trust

Cc: Councilmember Gary DeLong  
Ms. Amy Bodek, Director of Development Services

**APPEAL FROM  
HEATHER ALTMAN**



# 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>12</u> day of <u>October</u> , 2011
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): Heather Altman

Project Address: 6400 Pacific Coast Hwy, LB, CA

**Reasons for Appeal:**

appealing the certification of a legally inadequate FEIR

appealing the recommendation to amend the certified CEP in such a fashion that is wholly inconsistent w/ the provisions of the Coastal Act. It is envisioned to set a precedent for future improvement proposals.

Your appellant herein respectfully requests that Your Honorable Body <b>reject</b> the decision and	<input type="checkbox"/> Approve	this application.
	<input checked="" type="checkbox"/> Deny	

	Appellant 1	Appellant 2
Name:	<u>Heather Altman</u>	
Address:	<u>PO BOX 3825</u>	
City/ZIP:	<u>Seal Beach, 90740</u>	
Phone:	<u>714.322.2965</u>	
Signature:	<u>[Signature]</u>	
Date:	<u>10.20.2011</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: AR App. No.: 0904-09 Filing Date: 10/20/11

Materials Required:  Plans  Photographs  Special Materials

Fee: \$50  Fee Paid Project (receipt) No.: POTH 25005



# 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>17<sup>th</sup></u> day of <u>November</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): Heather Altman

Project Address: 6400 PCH, Long Beach, CA 90803

Reasons for Appeal: appealing decision to approve the entitlement package. The project is inconsistent w/ the Coastal Act and the certified local Coastal Program. Further CEQA was not completed with, given the inadequacies of the EIR.

Please append my original appeal. Please also incorporate by reference any/all written/oral communications I have made prior to today.

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

	Appellant 1	Appellant 2
Name:	<u>Heather Altman</u>	
Address:	<u>PO Box 3825</u>	
City/ZIP:	<u>Seal Beach 90740</u>	
Phone:	<u>714.322.2905</u>	
Signature:	<u>[Signature]</u>	
Date:	<u>11/23/11</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: [Signature] App. No.: \_\_\_\_\_ Filing Date: 11/23/11

Materials Required:  Plans  Photographs  Special Materials

Fee: N/A  Fee Paid Project (receipt) No.: \_\_\_\_\_

Comments on Second/PCH Final EIR

Heather Altman

to:

Craig Chalfant

10/12/2011 11:03 AM

Please respond to Heather Altman

Show Details

Hi Craig,

I realize it is late in the game, but attached are some comments I have on the Second + PCH FEIR. Please include these in the CEQA administrative record. If possible, I would appreciate if this information could also be distributed to the Planning Commissioners.

If you have any questions, please do not hesitate to contact me (cell: 714.322.2965). I presume I'll see you tonight, though I suspect it will be a packed house.

Thanks much.

Heather Altman

Egrets Not Regrets



October 12, 2011

Via Email

Craig Chalfant  
Department of Development Services  
333 W. Ocean Blvd, Fifth Floor  
Long Beach, CA 90802

On April 25, 2011, I submitted comments on the Second + PCH Project Recirculated Draft Environmental Impact Report (RDEIR). Many of these comments were either ignored entirely or misinterpreted. Please consider the following comments on the Final Environmental Impact Report (FEIR). Given that the FEIR has only been publicly available since September 29, 2011, I was unable to conduct a comprehensive review of the document and will be submitting further comments prior to City Council action on the matter. Please include this, and my subsequent submittal, into the CEQA administrative record for the Project. If able, please also provide this information to the Planning Commissioners in advance of the October 12 hearing.

- 1) The FEIR begins with an errata. The errata states that, "Additions [to the RDEIR] are underlined (underlined) where text is added and deletions are strike-through (strike-through) type (FEIR Errata-1). However, none of the text in the section appears to be "struck through." Though the Errata clearly indicates that text was added, it doesn't actually show what was deleted. Currently, it is just a mish mash of words and numbers all jumbled together. For instance, page Errata-4 states, "...the proposed project results in a total parking requirement of requirement of 1,695 2,058 spaces, of which 1,075 1,113 spaces are required for the retail component..." Since I'm fairly comfortable that the parking requirement doesn't identify a need for 16952058 spaces, something should be deleted, and it wasn't. It is impossible to determine how the RDEIR has been revised if it isn't clear what text should remain, and which should be go. This is particularly important given that there are apparently changes to a significance threshold (FEIR Errata-1: Threshold 5 at the top of RDEIR page IV.A-16).
- 2) On September 2, 2010, the California Department of Transportation (Caltrans) provided a letter to the City in response to the first Draft Environmental Impact Report (DEIR 2010) prepared for the Project. In this letter, Caltrans (identified as a responsible agency under CEQA) identified that, "in order to assess the impacts to the I-405 freeway, a traffic study, per the Department's Traffic Impact Study guidelines, is required." Subsequent to receipt of this letter,

the City revised and recirculated the Project Draft Environmental Impact Report (RDEIR 2011). Absent was Caltrans' requested analysis.

In response to the RDEIR, Caltrans provided comment indicating, "the Revised Traffic Study is incomplete. We would like to refer you to our correspondence dated September 2, 2010. Item #1 [through #4] which has not been addressed in your recent submittal and we require the studies be completed and re-submitted before the Project's approval and permit process." (FEIR comment 4.1).

The City's response to FEIR comment 4.1 was that since the City was Lead Agency they could use their own significance criteria, and based on that criteria there was no need to conduct the requested analysis. The City blatantly, and repeatedly, ignored the responsible agency's requests for additional analysis.

3) The Metropolitan Transit Authority stated (FEIR comment 6.2) that, given the size/scope of the Project and per CMP TDM guidelines, a specific set of TDM measures (detailed in Appendix C and summarized in Exhibit 4-1 in the 2010 CMP) need to be incorporated into project design. This was not done. Instead, the City responded to this agency's comment by "acknowledging the comment" and indicating that it, "will be forwarded to the decision makers for their consideration."

Page IV-L-1 of the RDEIR states, "the Project's Transportation Impact Analysis (TIA) has been conducted according to the guidelines set forth in the County 2010 CMP" (RDEIR IV-L.1)." Clearly this is not the case given that the CMP requires that a specific set of TDM measures need to be incorporated into project design and they were not. Further, the response to the Metropolitan Transportation Authority was nonresponsive and failed to address the inadequacy that the Agency identified.

4) The response to comment 145.3 states, "the commenter questions the open space calculations used in the RDEIR and suggests that Figure II-17 shows that the median of Marina View Lane is counted as open space...it is not clear why the commenter believes that the road median has been included in the open space calculations. However, contrary to what the commenter suggests, the road median is not included as open space."

Perhaps instead of blowing off the commenter, the preparers of the FEIR should have instead looked at the figure the commenter referenced in her comment. The legend of Figure II-17 (Open Space Plan) shows that "public open space" is green. Also on the figure, the median of Marina View Lane (i.e. the "bulbous" part flanked by road) is shown in that very same green color. Ergo, the Marina View Lane median was considered to be public open space. As street medians are not open space, and the RDEIR's open space calculations assumed that it was, the open space percentages associated with the proposed Project are overstated. That this was not addressed in the FEIR is an inadequacy of the document. Further the response to this comment was nonresponsive.

5) In my letter on the Draft EIR (DEIR 2010), comment IV.A.1 questioned the significance criteria in the DEIR relative to the determination of impacts on shade sensitive uses, and

comment IV.A.6 questioned why there was not an onsite analysis conducted. In response, the City "backpedaled" and revised the significance criteria in the RDEIR, though still failed to conduct an onsite analysis. In my comment letter on the RDEIR, comment 145.6 again questioned the significance criteria and why there was no onsite analysis conducted. In response, the City again "backpedaled" and (appropriately) revised the significance criteria (see p. Errata-1), though still failed to conduct the required onsite analysis.

In both the DEIR and RDEIR the significance criteria was written to alleviate the need to conduct an onsite analysis to shade-sensitive uses, therefore an onsite analysis was not conducted. In the FEIR the significance criteria was revised to remove this limiting condition, but the onsite analysis was still not conducted. Instead, the FEIR provided a convoluted justification as to why conducting an onsite impact analysis was unnecessary. So now instead of gerrymandering the significance criteria to preclude analysis of onsite shade sensitive uses, the City has gerrymandered the answer to preclude analysis.

If the utilized significance criteria indicates that you need to analyze potential impacts on shade sensitive uses, then that is what you do: you identify the shade sensitive uses and you conduct an analysis relative to them. Instead, in the FEIR the City acknowledged that there were shade sensitive uses present onsite, but then went on to state that impact analysis is unnecessary. They added the appropriately revised significance criteria to the Errata of the FEIR, then turned right around and ignored it.

As the significance criteria does not establish a situation that allows for the preclusion of analysis for certain shade sensitive uses, all shade sensitive uses should have been analyzed. They were not. For whatever reason, the City seems to have a pathological aversion to analyzing potential impacts relative to onsite shade sensitive uses. It is an unsupportable position that entirely defeats the purpose of CEQA.

Under CEQA, all impacts must be identified and analyzed. This includes all potential on site, off site, direct, indirect and cumulative impacts. One cannot cherry pick which impacts to analyze. This is especially concerning as, in this instance, it seems as though it is being done to minimize the potential for the identification of an un-mitigatable significant impact.

As was stated in my comment letters on the first DEIR and the Recirculated DEIR, and am reiterating here: the Project site contains shade sensitive uses and an onsite analysis should have been conducted. If that analysis determines that a significant impact exists (i.e. a shade sensitive use is shaded by project structures for more than 3 hours a day during any season of the year), the EIR must be recirculated for another 45 day comment period.

6) The entirety of chapter VI. Growth Inducing Impacts of the RDEIR is now entirely inaccurate (and it was never very good to begin with). RDEIR pg. VI-3 states, "in conclusion, development of the proposed project would not be considered growth-inducing because it would not cause a progression of growth beyond itself." This is an utterly baseless claim and is entirely contradicted by the City's staff report to the Planning Commission.

This is not just an EIR for a development project. It is also an EIR for a land use amendment to the certified Local Coastal Plan (LCP), which updates the General Plan. When determining the potential "growth inducing impacts," one must consider not just the potential for the growth inducing impacts from the proposed development, but the land use amendment change must also be considered for its potential to induce growth.

The City's 7-page staff report states:

- "Staff believes that development on this project site should consider...adoption of land use and development standards that would be appropriate for other nearby sites" (pg 2, point 3), and
- "These amendments would also set standards that could be applicable to other nearby properties for future improvement proposals" (pg. 3) and
- "Staff believes that establishment of a development envelope governed by height, floor area ratio, and residential density that is mindful of future development on nearby sites is an appropriate first step," (pg. 3-4).

Given that the City's recommended amendment (staff report, Exhibit E) increases the development intensity that is allowed onsite, and their ultimate intention is for the standards to be used elsewhere in the SEADIP area for "future improvement proposals," it defies logic to then conclude that this Project – a Project comprised of a development component and a land use amendment component – won't induce growth.

Further, "master response 23" (FEIR RTC-28) is also baseless as it is entirely contradicted by the contents of the City's staff report.

7) Master Response 17 (the shuttle service proposed as part of the project needs to be better defined) is nothing more than a lot of words which only serve to impermissibly defer the specifics of mitigation.

With respect to the shuttle route, the Master Response states that, "operation of the proposed service would be similar to the route travelled by the existing Long Beach Transit Passport A..." (FEIR p. RTC-24). However, the Passport A route goes to downtown Long Beach, which is where it turns around at its western terminus. Is the applicant sponsored shuttle proposing to also turn around in the downtown area? This route must be defined. Comment 145.29 clearly identifies a problem with the "turn around" aspect of the proposed shuttle route, and Master Response 17 did absolutely nothing to address the concerns raised.

Actually, Master Response 17 exacerbated an already bungled situation. Since the Traffic Impact Assessment (TIA) analysis boundary stopped at Livingston Drive, and now the potential exists for the shuttle to continue for miles beyond that (i.e. to downtown Long Beach, as it will be similar to Passport A), the inadequacies of this mitigation (and the TIA) are compounded. The Master Response, in a seeming attempt to address the "route and study area" issues raised in comment 145.29, states "the exact routing and operational details of the additional developer-sponsored service would be determined by the Long Beach Transit, but particular attention would be given to the area between the project site and the Livingston Drive/Ocean

Boulevard/Termino Avenue intersection triangle" (FEIR. p. RTC-25). Particular attention would be given? That's awfully considerate, but it certainly doesn't comply with any CEQA requirements which require specificity with regards to mitigation. Specifics are needed and they are glaringly absent. As stated in comment 145.29, should aspects of the applicant's project extend outside of the current TIA study area, the study boundaries need to be extended to include all project components.

Master Response 17 also indicates that the, "operation of the proposed service would be similar to the current route travelled by the existing LB Transit Passport A; however, it would potentially operate more frequently to accommodate any additional demand generated by the proposed Project." This response still tells me that the applicant has no idea how frequently the shuttle is going to operate.

As raised in comment 145.29, and remains unanswered in the Master Response, if one doesn't know the proposed shuttle route, and doesn't know how frequently it will run, (and presumably doesn't know how many buses will be in operation), how is it possible to determine that this mitigation will reduce impacts to below a level of significance?

8) The applicant is proposing to purchase an easement to construct a dedicated right turn lane which would consume portions of the existing Mobil gas station on the corner of Pacific Coast Highway and Second Street. Comment 145.30 identifies ingress/egress issues, internal circulation issues, and parking issues related to construction and implementation of this mitigation. The response to this comment, incredibly, states, "at the appropriate time, design plans would be prepared for this improvement, which would determine how much right-of-way is required and how it would affect the remaining Mobil station property" (FEIR p. RTC-580). That time is now, not at some undetermined point in the future. This simply can't be relied on as feasible mitigation if one doesn't even know if it can be feasibly constructed given the inherent constraints present relative to the existing structures onsite.

Further, comment 145.31 suggests that given the hazardous nature of the Mobil station parcel, impacts should have been analyzed and they were not. The FEIR attempts to make the case that though no one has any idea what this will look like, where it will be located, and what potential revisions to the existing Mobil station may be required, the RDEIR analyzed the potential hazardous impacts related to construction and implementation of this action. That doesn't even make sense.

9) In conclusion, this FEIR is not an adequate environmental analysis document and should not be certified by the Planning Commission on October 12, 2011.

Regards,

Heather Altman  
Belmont Heights resident and environmental consultant

**APPEAL FROM  
OUR TOWN – LONG BEACH**



# 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>12</u> day of <u>Oct.</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): "Our Town-Long Beach" *see list of Appellants*

Project Address: 6400 East Pacific Coast Hwy.  
Long Beach, CA. 90803

Reasons for Appeal:  
\* See enclosed letter of Appeal

Your appellant herein respectfully requests that Your Honorable Body	<input checked="" type="checkbox"/> Approve	this application.
reject the decision and	<input type="checkbox"/> Deny	

	Appellant 1	Appellant 2
Name:	<u>Tulin F Olin</u>	<u>Mary Parsell</u>
Address:	<u>3712 E. First Street</u>	<u>1821 Petaluma Ave</u>
City/ZIP:	<u>Long Beach CA 90803</u>	<u>Long Beach, CA 90815</u>
Phone:	<u>(562) 856-3177</u>	<u>(562) 252 5825</u>
Signature:	<u>[Signature]</u>	<u>Mary Parsell</u>
Date:	<u>10/20/2011</u>	<u>10/20/2011</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: AV App. No.: 0904-09 Filing Date: 10/21/2011

Materials Required:  Plans  Photographs  Special Materials

Fee: 50  Fee Paid Project (receipt) No.: POT# 25025



# 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>12</u> day of <u>Oct.</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): "Our Town-Long Beach" (see list of Appellants)

Project Address: 6400 E. Pacific Coast Hwy.  
Long Beach, CA 90803

Reasons for Appeal: \* see enclosed letter of Appeal \*

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

	Appellant 1	Appellant 2
Name:	<u>VIRGINIA WOOLDRIDGE</u>	<u>PAT TOWNER</u>
Address:	<u>6261 E. MARINA VIEW DR.</u>	<u>6239 E. 6<sup>th</sup> ST.</u>
City/ZIP:	<u>LONG BEACH, CA 90803</u>	<u>LONG BEACH - 90803</u>
Phone:	<u>562-400-6293</u>	<u>562-430-7103</u>
Signature:	<u>Virginia Wooldridge</u>	<u>Pat Towner</u>
Date:	<u>10-19-11</u>	<u>10-20-11</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: AZ App. No.: 0904-09 Filing Date: 10/21/11

Materials Required:  Plans  Photographs  Special Materials

Fee: 50  Fee Paid Project (receipt) No.: POTH 25025



# 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>12</u> day of <u>Oct.</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): "Our Town - Long Beach" (see list of appellants)

Project Address: 6400 E. Pacific Coast Hwy  
Long Beach, CA 90803

Reasons for Appeal: \* See enclosed Letter of Appeal

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

	Appellant 1	Appellant 2
Name:	<u>Jean Hawley McGrath</u>	<u>Cindy Crawford</u>
Address:	<u>6257 Clarina View Dr.</u>	<u>6821 Mantova St.</u>
City/ZIP:	<u>Long Beach, CA 90803</u>	<u>Long Beach, CA 90815</u>
Phone:	<u>(562) 596-9387</u>	<u>562-508-1369</u>
Signature:	<u>Jean Hawley McGrath</u>	<u>Cindy Crawford</u>
Date:	<u>10/19/11</u>	<u>10/19/11</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: AL App. No.: 090409 Filing Date: 10/21/11

Materials Required:  Plans  Photographs  Special Materials

Fee: 50  Fee Paid Project (receipt) No.: POTIT 25025



# 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 12 day of Oct., 20 11

Appellant(s): "Our Town-Long Beach" (see list of Appellants)

Project Address: 6400 E. Pacific Coast Hwy. L.B. 908

Reasons for Appeal:

See enclosed letter of Appeal\*

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

	Appellant 1	Appellant 2
Name:	<u>SANDIE VAN HORN</u>	<u>ALLAN SONGER</u>
Address:	<u>845 Stevely Ave</u>	<u>P.O. BOX 41217</u>
City/ZIP:	<u>Long Beach 90815</u>	<u>LONG BEACH CA 90803</u>
Phone:	<u>(562) 596-6951</u>	<u>562 212 0461</u>
Signature:	<u>Sandie Van Horn</u>	<u>Allan Songer</u>
Date:	<u>10/20/11</u>	<u>OCT 20 2011</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: AZ App. No.: 0904-09 Filing Date: 10/21/11

Materials Required:  Plans  Photographs  Special Materials

Fee: 50  Fee Paid Project (receipt) No.: POTH 25025



# 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>12</u> day of <u>Oct.</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): "Our Town-Long Beach" (see list of Appellants)

Project Address: 6400 E. Pacific Coast Hwy L.B. 90803

Reasons for Appeal:

\* See enclosed letter of Appeal

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

	Appellant 1	Appellant 2
Name:	<u>MELINDA Cotton</u>	<u>JEFF MILLER</u>
Address:	<u>Box 3310</u>	<u>Box 3310</u>
City/ZIP:	<u>Long Beach 90803</u>	<u>Long Beach 90803</u>
Phone:	<u>(562) 433-2795</u>	<u>(562) 433-2795</u>
Signature:	<u>Melinda Cotton</u>	<u>Jeff Miller</u>
Date:	<u>10/21/11</u>	<u>10/21/11</u>

Attach additional sheets if necessary for further appellants.

P.P. Sandie Van Horn

P.P. Sandee Van Horn

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

\* see Attached letter to Derek Burnham\*

(Staff Use Only Below This Line)

Received by: AZ App. No.: 0904-09 Filing Date: 10/21/11

Materials Required:  Plans  Photographs  Special Materials

Fee: 50  Fee Paid Project (receipt) No.: POTH 25025

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

From: Melinda Cotton

To: Derek Burnham ; Craig Chalfant

Cc: Sandie & Jack Van Horn ; Sandie Van Horn ; Jeff Miller

Sent: Friday, October 21, 2011 7:23 AM

Subject: FW: Appeal to City Council

Dear Derek and Craig,

Jeff and I are out of town on a camping trip, so we can get to Starbucks for e-mailing but no print/scan capability.

We're anxious to be part of the appeal re 2nd+PCH and Sandie Van Horn said we could join her group -- appreciate your understanding and adding our names to the appeal.

Sincerely, Melinda Cotton and Jeff Miller

OK'd by Craig Chalfant &  
Derek Burnham via  
phone on 10/20/11  
Sandie Van Horn

Appellant List "Our Town-Long Beach" Ten people

Joan Hawley McGrath  
6257 E. Marina View Dr  
Long beach CA 90803  
562-596-9387

Sandie Van Horn  
845 Stevely Ave.  
Long Beach CA 90815  
562-596-6951

Pat Tower  
6239 East 6<sup>th</sup> St  
Long Beach CA. 90803  
562-430-7103

Allan Songer  
P.O. Box 41217  
Long Beach CA. 90803  
562-212-0461

Tarin Olson  
3712 E. 1<sup>st</sup> St.  
Long Beach, CA. 90803  
562-856-3777

Cindy Crawford  
6821 Mantova  
Long beach Ca 90815  
562-508-1369

Virginia Woolridge  
6261 E. Marina View Dr.  
Long Beach CA 90803  
562-400-6293

Mary Parsell  
1821 Petaluma  
Long Beach CA. 90815  
562-252-5825

Jeff Miller  
P.O.Box 3310  
Long Beach, CA 90803  
(562) 433-2795

Melinda Cotton  
P.O. Box 3310  
Long Beach CA. 90803  
(562) 433-2795

*list all  
names on  
this list  
in appeal  
(city)*



**"Our Town-Long Beach"**

**6257 E. Marina View Drive  
Long Beach, CA 90803  
[562] 397-8004**

**[ourtownlb@gmail.com](mailto:ourtownlb@gmail.com)**

APPEAL TO CITY COUNCIL FROM DECISION BY PLANNING

COMMISSION ON OCTOBER 12, 2011

"Our Town-Long Beach" is appealing the October 12, 2011 decision of the Long Beach Planning Commission regarding the Second +PCH project, 6400 E Pacific Coast Hwy, Long Beach, 90803; this site (Seaport Marina Hotel parcel), is located on SEADIP's area #17.

The certified EIR is greatly flawed.

We would appeal on the height, density, open space, traffic mitigation, residential, details on amenities not discussed, amendments (SEADIP/LCP) entered in Staff report had no public input (see CEQA). The Planning Commission's adoption of the statement of "Overriding Considerations" in approving the EIR states the project will create significant impacts that can't be mitigated and this includes traffic! The project which lies in the Coastal Zone, and near the Los Cerritos Wetlands is not mindful of the harm to the habitat and birds. We have a Master Plan-SEADIP/LCP which allows a height maximum of 35 feet, but the Planning Commission has chosen to ignore our zoning and land use, the required public open space, chosen to allow residential uses on the parcel, (which is not allowable under SEADIP) and approved a 12 story tower with a helipad on top to grace this corner in east Long Beach!!

The fact is-this will be precedent setting. At the Planning Commission on October 12, both Developer David Malmuth as well as Chairman Charles Durnin stated it would cause a precedent. Granting amendments to our SEADIP/LCP and pretending those amendments would only apply to area #17 is illogical and untrue. Proof of this can be found in the recent staff report which suggests a "Development Envelope" and noted "that the amendments (to SEADIP/LCP) would set standards that could be applicable to nearby development".

We urge you not to amend our SEADIP, but rather to use your influence as Council members to enforce it. It has provided reasonable development standards and helped maintain a low-rise neighborhood feel for this beach community...which was one of the purposes when it was written. We reserve the right to submit further comments before the City Council considers this matter, and we do not waive any objections we made in our comment letters either on the DEIR nor the REIR.



## **“OUR TOWN-LONG BEACH”**

November 23, 2011

Attention: Michael Mais, Craig Chalfant, Derek Burnham

RE: Second and PCH Appeal from Planning Commission decision on November 17, 2011 to Long Beach City Council.

"Our Town-Long Beach" appealed the Planning Commission's decision (certification of the EIR) of October 12 to the City Council. The Appeal is on file and we were advised that the "Our Town-long Beach" appeal would stand and there would be no additional cost when the appeal was heard before the City Council, even though there was a second Planning Commission meeting on November 17 regarding the project. Then there was confusion both in the media and with staff regarding appending our appeal to include the approvals granted by the Planning Commission on November 17.

Members of "Our Town-Long Beach" were either in attendance at the November 17 meeting or wrote letters so they would be in good standing when this is heard by the City Council.

We contacted Michael Mais who assured us the following statement would suffice for appending our original appeal.

*"Our Town-Long Beach" is appealing the Planning Commission's decision of November 17, 2011 and their approval of the entire entitlement package relating to the Second and PCH project.*

Please affix this letter to our original appeal. Appellants with "Our Town-

Long Beach" are listed below.

Thank you for your concern in this matter.

"Our Town-Long Beach"  
6257 E Marina View Dr.  
Long Beach CA 90803  
Ph: 562-397-8004  
Email: [ourtownlb@gmail.com](mailto:ourtownlb@gmail.com)

**Appellants:** (10)

Joan Hawley McGrath  
6257 E. Marina View Dr  
Long beach CA 90803  
562-596-9387

Sandie Van Horn  
845 Stevely Ave.  
Long Beach CA 90815  
562-596-6951

Pat Tower  
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562-430-7103

Allan Songer  
P.O. Box 41217  
Long Beach CA. 90803  
562-212-0461

Tarin Olson  
3712 E. 1<sup>st</sup> St.  
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6821 Mantova  
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Jeff Miller  
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(562) 433-2795

Melinda Cotton  
P.O. Box 3310  
Long Beach CA. 90803  
(562) 433-2795



RE: Responses received from staff on our comments on the Second and PCH Project

October 3, 2011

Attention: Craig Chalfant, Derek Burnham, Amy Bodeck: Commissioners: Chair- Charles Durnin, Vice Chair: Donita Van Horik, Becky Blair, Alan Fox, Leslie Gentile, Phillip Saumur, Melanie Smith.

First of all, we'd like to call your attention to the false claim of the Developers of Second + PCH that 70% of the public is in favor of this project, (based on their May 3 survey). Really?? 60% of those interviewed by phone had never heard of the project—14% had heard little—40% were renters. Etc, etc. Read it and laugh! (Survey enclosed—or go online)

Survey : <http://www.secondandpch.com/files/pollresults.pdf>

The members of "Our Town-Long Beach", an advocacy group, join many others in our community in opposing this mammoth project entitled, Second+PCH. We were disappointed in your responses to our comments on the final Final EIR- see comments below. We learned about the "Development Envelope" when the staff report was finally released and realized that this "Envelope" for Second + PCH is actually a master plan that will extend to surrounding development sites—using the same parameters as Second +PCH—thus eliminating the zoning we have trusted for years.

### Zoning

This proposed project is not consistent with our zoning, nor the Coastal Act. The LCP is SEADIP for this area. This parcel is zoned commercial. Neither residential nor mixed use is allowed. Heights of buildings are not to exceed 35 feet, and density is more than allowed. This is not the best use for this property.

### Alternatives:

In the initial DEIR, (2010) a "Hotel Only", (alternative # 3) was listed as a viable alternative. This alternative was not included in the final EIR.

When questioned, Planning said they were looking for only "mixed-use" alternatives.

We were under the impression that in an EIR, all feasible alternatives, which reduced density and traffic were to be included. It is not up to the developers to determine the range of feasible alternatives. Nor should the city be defining the objectives in the alternative analysis so rigidly that the only feasible alternative is what the developers desire; therefore the city has not done its duty.

Originally the EIR stated that the impact on housing and employment would be greater if it was a hotel only. Please. No one living in a high-rise condo is going to take a menial job at one of their (hoped for) retail stores.

The EIR also stated that the views and landscaping on a hotel only would not be as nice. Well, with the hotel only alternative, the development would only be 150,000 square feet of development. This could provide more than 250,000 square feet of open space—better visual and more landscaping.

Contrary to Mr. Malmuth's remarks that hotels belong "downtown". We disagree. East Long Beach needs and deserves a nice hotel. The SEADIP survey showed that the public wanted less density, and wanted either a boutique or resort hotel on that site. The city spent considerable time and money on that survey. Our Councilmember may call that survey "unscientific", however he fails to question developer, David Malmuth who claimed his push survey, (paid for by the developers and the owners) shows people want this project.

### Precedent

Would this set a precedent for other parcels in the vicinity to want to build higher and denser? Of course. A conceptual site plan review for the adjacent Marketplace was submitted just last year—they wanted to go higher. Truly a no-brainer. If one child in a sixth grade classroom is allowed to bring a cell phone to school—won't they all be allowed? This is the ultimate reason why we have laws and zoning codes.

### Height

How high really are these buildings in the project? Someone in Planning needs to sit these guys down. They say (besides the Tower) that they are between 2-6 stories. But are they? Don't they have to count the floors below their podium level? Looking at plans, their height for 6 stories seems to really be 7 or 8 stories.

Another example, the EIR shows hotel at 6 stories topped by 8 floors of residential units. Isn't that 14 floors? And on top of this-- floors for equipment plus a heliport? The chairman of the Planning Commission asked them to put up cranes to show the public how high this project really was. They said no—it might not be environmentally prudent. Ha. We are environmentalists; what do they think a 12-14 or 15 story tower will do? Think the birds could adjust for a week. However, "Our Town-Long Beach" would like to suggest that Long Beach mandate this, but use flags to show the height as is called for in many of the Orange County cities.

### Parking

The proposed project is woefully underparked.

Note: Lennar which was a smaller project had 1700 parking spaces and had to resort to additional parking at the city-owned Marina Parking Lot, (see Lennar's EIR).

This project has only 1440 spaces. They are relying on "shared parking" and SEADIP does not allow shared parking. Furthermore, they are not even sure if their underground parking will work here, due to water tables, (see Marina Pacific condo problems).

### Traffic

Studies, so far have been muddled. (Study Session at Planning). Not all pertinent intersections were addressed in the traffic studies. What we do know is that 2<sup>nd</sup> and PCH is already an F rated intersection, and during weekdays with this project we can expect in excess of 11,000 more cars daily and on weekends in an excess of 14,000. Lennar left because there was no traffic mitigation.

### **Traffic Mitigation**

Again, a muddle. They really don't have things worked out, and are unable to answer questions. Their big proposal for mitigation, (to keep condo owners from driving) is a shuttle from Second and PCH to Bayshore and return. Therefore, you can go shopping in the Shore.

When queried, "Where will the bus turn around?" There was dead silence.

(NIA meeting on 4/20/11). The bus is too big to make a U turn there (tight intersection) and Bayshore is closed during summer months. The only conceivable thing they could do is drive down residential streets for a turnaround on Ocean or the beach parking lot. No one in the Shore wants buses on residential streets. They weakly tried to compare that with the Passport Bus which really is able to make a circle as it goes all the way downtown. And really—if you wanted to go shopping in the Shore, Why would you start at Bayshore? Especially if you wanted to shop at Chico's for instance which is 7 blocks further in?

And the Mobile station—do they own that? If not, it cannot be considered feasible mitigation.

### **Public Open Space**

SEADIP requires at least 30% open space. This project as proposed falls below that minimum requirement. According to our zoning, they cannot count the building footprint, and any open space above the ground floors—this includes balconies, roads and parking spaces.

### **Economic /or Financial Analysis**

Not provided—which it should have been—in the EIR. Developers say they will give that to the city. When? And will this report be available to the public? At present, the public, as well as the city is left in the dark.

Is the highest and best use for this property being considered? We think not.

How does the proposed Second + PCH function in the context of everything around the property? We think it can't for a community who wishes to keep low rise, and low density.

### **Mixed Use**

The design, height, design location and mix of uses must be tailored to fit the local market. There must be sufficient demand. On site residents will not be sufficient to ensure financial success, with unrealized retail. We feel this fails as it is inappropriate for the area. Many times in the past, retail space in a project remains vacant, as in the Pine Street multi-Use development. Mixed-Use development is often seen as risky by lending intuitions because economic success depends that the many different uses remain in business.

Sincerely,

Joan Hawley McGrath, Recording Secretary  
For members of "Our Town-Long Beach"  
6257 Marina View Dr,  
Long Beach, CA 90803

Phone: 562-397-8004

**Members:**

Joan Hawley McGrath

Pat Towner

Mary Parsell

Sandie Van Horn

Jack Van Horn

Kerrie Aley

Alan Songer

Mary Suttie

Dave Robertson

Tarin Olson

Cindy Crawford

Sean Roberts

# Second + PCH Survey

>!

Respondent ID# \_\_\_\_\_ Time Started \_\_\_\_\_  
 \_\_\_\_\_ Time Finished \_\_\_\_\_  
 \_\_\_\_\_ Total Time \_\_\_\_\_

Hello, I'm \_\_\_\_\_ from California Opinion Research, a public opinion research company. May I speak to \_\_\_\_\_? We're conducting a very brief survey about issues affecting Long Beach. We are not trying to sell you anything and all responses will be kept confidential. **(MUST SPEAK TO RESPONDENT LISTED IN SAMPLE. IF RESPONDENT SAYS NO OR NOT NOW, ASK TO MAKE AN APPOINTMENT FOR LATER).**

**ASK Q.A FOR CELL PHONE SAMPLE ONLY. LAND LINE RECORDS SKIP TO Q.B.**

- A. This sounds like a cell phone. Are you in a place where you can safely talk on your cell phone?
- Yes safe place -----91%  
 No not safe-----TERMINATE  
 No not cell phone----- 9  
 (DON'T READ) DK/NA -----TERMINATE

**IF RESPONDENT SAYS NOT IN SAFE PLACE, TELL THEM YOU WILL CALL BACK AND TRY TO REACH THEM WHEN THEY CAN TALK SAFELY. THEN THANK AND HANG UP**

**ASK EVERYONE**

- B. Do you still live at (READ ADDRESS LISTED)?
- Yes----- 1  
 No-----TERMINATE  
 (DON'T READ) DK/NA -----TERMINATE

1. To begin, please tell me if you strongly approve, somewhat approve, somewhat disapprove, or strongly disapprove of the job being done by each of the following. (ROTATE)

	STR APP	SW APP	SW DIS	STR DIS	DK/ NA
<input type="checkbox"/> a. Long Beach Mayor Bob Foster -----	26%	39%	8%	3%	25%
<input type="checkbox"/> b. The Long Beach City Council -----	21	36	10	4	30

2. As you may know, on the corner of 2<sup>nd</sup> Street and Pacific Coast Highway in Long Beach, there is currently an old hotel, the Seaport Marina Hotel. Have you seen or heard anything recently about a plan to replace that hotel with a new project called Second and P-C-H? (IF YES ASK): "Have you seen or heard a great deal, some or just a little?"

**NOTE TO INTERVIEWER: PCH IS PRONOUNCED PEE SEE AICH – JUST THE NAMES OF THE LETTERS**

- Yes, great deal (ASK Q.3) -----11%  
 Yes, some (ASK Q.3)----- 15  
 Yes, little (ASK Q.3)-----14  
 No, nothing (SKIP TO Q.4)-----60  
 (DON'T READ) DK/NA (SKIP TO Q.4)--- 1

**IF YES ON Q.2 ASK Q.3 (N = 121)**

3. Based on what you have seen or heard, do you favor or oppose plans to build this new project called Second and P-C-H on the site of the Seaport Marina Hotel? (IF FAVOR/OPPOSE ASK) "Is that strongly (favor/oppose) or somewhat?"

	STR. FAV	S.W. FAV	S.W. OPP	STR. OPP	DK NA
2 <sup>nd</sup> and PCH -----	42%	25%	9%	9%	15%

**ASK EVERYONE**

4. Let me share a bit of information about the proposed 2<sup>nd</sup> and P-C-H project. It would create a Seaside Village, with upscale retail shops, restaurants and cafes, 325 ocean-view condos and townhouses, a small boutique [boo-TEEK] hotel, cultural activities, public art, and five acres of public open space. It will have wide views of the ocean and pedestrian access to the Marina.

Based on this description and what you have heard, does this project sound like something you would favor or oppose? (IF FAVOR/OPPOSE ASK) "Is that strongly (favor/oppose) or somewhat?"

	STR. FAV	S.W. FAV	S.W. OPP	STR. OPP	DK NA
2 <sup>nd</sup> and PCH-----	42%	31%	6%	11%	10%

5. Let me share with you very briefly what supporters and opponents say about the 2<sup>nd</sup> and P-C-H project.

Opponents say it will make traffic worse at key intersections near the project. They say it could also impact fragile wetlands. They say that the 12-story residential building being planned will open the door to more high-rise developments on the east side of town. Finally, they say the hundreds of thousands of square feet of development being planned is just too much for the site.

Supporters say that it would replace a rundown hotel with a beautiful gateway to Long Beach. It will include upscale shopping, cafes [ca-FAYS] and restaurants, more than five acres of public open space, a live theater for plays and concerts, and a coastal science center. It will create a thousand jobs, and will generate two million dollars a year in new tax revenues for Long Beach public safety and schools.

Having heard more, does the 2<sup>nd</sup> and P-C-H project sound like something you would favor or oppose? (IF FAVOR/OPPOSE ASK) "Is that strongly (favor/oppose) or somewhat?"

	STR. FAV	S.W. FAV	S.W. OPP	STR. OPP	DK NA
2 <sup>nd</sup> and PCH-----	43%	27%	10%	14%	7%

6. Which statement about this project overall comes closer to your point of view? (ROTATE)

[ ]A. I would oppose this project. It brings too much traffic and is too tall for Long Beach. We should not be allowing big developments like this-----24%

OR

[ ]B. I would be OK with a small amount of traffic and some taller buildings if the project is a great place to visit, raises two million dollars a year for city services, and creates a thousand new jobs ----68  
 (DON'T READ) Other-----3  
 (DON'T READ) DK/NA-----6



That's all the questions I have. Thank you very much for participating in the survey. Remember, your opinion makes a difference!

**CALCULATE AND RECORD INTERVIEW LENGTH. RECORD GENDER ON THE FIRST PAGE.**

I AFFIRM THAT THE ABOVE INFORMATION IS ACCURATELY RECORDED FROM THE RESPONDENT'S STATEMENTS.

Interviewer's Signature  
Name \_\_\_\_\_

Date  
Interviewer \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Zip \_\_\_\_\_

Verified by: \_\_\_\_\_

Registration Date (RECORD 4-DIGIT YEAR ONLY)

\_\_\_\_\_

Gender

Male -----44%  
Female -----56

Council District

1 ----- 6%  
2 ----- 8  
3 ----- 18  
4 ----- 11  
5 ----- 19  
6 ----- 6  
7 ----- 9  
8 ----- 12  
9 ----- 9

Zip code

90802 ----- 8%  
90803 ----- 11  
90804 ----- 6  
90805 ----- 14  
90806 ----- 5  
90807 ----- 10  
90808 ----- 14  
90810 ----- 4  
90813 ----- 8  
90814 ----- 4  
90815 ----- 14

Congressional District:

37 -----66%  
39 ----- 1  
46 -----33

State Senate District

25 -----27%  
27 -----72  
28 ----- 0

Assembly District:

52 ----- 7%  
54 -----66  
55 -----26

Ethnicity/Race Codes

S Spanish ----- 21%

Permanent AV

Yes ----- 31%

No ----- 69

AGE: (Fill in): \_\_\_\_\_ (enter 999 if no age)

18-24 ----- 7%

25-29 ----- 8

30-34 ----- 9

35-39 ----- 11

40-44 ----- 9

45-49 ----- 11

50-54 ----- 11

55-59 ----- 8

60-64 ----- 7

65-69 ----- 5

70+ ----- 13

No age ----- 4

Homeowners

Homeowner ----- 60%

Renter ----- 40

Political Party

D Democrat ----- 51%

R Republican ----- 25

DS Decline to State ----- 16

Other ----- 8

Sample

Land line ----- 82%

Wireless ----- 18

An Open Letter to the Long Beach Planning Commission

Pprmint10

to:

craig.chalfant, amy.bodeck, derek.burnham, editor

10/04/2011 03:06 PM

Show Details

October 4, 2011

### Open Letter to the Planning Commission

I would like to express my dissatisfaction with the current planned development of 6400 Pacific Coast Highway, in the L.B. Coastal Zone and the South East Area Development Plan (SEADIP). "Many Associations" which include an alliance of LB residents, have united in opposition to this project for many reasons, only a few of which will be touched upon at this time. For a comprehensive and truly not exhaustive list of our issues, we have expressed our concerns in the RDEIR. We oppose this development because it is, inconsistent with SEADIP, inconsistent with the Local Coastal Plan and inconsistent with the character of our community, not only as it currently stands but as it was contemplated and zoned in early 1980.

In 1977, SEADIP took a look at this area and determined that we had resources we wanted to preserve and a neighborhood community we wanted to develop. As a consequence all stakeholders, landowners, groups concerned about the environment and homeowners sat down at a table and did the unthinkable—they agreed as to how and why we should plan the land use for this area. This was not for a short while nor was it for a small area, but the entire portion of South East Long Beach was to be developed in a comprehensive & concise manner. There were density, heights, set-backs, traffic issues, desired amenities and other land uses which were hammered out, often not in an orderly fashion but nevertheless with consensus of the group. This project violates all that the community planned & wanted.

In 1978-1980, Long Beach developed the first Local Coastal Plan, a model for other cities in the state to follow. That Coastal Plan, following the Coastal Zone from the east side of Long Beach to the west side, planned and developed guidelines for the City that complied with the Coastal Act and even today serves as a relevant plan for all development and is supported the Ca. Coastal Commission. This project violates numerous provisions of the Coastal Act, including Sections: 30221 and 30222, which requires the project site, which is currently a visitor serving facility, **not** be destroyed to give priority to residential and commercial development. In addition, marine life will be impacted by this development and boating, berthing and other water dependent land uses will bear the brunt of this intrusion.

The character of Long Beach, in particular the East Side of Long Beach was meant to be preservation of our natural resources, was a scenic resource that allowed visitors to stay and take advantage of a marine environment not found in downtown Long Beach (no high rises here, only 35 feet—and no projects that increase density to impact a myriad of already impacted city services. Police, Fire, Schools, Parks,

Traffic, Congestion and we could go on). On all "Factors" of consequence, this project will have significant impacts on our lives. This is not what many in the community want, nor what they are willing to accept. You cannot throw us a bone, "here we have reduced the building heights to 6 stories, what about traffic, density, open space, etc., which is not acceptable to many of us. I am tired of being called a NOPEs, or CAVE, or a NIMBY, when in fact I am the community. Albeit, like the Knight Foundation, much thought was given to the planning of Southeast Long Beach—we want parks, open spaces (not balconies and streets) and opportunities to enjoy the aesthetics of Long Beach. An investment in parks, playgrounds and trails and scenic views must be a priority and just because we now have infill does not mean we should throw the "baby(**plan**) out with the bathwater to meet the needs of **the developer** whose interest is maximizing his investment". Do not let them set a precedence which will ultimately have a profound effect on our "community" by setting a barrier that can never be driven back or put back in the bottle.

Thank You

Pat Towner

Current President of University Park Estates Neighborhood Association

Former President of College Park Estates Homeowners Association 1980-1986

Member of the Local Coastal Planning Committee (1978-80)

Member of the South Coast Regional Coastal Commission (1981-82)

**Melinda Cotton**  
PO Box 3310  
Long Beach, CA 90803  
562/433-2795  
October 9, 2011

Charles Durnin, Chair  
Vice Chair Becky Blair and Planning Commissioners  
Long Beach Planning Commission  
City of Long Beach  
333 W. Ocean Blvd.  
Long Beach, CA 90802

Dear Chair Durnin, Vice-Chair Blair and Commissioners:

Re: Please preserve and protect Southeast Long Beach. Please protect the City's Planning and Zoning procedures. Please Vote Against LCP & SEADIP changes and Vote Down the 2<sup>nd</sup>+PCH project

I implore you as dedicated Planning Commissioners and individuals committed to the legal processes designed to protect Long Beach neighborhoods, commercial areas and historic wetlands to oppose and vote against the zoning changes, EIR and 2<sup>nd</sup>+PCH project before you on Wednesday, October 12th.

Years ago, a conscientious, public-minded group of citizens (developers, residents, business people) banded together and worked for years to create SEADIP. It was approved by the City Council and California Coastal Commission and was and is supposed to be the guiding plan for this entire area.

In 2008, the City Council and LBDS began the proper SEADIP updating process to allow all of us who live, work, play and own property in this area to take part in thoughtfully planning the future of this very special, very fragile part of Long Beach. I plead with you as Planning Commission members to do the right thing, to insist that the City of Long Beach revive and complete this revision of SEADIP before immense new projects are approved. Please resist efforts to pressure you to allow what can only be called the spot zoning of this one vital corner at the heart of the SEADIP landscape to benefit one developer.

You are being asked to ignore the impact this precedent-setting decision would have on properties up and down Pacific Coast Highway, whose owners and developers will also want 12 story towers and 6 story commercial buildings.

You are being asked to approve a highly flawed Environmental Impact Report, which resulted in an almost unheard of 177 Comments – the vast majority of which sharply criticize the RDEIR and the Project. I won't go into the many flaws in the RDEIR – but

even the Consultants themselves recognize their errors – for example on page 76 of the “Errata” section the Consultants acknowledged that “Utilizing the correct City Code parking requirements...” the proposed Project has a parking deficiency of 618 spaces, not the 255 space deficiency the RDEIR stated. The Consultants acknowledge “The City code parking requirements for the residential uses were not applied correctly...” and this means the EIR does not correctly address Coastal Access and impacts related to spillover parking, particularly at the Alamitos Bay Marina. It is not acceptable for precious public coastal and recreational parking to be used by an oversized residential and commercial development.

The RDEIR acknowledges the impact that the 2nd+PCH Project traffic will have in creating “F” level traffic congestion much of the time at the corner of Second Street and Bay Shore in Belmont Shore. The developer’s idea of “mitigation” - a shuttle serving this area - is never completely analyzed, does not contain funding commitments and leaves Belmont Shore with a more intense traffic nightmare.

I have attended many recent Planning Commission meetings, and viewed many others online. I have been greatly impressed with the careful, concerned, thoughtful, fact-finding methods all of you all on the Commissioner undertake in studying and deciding the proper way to handle the matters brought before you. As a 28-year resident of Belmont Shore, I again plead with the Planning Commission to refuse to “spot zone” this one vital corner. I ask the Commission to keep faith with the citizens of Long Beach who rely on a carefully considered planning process to protect residential and commercial neighborhoods.

Please! Do not approve this EIR and this project.

Thank you.

Sincerely,

Melinda Cotton  
Past-President, Belmont Shore Residents Association  
Member, Long Beach Mayor’s Transportation Task Force  
Member, Southeast Area Cluster for the 2004 General Plan Update

PS I have attached an article about a recent (August 2011) California Coastal Commission decision denying the La Bahia hotel proposal in Santa Cruz. The denied La Bahia project was 1 ½ stories above adopted zoning for its location.

Santa Cruz Sentinel

## California Coastal Commission grounds La Bahia hotel plan; 'It's over,' says developer

By J.M. BROWN

Posted: 08/11/2011 UPDATED 10:10 P.M.)

WATSONVILLE — The end of the long-delayed La Bahia Hotel at the hands of the California Coastal Commission on Thursday came down to two words: height and historic.

The commission, which is charged with protecting 1,100 miles of coastline, voted 6-4 against approving a change in the city of Santa Cruz's coastal plan to make room for the proposed 125-room condo-hotel, which would have risen 1½ stories higher than existing limits.

In considering the request, commissioners also looked at whether it was appropriate to tear down the existing historic La Bahia Apartments in favor of an upscale condo-hotel that supporters said would open the coast to thousands more visitors — another key charge of the powerful panel — by offering only the second full-service hotel located on the beach.

Commissioner Mark Stone, a Santa Cruz County supervisor, was among the 'no' votes, saying he feared special zoning for the upscale hotel would set a precedent for future development requests involving large projects. He warned about the "unintended consequences" of supporting what he saw as the city's understandable desire to boost the local economy and revive a beach area central to a regional tourism industry.

"I think a project like this can be done in the framework that exists," Stone said.

Other commissioners agreed, saying a variance on the height would create a building out-of-character with the area and that demolition wasn't required to build a hotel. Some, however, said they believed the city and developer had designed a project that paid tribute to the 85-year-old La Bahia Apartments by saving or recreating some architectural elements while increasing access to the coast by transforming a residential property into visitor lodging.

Thursday's vote was not on the \$28 million La Bahia project itself, which was approved by the City Council in 2009 after a decade of study and redesign, but rather the change in the coastal plan to allow the hotel to be built at a maximum 5½ stories rather than four. According to commission rules, a Local Coastal Plan amendment requires seven out of a possible 12 votes among the appointed commissioners, even though two were absent.

As the vote unfolded, disappointment spread over the room like summer fog blanketing the coast.

Support for the project during 2½ hours of public testimony outnumbered criticism 4 to 1, much as it had in a slew of correspondence with commissioners in the weeks leading up to the vote.

"It's over, that's it," said Jesse Nickell, vice president for the developer Barry Swenson Builder.

The company has spent \$2.2 million on various iterations of the project based on criticism from a well-organized opposition and Coastal Commission staff. Nickell said it can't be redesigned again now because a partnership with the La Bahia property owner, the Santa Cruz Seaside Co., expires in two weeks.

"They've held in there for 10 years," he said of the Seaside Co., which owns the nearby Beach Boardwalk. "This was my last shot."

## **UPSET WITH STONE**

Mayor Ryan Coonerty, who led a battalion of supporters wearing hot pink stickers in favor of the hotel, blasted Stone.

"We are extremely disappointed. This was a good project that reflected the values of Santa Cruz," Coonerty said. "Mark Stone failed to represent the community, and I am extremely disappointed in his leadership."

During the meeting, Stone said, "I don't see myself as an advocate just because I'm from this area and sitting on this commission." He said he asked himself "What would I do in any other community where this was proposed?"

The answer he arrived at — long awaited by city officials and opponents who waged lobbying campaigns to sway him — was to encourage a hotel that fits within the height restrictions and preserves a site deemed historic by the very city asking to tear it down.

"It's too bad to be taking such an historic structure ... and demolishing it and building something that is more of a monument to what was there, rather than restoring it," he said.

But city officials defended plans to save the La Bahia bell tower and recreate other architectural elements, and touted the economic benefits for a ever-shrinking tourism season. The 154,000-square-foot hotel was expected to deliver \$700,000 annually in new lodging and sales taxes, and create 102 permanent jobs.

"This is something we are very proud of, the work we've done," Councilwoman Lynn Robinson told the commission.

Eric Marlatt, a city planner, reminded the commission that the current Local Coastal Plan allows for a 275-room hotel that extends beyond the current La Bahia footprint bounded by Beach, Main, First and Westbrook streets. Westbrook Street would be abandoned under that plan.

"What we could have before us is a much larger hotel that would obstruct public views to the ocean down Westbrook," he said. "Instead, we have a project that is confined to the existing site."

## **HEIGHT AND HISTORIC**

Commissioner Dayna Bochco said she was sympathetic to the argument that the city would benefit from a larger, full-service hotel, but was convinced the project would alter views and fail to preserve the Beach Hill neighborhood as outlined in the city's coastal plan.

"It's very hard to sit here and tell you I don't believe you're doing the right thing for your city," Bochco said. "Who am I to come in to your city and say you're not doing the right thing? My job is to protect the Coastal Act and requires me to look at the Local Coastal Plan. I can't in good conscience reconcile the amendment to the LCP with the rest of your LCP."

Don Webber, a Beach Hill resident who co-founded the Build a Better La Bahia Coalition of labor groups and historic preservationists, had heavily lobbied Bochco and several other commissioners during phone calls and a trip to Southern California for meetings.

He offered a blistering indictment of the project as a massive, expensive hotel that would dominate the residential neighborhoods behind it. Webber, whose unsuccessful legal challenge of the project's environmental review is pending in a state appellate court, urged a hotel that incorporates more of the existing structure within zoning restrictions.

"Rehabilitation is never easy or cheap, but it's feasible — that's the key," Webber said, adding that he objected to the inclusion of condos to finance the project. "The commission is charged with the duty to protect coastal resources not developer conveniences."

But Commissioner Brian Brennan, who said he has done "adaptive reuse" of many historic buildings, did not perceive the project as "spot zoning," as opponents characterized it. He said the proposal satisfied the commission's duty to broaden access to the coast, considering the 43-unit residential building as it exists now is decaying.

"We are going to have a hard time saying we have an opportunity and passed it up," he said. Other commissioners raised concerns about whether the developer had done enough by agreeing to pay \$200,000 to improve area campsites to support low-cost access to the coast as a tradeoff for the higher cost of the La Bahia rooms. A typical in-lieu payment recommended by the commission is \$30,000 per room, which for La Bahia would have been \$3.75 million unless adjustments were made in the formula determining available low-cost rooms.

Ross Gibson, a longtime member of the city's Historic Preservation Commission that opposes the hotel project, told the commission the city and developer "want you to roll over and play dead."

He said the wrath of preservationists would "be the least of your problems" because there will be a "parade of developers asking why they can't follow the same precedent to eliminate the Coastal Commission's protections for the wealthy."

But Robert de Freitas, a 34-year resident of the beach area, said the hotel would have a positive impact on the neighborhood and "provide much needed visitor accommodations" in an green-built hotel that, along with the Monterey Bay National Marine Sanctuary Exploration Center nearby, would draw "eco-tourists."

"Since the rebuilding after the Loma Prieta earthquake since, there hasn't been a more important project for this community," de Freitas said.

### **THEY SAID IT**

Below are remarks from the public made during Thursday's Coastal Commission hearing on the city of Santa Cruz's request for a Local Coastal Plan amendment to build the La Bahia Hotel above existing height restrictions. The request was denied on a 6-4 vote.

'Once the project is approved, that's when the hard work begins,' said Ron Swenson, brother of developer Barry Swenson.

'It's been 50 years since Santa Cruz built a full-service hotel and it's time now to give the visitors to Santa Cruz a new hotel ... to really enjoy the big experience of the beach in Santa Cruz,' said Matthew Thompson, a longtime local architect.

'The Duomo in Florence, St. Peters in Rome, I think of the Alhambra in Grenada — you know, they don't match what's around them and stand out. That's what Santa Cruz needs, actually — something that stands out and that is magnificent,' said local developer George Ow of Santa Cruz.

'There is no reason to believe that such spot zoning won't continue in Beach Hill each time a substantive piece of property becomes available,' said Kevin Collins, president of the Santa Cruz area Sierra Club chapter.

'The owner has long neglected maintenance of this property. It's a run-down eyesore. Do not reward his neglect by allowing him to now demolish this historic icon. Rehabilitate the historic buildings,' said Bill Malone, a representative of the group Santa Cruz for Responsible Planning

## Jeff Miller

P.O. Box 3310, Long Beach, California 90803

telephone 562.433.2795  
email: jmiller5@csulb.edu

10 October 2011

Charles Durnin, Chair  
Vice Chair Becky Blair and Planning Commissioners  
Long Beach Planning Commission  
City of Long Beach  
333 W. Ocean Blvd.  
Long Beach, CA 90802

Dear Chair Durnin, Vice-Chair Blair and Commissioners:

Regarding the proposed Second+PCH development: I am opposed to this proposal, and I urge you to reject it. It would be a disservice to the community to circumvent the normal planning process and allow an exception to the established zoning regulations for this proposal.

After all is said and done, this is not about the economic benefits to the city claimed by the developer. It is about the future of Long Beach. You represent the needs and wishes of the residents of Long Beach and visitors to the city and of those who work in Long Beach. You must consider the quality of life of all these groups.

Do we (all of these groups) want the East side of Long Beach to remain a low-scale, attractive, desirable, navigable, and livable neighborhood, like most cities up and down the California coast, or do we want it to become a dense, crowded, unattractive jumble similar to Marina del Rey? Because that is what would happen, if this development were allowed. It would establish the precedent for developers to build similar projects at the other nearby sites along Pacific Coast Highway, such as the "pumpkin patch", Marina Pacifica, the Marketplace, Golden Sails, Gaslamp, etc.

This is not the density the public would want. We must either abide by the existing SEADIP or revise it, for the entire area, through the established processes, but please do not approve the spot zoning that this project would require.

Regards,

Jeff Miller



**El Dorado Audubon Society**  
Post Office Box 90713  
Long Beach, CA 90809-0713

El Dorado Audubon Society  
California Chapter of The National Audubon Society

Mission: Protection of Native Birds and Their Habitats and Protecting the Earth's  
Biodiversity  
for the Benefit of Humanity

October 10, 2011

Craig Chalfant, Planner, City of Long Beach  
Planning Commission, City of Long Beach

RE: Final EIR, 2nd and PCH

El Dorado Audubon is concerned with lack of enough alternatives in the FEIR, those alternatives that are the least environmentally detrimental are to be considered.

We are concerned that the proposed project is not compliance with the general plan, local zoning, SEADIP. Changes to SEADIP require a process going through the Coastal Commission. The CEQA process and the Coastal Commission process are two separate processes.

The staff report published just a few days ago talks about a "development envelope" and is not consistent with FEIR. We are confused as to why an FEIR and a staff report would differ and why a new concept "development envelope" is included on short notice to the public us and to the public. We read this to mean that surrounding areas beyond this parcel are affected and are absolutely shocked by this as we have been told over and over again in public meetings that this FEIR process is only for this parcel.

After reading for hours and listening to Attorney Doug Carsten for more than an hour, we refer you to Attorney Carsten's input on this and support his comments. We were not able to review this on Sunday or Monday -- all libraries in Long Beach are closed on Monday!

Our Town -- Long Beach also brings up many important points which we support.

Sincerely,

Mary Parsell  
President  
El Dorado Audubon Society  
[mfp2001@hotmail.com](mailto:mfp2001@hotmail.com)

El Dorado Audubon Society  
California Chapter of The National Audubon Society

Mission: Protection of Native Birds and Their Habitats and Protecting the Earth's  
Biodiversity  
for the Benefit of Humanity

April 20, 2011

Mr. Craig Chalfant  
Department of Development Services  
City of Long Beach

RE: DEIR 2nd and PCH

Dear Craig:

We are concerned with the following:

1. This project's close proximity to Los Cerritos Wetlands. On one side of the project is the Alamitos Bay Marina and parking lot and Marina Drive. On the other side is Pacific Coast Highway, a shopping center and the wetlands acquired and in public ownership.

Los Cerritos Wetlands is an Audubon California "Important Bird Area". It is part of the biological system that includes Seal Beach National Wildlife Refuge, Bolsa Chica, Huntington Wetlands and Upper Newport Back Bay. It is on the Pacific Flyway. It is the last restorable estuary in Los Angeles County. There are now 200 acres of Los Cerritos Wetlands in public ownership under the Los Cerritos Wetlands Authority. The LCWA has secured funding from the State of California Lower Los Angeles & San Gabriel Rivers & Mtns. Conservancy to fund a restoration study of the 200 acres.

How does this project with a number of tall buildings (12 story, 6 story and so on) very close together affect the wildlife that moves between the San Gabriel River, the marina and the wetlands? Wildlife includes migrating birds on the Pacific Flyway, wintering, and resident species? How does the noise, lights and increased activity affect the wildlife? Would it disorient birds? To state that it does not and would not be affected is not enough. The analysis is inadequate, there are no solutions offered to minimize the impacts and no mitigation offered. Please explain.

2. This project is not consistent with existing zoning SEADIP and would require changes in SEADIP. We are concerned with local land use and do not agree with "spot zoning" for Southeast Long Beach.

3. Traffic

The difference between current traffic counts and projected traffic counts are enormous. How can traffic be mitigated at 2nd and PCH, 2nd and Studebaker without impacting the Los Cerritos Wetlands which are already protected? There are two bridges -- one into Naples and one into Seal Beach. How can traffic be mitigated without widening these bridges? There are no plans offered for this.

Impact of intersections and traffic along

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4. Alternatives

The DEIR leaves out the "hotel only" alternative.

5. Shared parking? By shared does this mean using the publicly owned parking lot of the Los Alamitos Marina? The marina and parking areas for the marina are public parkland maintained by the City of Long Beach Dept. of Parks, Recreation and Marine.

Sincerely,

Mary Parsell  
Conservation Chair, El Dorado Audubon  
[www.eldoradoaudubon.org](http://www.eldoradoaudubon.org)  
[eldoradoaudubon@yahoo.com](mailto:eldoradoaudubon@yahoo.com)

RE: FEIR 2nd & PCH

Mary Parsell

to:

Patrick O'Donnell, Craig Chalfant Planner City of LB

10/11/2011 01:15 PM

Cc:

Bridget Sramek

Show Details

El Dorado Audubon Society  
California Chapter of The National Audubon Society

Mission: Protection of Native Birds and Their Habitats and Protecting the Earth's Biodiversity  
for the Benefit of Humanity

October 10, 2011

Via Email and Hand Delievery 10/11/11

Craig Chalfant, Planner, City of Long Beach  
Planning Commission, City of Long Beach

RE: Final EIR, 2nd and PCH

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Our Town -- Long Beach also brings up many important points which we support.

Sincerely,

Mary Parsell  
President  
El Dorado Audubon Society  
[mfp2001@hotmail.com](mailto:mfp2001@hotmail.com)  
562/252-5825

---

From: mfp2001@hotmail.com  
To: district1@longbeach.gov; district2@longbeach.gov; district3@longbeach.gov;  
patrick.odonnell@longbeach.gov; gerrie.schipske@longbeach.gov; district6@longbeach.gov; district9  
@longbeach.gov; district7@jamesjohnsonlb.com; district8@longbeach.gov; mayor@longbeach.gov  
Subject: FW: DEIR 2nd & PCH  
Date: Sat, 23 Apr 2011 16:50:51 -0700

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Subject: DEIR 2nd & PCH  
Date: Sat, 23 Apr 2011 16:03:55 -0700

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FROM:

El Dorado Audubon Society  
California Chapter of The National Audubon Society

Mission: Protection of Native Birds and Their Habitats and Protecting the Earth's Biodiversity  
for the Benefit of Humanity

April 20, 2011

Mr. Craig Chalfant  
Department of Development Services  
City of Long Beach

RE: DEIR 2nd and PCH

Dear Craig:

We are concerned with the following:

1. This project's close proximity to Los Cerritos Wetlands. On one side of the project is the Alamitos Bay Marina and parking lot and Marina Drive. On the other side is Pacific Coast Highway, a shopping center and the wetlands acquired and in public ownership.

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How does this project with a number of tall buildings (12 story, 6 story and so on) very close together affect the wildlife that moves between the San Gabriel River, the marina and the wetlands? Wildlife includes migrating birds on the Pacific Flyway, wintering, and resident species?. How does the noise, lights and increased activity affect the wildlife? Would it disorient birds? To state that it does not and would not be affected is not enough. The analysis is inadequate, there are no solutions offered to minimize the impacts and no mitigation offered. Please explain.

2. This project is not consistent with existing zoning SEADIP and would require changes in SEADIP. We are

concerned with local land use and do not agree with "spot zoning" for Southeast Long Beach.

### 3. Traffic

The difference between current traffic counts and projected traffic counts are enormous. How can traffic be mitigated at 2nd and PCH, 2nd and Studebaker without impacting the Los Cerritos Wetlands which are already protected? There are two bridges -- one into Naples and one into Seal Beach. How can traffic be mitigated without widening these bridges? There no plans offered for this.

#### Impact of intersections and traffic along

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### 4. Alternatives

The DEIR leaves out the "hotel only" alternative.

5. Shared parking? By shared does this mean using the publicly owned parking lot of the Los Alamitos Marina? The marina and parking areas for the marina are public parkland maintained by the City of Long Beach Dept. of Parks, Recreation and Marine.

Sincerely,

Mary Parsell  
Conservation Chair, El Dorado Audubon  
[www.eldoradoaudubon.org](http://www.eldoradoaudubon.org)  
[eldoradoaudubon@yahoo.com](mailto:eldoradoaudubon@yahoo.com)

FW: FEIR 2nd & PCH

Mary Parsell

to:

Craig Chalfant Planner City of LB

10/11/2011 08:18 PM

Cc:

district3, district5 longbeach, district2, district1, district6, district7, district8, district9, bob foster

Show Details

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Subject: RE: FEIR 2nd & PCH

Date: Tue, 11 Oct 2011 13:15:45 -0700

El Dorado Audubon Society  
California Chapter of The National Audubon Society

Mission: Protection of Native Birds and Their Habitats and Protecting the Earth's Biodiversity  
for the Benefit of Humanity

October 10, 2011

Via Email and Hand Delivery 10/11/11

Craig Chalfant, Planner, City of Long Beach

Planning Commission, City of Long Beach

RE: Final EIR, 2nd and PCH

The FEIR is flawed and the project is not in compliance with the general plan, local zoning of SEADIP.

El Dorado Audubon is concerned with lack of enough alternatives in the FEIR, those alternatives that are the least environmentally detrimental are to be considered.

We are concerned that the proposed project is not compliance with the general plan, local zoning, SEADIP. Changes to SEADIP require a process going through the Coastal Commission. The CEQA process and the Coastal Commission process are two separate processes. So this is not a clean process at all.

The staff report published just a few days ago talks about a "development envelope" and is not consistent with FEIR. We are confused as to why an FEIR and a staff report would differ and why a new concept "development envelope" is included on short notice to us and to the public. We read this to mean that surrounding areas beyond this parcel are affected and are absolutely *shocked* by this as we have been told over and over again in public meetings that this FEIR process is only for this parcel.

After reading for hours and listening to Attorney Doug Carsten for more than an hour, we refer you to Attorney Carsten's input on this and support his comments re: traffic, local land use and air quality. (We were not able to review the differences between the staff report and the FEIR on Monday as all libraries in Long Beach are closed on Sunday and Monday!)

Our Town -- Long Beach also brings up many important points which we support.

El Dorado Audubon has supported restoration and preservation of Los Cerritos Wetlands for over 35 years. SEADIP was created by a wide cross section of the public including developers, businesses and neighborhoods. SEADIP took into consideration the Pacific Flyway and resident and migrating birds of the San Gabriel River, wetlands and ocean -- in 30 years not much changes -- birds and other wildlife are here in our urban environment -- may they continue to be and let us not at this juncture of public money being spent for acquisition and restoration -- do the wrong thing. *Let us support visitor serving uses along the coast which will bring economic benefit to the region.*

Sincerely,

Mary Parsell  
President  
El Dorado Audubon Society  
[mfp2001@hotmail.com](mailto:mfp2001@hotmail.com)  
562/252-5825

---

From: [mfp2001@hotmail.com](mailto:mfp2001@hotmail.com)  
To: [district1@longbeach.gov](mailto:district1@longbeach.gov); [district2@longbeach.gov](mailto:district2@longbeach.gov); [district3@longbeach.gov](mailto:district3@longbeach.gov);  
[patrick.odonnell@longbeach.gov](mailto:patrick.odonnell@longbeach.gov); [gerrie.schipske@longbeach.gov](mailto:gerrie.schipske@longbeach.gov); [district6@longbeach.gov](mailto:district6@longbeach.gov); [district9@longbeach.gov](mailto:district9@longbeach.gov); [district7@jamesjohnsonlb.com](mailto:district7@jamesjohnsonlb.com); [district8@longbeach.gov](mailto:district8@longbeach.gov); [mayor@longbeach.gov](mailto:mayor@longbeach.gov)  
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El Dorado Audubon Society  
California Chapter of The National Audubon Society

Mission: Protection of Native Birds and Their Habitats and Protecting the Earth's Biodiversity  
for the Benefit of Humanity

April 20, 2011

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City of Long Beach

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Sincerely,

Mary Parsell  
Conservation Chair, El Dorado Audubon  
[www.eldoradoaudubon.org](http://www.eldoradoaudubon.org)  
[eldoradoaudubon@yahoo.com](mailto:eldoradoaudubon@yahoo.com)

**Tarin Frances Olson**  
3712 East First Street  
Long Beach, CA 90803  
562-856-3777

November 13, 2011

Craig Chalfant, Project Planner  
City of Long Beach  
Department of Development Services--5<sup>th</sup> Floor  
Long Beach, CA

Dear Craig:

I am writing regarding the Second and PCH Project/Public Hearing on November 17, 2011 to express my great opposition for the project which is against SEDIP, zoning laws, and is a flawed EIR. Please forward this letter to the **Planning Commissioners and Planning Staff**.

Following are additional reasons why I know the project to be deceitful, illegal, and against the wishes of the citizens of the Third District:

- The project is unattractive, obese, and opposed with current building and zoning.
- The project will set a precedent for a high-rise corridor on PCH between Bellflower and the dividing line between Seal Beach and Long Beach.
- The traffic from this project and potential future developments cannot be mitigated given the geography of the land.
- PCH & 2<sup>nd</sup> is already at an F rated intersection.

In closing, a previous SEADIP survey resulted in community members preferring a boutique hotel which fits with current zoning laws and is in harmony with the environment of the area.

I am a member of *Our Town-Long Beach* who appealed the Planning Commission's decision of October 12 (to City Council). We were notified to repeat our appeal for the Planning Commission's decision of November 17. We were notified that our original appeal is upheld, and there is no additional fee for appealing. Finally, to appeal again a letter or speaking at the meeting would suffice for this repetitive appealing.

The enclosed letter represents my second appellant standing. Thank you.

Sincerely,

Tarin F. Olson  
Professor/Community Activist; Our Town Founding Member

Second and PCH Project Public Hearing November 17, 2011

Mary Parsell

to:

Craig Chalfant Planner City of LB

11/16/2011 04:13 PM

Show Details

El Dorado Audubon  
California Chapter of National Audubon Society

November 15, 2011

City of Long Beach Planning Commissioners

Attn: Craig Chalfant

El Dorado Audubon submitted comments in writing prior to the October 12, 2011 hearing re: Second and PCH Project. I spoke on behalf of El Dorado Audubon on October 12, 2011. We appealed after that meeting. I received a phone call from Craig Chalfant about ten days later advising me that we needed to write a letter prior to November 17 or speak at the November 17 hearing. This is my letter.

Our written comments and the comments given on October 12, 2011 are to be included in the record.

We believe that the FEIR is inadequate and we remind you that the California Coastal Act must be followed in relation to the certified Local Coastal Program.

Sincerely,

Mary Parsell

President

El Dorado Audubon Society

Celebrating 42 Years of Conservation, Education and Citizen Science

Protection of Native Birds and their Habitats for the Benefit of Humanity

El Dorado Audubon Conservation Committee email: [eldoradoaudubon@yahoo.com](mailto:eldoradoaudubon@yahoo.com)

Website: [www.eldoradoaudubon.org](http://www.eldoradoaudubon.org)

562/252-5825

Second and PCH Project

Joan Hawley-McGrath

to:

craig.chalfant@longbeach.gov

11/15/2011 09:01 AM

Please respond to Joan Hawley-McGrath

Show Details

As a member of Our Town-Long Beach who appealed on the decision of the Planning Commission on October 12, 2011, this is to reaffirm our position of being totally opposed to the Second and PCH Project.

Joan Hawley McGrath

6257 Marina View Drive

Long Beach, CA 90803

Craig Chalfant, Project Director

City of Long Beach

Department of Development Services, 5<sup>th</sup> Floor

[craig.chalfant@longbeach.gov](mailto:craig.chalfant@longbeach.gov)

Dear Members of the Planning Commission

I am writing in opposition to this overreaching project, 2<sup>nd</sup> & PCH, for the following reasons:

Failure to mitigate the probably traffic issues that will result as a consequence of this project is overreaching. The Planning Commission has determined that there are overriding considerations which negate the problems this project will incur and has failed to take into consideration (in the DEIR) that major projects have occurred across 7<sup>th</sup> street that will impact all of us on a daily basis. Cal Trans has taken note, the City of Seal Beach & a number of citizens have major concerns about congestion.

“Can (and should) the statement of a Planning Commissioner be accurate—there will be traffic congestion so just get used to it!”. There would not be major traffic problems along this major artery, Pacific Coast Highway, the public’s access to the coast, if the Commission applied ethical standards to the problem, took note of citizen’s concerns and didn’t defer to every developer of note.

It is Egregious that we are trying to use the back door to change SEADIP & the LCP—as a former member of the LCP and a ratifying Coastal Commissioner to the adoption, I can assure you that SEADIP and the LCP are one and the same. Are we really going to change the LCP which was adopted after 2 ½ years of weekly meetings.

- The Coastal Act requires a balance between developers and conservationists and citizens. If history teaches us anything, such a process works and while sometimes unwieldy, it’s worth it.
- This City cannot arbitrarily amend SEADIP & the LCP without public input. The public has the right to fully participate in the discussions

affecting coastal planning. (see the coastal act) This project is an abomination to the LCP and the character of the area.

In 2010, the Planning staff noted that 60% of the respondents did not want to change the character of the neighborhood, ergo SEADIP was dropped---ask yourself why that was dumped?

Lastly, if a science center is to be built here, we know that CSU has the responsibility as cited by the court in City of Marina v. CSU Trustees for mitigating significant impacts of its expansion and its effect on the surrounding community—and yet there is no recognition of it in the staff report or response. Perhaps that is because the developers and owners were always willing to throw overboard these projects—and have done so on other occasions.

Pat Towner

6239 E. 6<sup>th</sup> Street

Long Beach, CA 90803

Member of "Our Town"

President of University Park Estates

Melinda Cotton  
PO Box 3310  
Long Beach, CA 90803  
562/433-2795  
November 11, 2011

Charles Durnin, Chair  
Vice Chair Becky Blair and Planning Commissioners  
Long Beach Planning Commission  
City of Long Beach  
333 W. Ocean Blvd.  
Long Beach, CA 90802

Dear Chair Durnin, Vice-Chair Blair and Commissioners:

Re: Do not set a precedent for 12 story and 6 story buildings on PCH!  
Please preserve and protect Southeast Long Beach. Please protect  
the City's Planning and Zoning procedures. Please **Vote Against**  
the proposed 2<sup>nd</sup>+PCH project

I implore you to adhere to the existing zoning and SEADIP requirements for Southeast Long Beach. Protect our neighborhoods, commercial areas and historic wetlands. Please oppose and vote against the proposed 2<sup>nd</sup>+PCH project before you on Thursday, November 17th.

I plead with you as Planning Commission members to do the right thing, to insist that the City of Long Beach restart and complete a proper revision of SEADIP before new projects are approved. Please oppose destructive spot zoning of this vital corner at the heart of the SEADIP landscape to benefit one developer.

Approving the 2<sup>nd</sup>+PCH project would be a precedent-setting decision that would encourage property owners up and down Pacific Coast Highway to in turn ask for 12-story towers and 6-story commercial buildings.

The Environmental Impact Report for this project is highly flawed, as has been pointed out to the Commission by respected environmental specialists and environmental law attorneys. Even the Consultants themselves recognize their errors – for example on page 76 of the "Errata" section the Consultants acknowledged that "Utilizing the correct City Code parking requirements..." the proposed Project has a parking deficiency of 618 spaces, not the 255 space deficiency the RDEIR stated. This parking deficit will lead to the 2<sup>nd</sup>+PCH project residents, customers and visitors flooding the adjacent Coastal-serving public parking with its overflow vehicles. The California Coastal Commission will likely take this and many other environmental and zoning violations into account and oppose this project.

Planning Commission Chair Charles Durnin -2-

November 11, 2011

The RDEIR acknowledges the impact that the 2nd+PCH Project traffic will have in creating "F" level traffic congestion much of the time at the corner of Second Street and Bay Shore in Belmont Shore. The developer's idea of "mitigation" - a shuttle serving this area - is never completely analyzed, does not contain funding commitments and leaves Belmont Shore with a more intense traffic nightmare.

Please! Do not approve the 2<sup>nd</sup>+PCH project on your Agenda Nov. 17th.

Please remember, the legacy of this Planning Commission and all of its members rests on making proper, legal decisions on issues such as this.

Thank you.

Sincerely,

Melinda Cotton  
Past-President, Belmont Shore Residents Association  
Member, Long Beach Mayor's Transportation Task Force  
Member, Southeast Area Cluster for the 2004 General Plan Update

PS I have attached an article about a recent (August 2011) California Coastal Commission decision denying the La Bahia hotel proposal in Santa Cruz. The denied La Bahia project was 1 ½ stories above adopted zoning for its location.

Attachment below: Santa Cruz Sentinel, 8/11/2011

**“California Coastal Commission grounds La Bahia hotel plan; 'It's over,' says developer”**

Santa Cruz Sentinel

## California Coastal Commission grounds La Bahia hotel plan; 'It's over,' says developer

By J.M. BROWN

Posted: 08/11/2011 UPDATED 10:10 P.M.)

WATSONVILLE — The end of the long-delayed La Bahia Hotel at the hands of the California Coastal Commission on Thursday came down to two words: height and historic.

The commission, which is charged with protecting 1,100 miles of coastline, voted 6-4 against approving a change in the city of Santa Cruz's coastal plan to make room for the proposed 125-room condo-hotel, which would have risen 1½ stories higher than existing limits.

In considering the request, commissioners also looked at whether it was appropriate to tear down the existing historic La Bahia Apartments in favor of an upscale condo-hotel that supporters said would open the coast to thousands more visitors — another key charge of the powerful panel — by offering only the second full-service hotel located on the beach.

Commissioner Mark Stone, a Santa Cruz County supervisor, was among the 'no' votes, saying he feared special zoning for the upscale hotel would set a precedent for future development requests involving large projects. He warned about the "unintended consequences" of supporting what he saw as the city's understandable desire to boost the local economy and revive a beach area central to a regional tourism industry.

"I think a project like this can be done in the framework that exists," Stone said.

Other commissioners agreed, saying a variance on the height would create a building out-of-character with the area and that demolition wasn't required to build a hotel. Some, however, said they believed the city and developer had designed a project that paid tribute to the 85-year-old La Bahia Apartments by saving or recreating some architectural elements while increasing access to the coast by transforming a residential property into visitor lodging.

Thursday's vote was not on the \$28 million La Bahia project itself, which was approved by the City Council in 2009 after a decade of study and redesign, but rather the change in the coastal plan to allow the hotel to be built at a maximum 5½ stories rather than four. According to commission rules, a Local Coastal Plan amendment requires seven out of a possible 12 votes among the appointed commissioners, even though two were absent.

As the vote unfolded, disappointment spread over the room like summer fog blanketing the coast.

Support for the project during 2½ hours of public testimony outnumbered criticism 4 to 1, much as it had in a slew of correspondence with commissioners in the weeks leading up to the vote. "It's over, that's it," said Jesse Nickell, vice president for the developer Barry Swenson Builder.

The company has spent \$2.2 million on various iterations of the project based on criticism from a well-organized opposition and Coastal Commission staff. Nickell said it can't be redesigned again now because a partnership with the La Bahia property owner, the Santa Cruz Seaside Co., expires in two weeks.

"They've held in there for 10 years," he said of the Seaside Co., which owns the nearby Beach Boardwalk. "This was my last shot."

### **UPSET WITH STONE**

Mayor Ryan Coonerty, who led a battalion of supporters wearing hot pink stickers in favor of the hotel, blasted Stone.

"We are extremely disappointed. This was a good project that reflected the values of Santa Cruz," Coonerty said. "Mark Stone failed to represent the community, and I am extremely disappointed in his leadership."

During the meeting, Stone said, "I don't see myself as an advocate just because I'm from this area and sitting on this commission." He said he asked himself "What would I do in any other community where this was proposed?"

The answer he arrived at — long awaited by city officials and opponents who waged lobbying campaigns to sway him — was to encourage a hotel that fits within the height restrictions and preserves a site deemed historic by the very city asking to tear it down.

"It's too bad to be taking such an historic structure ... and demolishing it and building something that is more of a monument to what was there, rather than restoring it," he said.

But city officials defended plans to save the La Bahia bell tower and recreate other architectural elements, and touted the economic benefits for a ever-shrinking tourism season. The 154,000-square-foot hotel was expected to deliver \$700,000 annually in new lodging and sales taxes, and create 102 permanent jobs.

"This is something we are very proud of, the work we've done," Councilwoman Lynn Robinson told the commission.

Eric Marlatt, a city planner, reminded the commission that the current Local Coastal Plan allows for a 275-room hotel that extends beyond the current La Bahia footprint bounded by Beach, Main, First and Westbrook streets. Westbrook Street would be abandoned under that plan.

"What we could have before us is a much larger hotel that would obstruct public views to the ocean down Westbrook," he said. "Instead, we have a project that is confined to the existing site."

### **HEIGHT AND HISTORIC**

Commissioner Dayna Bochco said she was sympathetic to the argument that the city would benefit from a larger, full-service hotel, but was convinced the project would alter views and fail to preserve the Beach Hill neighborhood as outlined in the city's coastal plan.

"It's very hard to sit here and tell you I don't believe you're doing the right thing for your city," Bochco said. "Who am I to come in to your city and say you're not doing the right thing? My job is to protect the Coastal Act and requires me to look at the Local Coastal Plan. I can't in good conscience reconcile the amendment to the LCP with the rest of your LCP."

Don Webber, a Beach Hill resident who co-founded the Build a Better La Bahia Coalition of labor groups and historic preservationists, had heavily lobbied Bochco and several other commissioners during phone calls and a trip to Southern California for meetings.

He offered a blistering indictment of the project as a massive, expensive hotel that would dominate the residential neighborhoods behind it. Webber, whose unsuccessful legal challenge of the project's environmental review is pending in a state appellate court, urged a hotel that incorporates more of the existing structure within zoning restrictions.

"Rehabilitation is never easy or cheap, but it's feasible — that's the key," Webber said, adding that he objected to the inclusion of condos to finance the project. "The commission is charged with the duty to protect coastal resources not developer conveniences."

But Commissioner Brian Brennan, who said he has done "adaptive reuse" of many historic buildings, did not perceive the project as "spot zoning," as opponents characterized it. He said the proposal satisfied the commission's duty to broaden access to the coast, considering the 43-unit residential building as it exists now is decaying.

"We are going to have a hard time saying we have an opportunity and passed it up," he said. Other commissioners raised concerns about whether the developer had done enough by agreeing to pay \$200,000 to improve area campsites to support low-cost access to the coast as a tradeoff for the higher cost of the La Bahia rooms. A typical in-lieu payment recommended by the commission is \$30,000 per room, which for La Bahia would have been \$3.75 million unless adjustments were made in the formula determining available low-cost rooms.

Ross Gibson, a longtime member of the city's Historic Preservation Commission that opposes the hotel project, told the commission the city and developer "want you to roll over and play dead."

He said the wrath of preservationists would "be the least of your problems" because there will be a "parade of developers asking why they can't follow the same precedent to eliminate the Coastal Commission's protections for the wealthy."

But Robert de Freitas, a 34-year resident of the beach area, said the hotel would have a positive impact on the neighborhood and "provide much needed visitor accommodations" in an green-built hotel that, along with the Monterey Bay National Marine Sanctuary Exploration Center nearby, would draw "eco-tourists."

"Since the rebuilding after the Loma Prieta earthquake since, there hasn't been a more important project for this community," de Freitas said.

### **THEY SAID IT**

Below are remarks from the public made during Thursday's Coastal Commission hearing on the city of Santa Cruz's request for a Local Coastal Plan amendment to build the La Bahia Hotel above existing height restrictions. The request was denied on a 6-4 vote.

'Once the project is approved, that's when the hard work begins,' said Ron Swenson, brother of developer Barry Swenson.

'It's been 50 years since Santa Cruz built a full-service hotel and it's time now to give the visitors to Santa Cruz a new hotel ... to really enjoy the big experience of the beach in Santa Cruz,' said Matthew Thompson, a longtime local architect.

'The Duomo in Florence, St. Peters in Rome, I think of the Alhambra in Grenada — you know, they don't match what's around them and stand out. That's what Santa Cruz needs, actually — something that stands out and that is magnificent,' said local developer George Ow of Santa Cruz.

'There is no reason to believe that such spot zoning won't continue in Beach Hill each time a substantive piece of property becomes available,' said Kevin Collins, president of the Santa Cruz area Sierra Club chapter.

'The owner has long neglected maintenance of this property. It's a run-down eyesore. Do not reward his neglect by allowing him to now demolish this historic icon. Rehabilitate the historic buildings,' said Bill Malone, a representative of the group Santa Cruz for Responsible Planning

Craig Chalfant: Project Planner  
[Craig.chalfant@longbeach.gov](mailto:Craig.chalfant@longbeach.gov)  
City of Long Beach  
Department of Development Services--5<sup>th</sup> Floor  
Long Beach, CA  
November 8, 2011

**Attention: Planning Commissioners and Planning Staff**

RE: Second and PCH Project/Public Hearing on November 17

As suggested, I will make this brief. I am diametrically opposed to this project. Reasons:

- The "Development Envelopment" is insidious and will cause a precedent
- Incurring more traffic in an already F rated intersection. No mitigation.
- Inconsistent with our zoning. Land use under SEADIP/LCP has been ignored.
- The project is woefully under parked.
- Alternatives. Looking only for mixed-use instead of a "hotel only."
- A deeply flawed EIR
- Not using SEADIP's requirements for "Open Space." Project falls below minimum requirements.
- Economic and financial Analysis not provided in EIR.

This project is not the highest or best use for this property.

I am a member of "Our Town-Long Beach" who appealed the Planning Commission's decision of October 12 (to City Council). We were notified that we would have to appeal again, (which we will), the Planning Commission's decision of November 17. We were told that our original appeal would be upheld, and there would be no additional fee. We were also told that in order to appeal again, and have standing as an appellant, we would have to either speak at the November 17 meeting or write a letter to Planning. This is my letter.

Sincerely,

Sandie Van Horn  
845 Stevely Ave.

**APPEAL FROM**

**KERRIE ALEY**



# 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>12</u> day of <u>OCTOBER</u> , 20 <u>11</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): KERRIE ALEY

Project Address: SEAFORT MARINA HOTEL 6400 E PCH

Reasons for Appeal: SEE ATTACHMENT

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

	Appellant 1	Appellant 2
Name:	<u>KERRIE ALEY</u>	
Address:	<u>279 PARK AVENUE</u>	
City/ZIP:	<u>LONG BEACH 90803</u>	
Phone:	<u>(562) 212-0461</u>	
Signature:	<u>[Signature]</u>	
Date:	<u>10/20/2011</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: CC App. No.: 0904-09 Filing Date: 10/24/11

Materials Required:  Plans  Photographs  Special Materials

Fee: 50  Fee Paid Project (receipt) No.: POTA 25065

Reasons for Appeal:

Request to reject the decisions and deny this application: Planning Commission's decision to Adopt a Resolutions with *Findings of Fact and a Statement of Overriding Considerations certifying a Final Environmental Impact Report (EIR 04-09)* and the recommendation for the City to approve a *General Plan/Local Coastal Program Amendment and Amendment to Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP)*.

I have attached a statement of reasons for the appeal below. The appellant will include additional information regarding the rejection of these decisions on the FEIR and LCP amendment at a later time.

1. Scenic Vista

The FEIR and Findings claim that *"Although the proposed structures, particularly the 150 foot tower, would be visible from long-range viewpoints to the north, because of the minimal percentage of the view shed affected by the development from long-range viewpoints and the lack of scenic resources beyond the project site, the proposed project would not have a substantial adverse effect on a scenic vista, and impacts would be less than significant."*

In *Mira Mar Mobile Community v. City of Oceanside*, the Court of Appeal, Fourth District determined that "under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons." The court also confirmed that it is appropriate for lead agencies to look to local planning thresholds when defining the visual impact standard.

The intersection 2<sup>nd</sup> and PCH where the project is proposed is across the street from the Los Cerritos Wetlands. This open dark sky setting defines the aesthetic environmental character of a community. Surrounded by low suburban developments, the wetlands predominance is unique and is a natural gateway to the community not an out-of-scale tower.

SEADIP requires that *"All development shall be designed and constructed to be in harmony with the character and quality of surrounding development so as to create community unity within the entire area"*.

The proposed development towers over the allowable height of SEADIP and is not in harmony with local planning thresholds on visual impact standards. To say that a 15 story tower will have no effect on environment and scenic vistas next to the wetlands and our neighborhood of low height (35ft ) buildings is just plain wrong.

2. **Degrade the existing visual character or quality of the site and its surroundings-**

The FEIR and Findings claim that the existing property has been slummed up to the point that a massive 15 story mix-use development would be "improvement" and does not degrade or detract from the existing visual quality of the site and its surroundings.

The existing character of the site is a low slung hotel with high palm trees and a vista of open sky with ocean reflected, and is in harmony with the wetlands and surrounding buildings and marina.

To say that that visual quality impacts due to the proposed project is not significant is just plain wrong.

3. Create a new source of light and glare.

The FEIR and Findings claim that *"The project would not cause glare that would substantially interfere with the performance of an off-site activity or sensitive uses, such as motorists along PCH and Marina Drive or nearby residents. Therefore, impacts attributable to project-induced artificial lighting and glare would be less than significant."*

The tall buildings of proposed development have residential and retail windows with rooms lit with artificial light. The city has proposed no way of measuring or mitigating the development which will effectively act as a large beaming lantern in an area of the city with a low level of nighttime ambient light. To say that the project will not cause glare is the not same as saying that the project-induced artificial lighting is less than significant.

4. Inadequate parking capacity.

The FEIR and Findings claim that although the project has 618 parking spaces or 30% less than required *"Based on the results of a shared parking analysis, the proposed project would not result in inadequate parking capacity relative to projected peak parking demand? Therefore, impacts would be less than significant."*

The proposed development is located in a suburban area where parking is expected by residents and customers. The shared parking plan is overly optimistic, at nighttime the restaurants, retail, hotel and condos will all park their cars in the same lot and may overflow into the adjacent marina parking lot.

#### Traffic And Circulation

The FEIR and Findings forecast traffic based on a 2015 project completion date. The Findings are incorrect because of errors and omissions in the traffic analysis.

The project is already delayed, the DEIR has been circulated twice, now a the developer is proposing a new project based on Alternative 3, the city has changed it's mind and now says that the LCP must be amended prior to project approval, a lawsuit on the inadequacy approved FEIR is expected; **THERE IS NO WAY THIS PROJECT WILL BE BUILT IN THIS TIMEFRAME (2015)**. The city has refused to consider long term traffic planning and probable cumulative growth (in excess of the 1% growth factor) in this already congested main entrance to the city. Yet the SEADIP implantation plan simply states that "Traffic congestion limits density".

Shuttle Service- Exactly what are the hours of operation of the new shuttle service along 2<sup>nd</sup> street and Bayshore Avenue and the project site. Why is the developer proposing a shuttle service when the Long Beach Transit Passport buses D and A already travels down 2<sup>nd</sup> street to 2<sup>nd</sup>+PCH? and stops at this intersection? See attached schedule and map. This is fake mitigation.

Mobile Station- Mitigation is the purchase of the right-of-way from the Mobil gas station at PCH at 2<sup>nd</sup> street. The mitigation is subject to the approval of City of Long Beach and CalTrans and must be negotiated with the property owner. How much is this going to cost the public or has the developer agreed to pay this amount?

## Alternatives To The Proposed Project

"The list of City objectives included in the FEIR for the proposed project violates current zoning by including residential units, mixed use and a tower visible at a distance. These objectives encourage increased density and use and induce significant environmental impacts. Questionable open space allowances are more suitable for high density areas such as downtown.

As far as I know there was no public input as to what these objectives were. The City's own recent SEADIP survey (<http://www.lbds.info/civica/filebank/blobdload.asp?BlobID=2800>) listed "Restoring the Wetlands" as having an overwhelming importance, with tourist/recreation opportunities leading both retail and housing as a priority. It seems to me that the project objectives must align with public input, current zoning, SEADIP, the Local Coastal Plan, and state coastal access requirements and should not fit the applicant's exact project proposal."

### A. No Project Alternative

1. The FEIR and Findings state that "*The No Project alternative would avoid the proposed project's significant and unavoidable impacts related to air quality, land use and traffic. However as noted above, the No Project alternative would not meet most of the basic project objectives or provide for the redevelopment of an aging and deteriorating hotel with economically viable commercial and residential development.*"

Remodeling the existing degraded slummed up Seaport Marina would not prevent "*creation of an aesthetically attractive site appropriate design*", "*public access to the marina*", "*accessibility to or through the existing site*" or "*enhancement of economic viability*".

2. As far as the remodel causing a loss of "*residential development*", the existing hotel now functions as an affordable place to stay for both tourists, visitors, and low income displaced people (homeless) paid for government subsidies. This project would in fact eliminate affordable lodging for its existing customers.

Further the EIR provides no evidence that a remodel or adaptive reuse of the existing hotel would prevent any of the above quoted objects.

3. As far as the statement that a remodel or adaptive reuse of the Seaport Marina would not "*enhance economic vitality of the City and providing property tax, sales tax, and other revenue opportunities*" this is not true.

Given how the property owner and now developer has slummed up their property on purpose (See Hotel Guest Reviews: DEIR Letter 171 RTC pages 1225-1246), the city could merely enforce zoning and health code laws forcing the owner of the Seaport Marina Hotel to clean up the place thus encouraging more guests and generate more tax and other revenue opportunities with minimal environmental impact.

4. The No Project Alternative does not prevent the "*Creation of a southeastern gateway to the City that is welcoming, iconic in nature and visible from a distance.*" The proposed 2<sup>nd</sup>+PCH project is neither "welcoming" or "iconic" but more looming and in disharmony with the nearby surroundings of wetlands and low slung buildings. The proposed project is a massive high density muddle designed to maximize profit and has no unique characteristics that makes it "iconic" or even unique.

As far as visibility and gateway....given the public's outspoken complaints about the degraded appearance of the existing Seaport Marina Hotel, the buildings are more than visible enough from a distance in its current configuration. The owners of the Seaport

Marina Hotel could simply replace their torn awnings more often, abandon the pink teal green-brown-orange-tan and lime green curb color scheme, add some type of new landscaping other than weeds in the parking lot, eliminate the humongous illegal external ducts, hide the large trash bins and fix up the dilapidated monument sign (and avoid frequent misspellings) if the owners want to present a more "welcoming" image to the community.

The FEIR and Findings state that the No Project Alternative would not satisfy a "Provision of an economically viable reuse of the site". Many commenters on the FEIR stated that an economic analysis of the alternatives should be included yet none was provided in the EIR.

The economic analysis that was provided by the developer David Malmuth at the last minute prior to the Planning Commissions hearing should be in the EIR if this is a city "objective".

The letter (reference David Malmuth April 25 2011) goes on to say that they can provide additional information to the City. The letter's statement that "if the project is not able to produce market viable risk-adjusted returns" then it will not "be able to attract the equity funding necessary for the development". In this letter there are no mention details on construction costs, time-frame for return on investment and other information which the public and decision makers could use to determine if any of this is true. All of this should be included in the FEIR.

5. At the hearing the Planning Commissioners were more focused on the developers profit than the actual benefit to the community. Page RTC-7 of the Second + PCH Final Environmental Impact Report (FEIR) states that, "*City staff are recommending approval of Alternative 4 (Reduced Intensity Alternative B), which would limit onsite building height to 6 stories.*" Yet in the hearing staff report (released days before the hearing) another change to the recommended alternative is suggested in the form of "*overall project height averaging*" and now a "*120 feet*" limit it if the building is a hotel.

All of this went out the window after hours of discussion by the commission when they voted to approve Alternate 3 mainly based on what the developers said they would build, sidestepping any justifiable Statement of Overriding Considerations (Public good out ways negative environmental impacts of the project).

The developer has also made claims of how the project will create so many jobs and economic benefit to the community but has refused to give the public any details.

In the FEIR I asked for details on the amenities such as the theatre, science center or bike store, I wanted to see the terms of the leases yet this information was omitted and not discussed at the hearing. A speaker at the hearing mentioned that the FEIR for the downtown Pike project promised a number of amenities which were not fulfilled, specifically the construction of a Long Beach historic museum. In addition to the museum the developer failed to utilize the historic Loofs roof as promised to the community, instead left the structure outside to rot. It should be pointed out that Long Beach has a history of promising the public amenities, environmental improvements and traffic mitigation (Marina Shores, Transportation Plan) that never materializes.

6. Other Alternatives Studied

Nowhere in either the FEIR or Findings does the city state the obvious: Long Beach does not suffer from either a shortage of retail or condos. A large percentage of the adjacent Marketplace is vacant, the Walgreens closed at Marina Pacifica, the Best Buy demanded a sales tax rebate at Marina Pacifica, and the Lowman's at Marina Pacifica has a similar sales tax rebate. The entire Marina Pacifica Mall which included condos failed and went into bankruptcy. The building of hundreds of additional condos at the Seaport Marina property will only further depress the downtown market which is full of condos for sale. What our neighborhood needs is a nice well designed small scaled hotel with a few restaurants and shops.

7. The decision of the Planning Commission to certify the FEIR should be reversed and the document revised and recirculate for public review for these reasons:

The document includes 200 pages of "Final EIR Errata" (that is, corrections) and 1,345 pages of comments from government and the public, as well as the city staff's responses. The city only allowed the public 10 days to review all the errata and the public comments and city responses. Significant information was added including corrections to the traffic analysis, parking analysis.

The approved FEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. Ceqa 1508.5

Some responses to my comments Letter 170 were erroneous or effectively stated that there was no environmental impact because they said there wasn't any environmental impact or the impact was mitigated with no further evidence. Other comments are ignored. Many of the conclusions made by the city in their responses included no scientific evidence or information to justify their statements.

The FEIR fails to adequately address the issues I brought up regarding a 36% fluctuation in traffic counts between recent project EIRS. (Response 170.10).

The FEIR fails to adequately account for probable cumulative traffic growth. I agree with Dianne Watson State of California (letter 4) who comments on the EIR, "Please be reminded that in determining the cumulative significance of an individual project, CEQA holds that the lead agency should consider the effects of past projects, current projects, and probable future projects. It is recommended that a span of 10-25 years be used instead of the build-out year of 2013. The project development project site is in a highly desirable growth area and may see a greater number of development projects in the future. It is prudent to use a longer horizon to assess potential traffic problems now and work on needed long term mitigation."

The city's response (170.12) on my comment that the traffic analysis needed to be revised due to the loss of one east-bound lane on 2<sup>nd</sup> street between Bayshore and Naples Plaza is incorrect. The city claims that no lane was removed when in fact a lane was removed to add a bike lane and buffer for Naples businesses and there are no plans to put it back. The city also claims that the trip distribution percentages are correct because the City Traffic Engineer says so is inadequate. The city claims no public information request was received for the City Traffic Engineer's methodology is incorrect. I did receive a FOI letter from the city effectively stating that the trip distributions percentages are correct because the City Traffic Engineer says so. Changes in estimating the direction, streets and percentages vehicles will use to travel to a development will greatly change the Level of Service (LOS) or congestion at intersections. I have repeatedly requested either empirical data or a copy of the methodology used and the city will not provide this information.



November 28, 2011

Attention: Michael Mais, Craig Chalfant, Derek Burnham

RE: 2<sup>nd</sup>+PCH Appeal from Planning Commission decision on  
November 17, 2011 to Long Beach City Council.

I am appending my existing appeal to include the November 17 2011 Planning Commission's "Certification with revised Findings and Facts and a Statement of Overriding Considerations" of the FEIR and their approval of the entire entitlement package relating to the 2<sup>nd</sup> + PCH project. I have attached my comments made at the November 17 2011 hearing. Please affix this letter to my original appeal.

I believe that the Planning Commission's actions and the city's flawed public process fail to meet the goals of CEQA and that the approval of this development violates the California Coastal Act.

Please contact me by email or telephone as to the date of the City Council hearing on this matter.

Regards, Kerrie Aley  
Email - [KerrieAley@verizon.net](mailto:KerrieAley@verizon.net)

November 17 2011

**Planning Commission, City of Long Beach**

Public Hearing on 2<sup>nd</sup>+PCH

I request that the Planning Commission reject agenda items 11-072PL, 11-074PL, 11-074PL. I believe that the actions of the Long Beach Planning Commission October 12 2011 and today, November 17 2011 violates the intent and requirements of CEQA. The EIR should be revised and re-circulated. Alternate 3 is still too high and dense for our neighborhood. I have file an appeal to the City Council on the actions taken by the Planning Commission on October 12 2011 and intend to modify that appeal as required. I reserve the right to modify my appeal based on what is discussed and actions taken at today's hearing.

It should be clear by reading the changes made on the Facts and Findings for both hearings to certify the EIR (Certified on Oct 12 and now on November 17) that city is more concerned with appeasing a developer than identifying and properly mitigating negative environmental impacts of the project. (See attached letter David Malmuth 4/25/11)

The city thinks that slightly reducing the size of a development (which is vastly out of scale with its surrounding and zoning) is sufficient to mitigate the negative environmental impacts of this project.

The developer has failed to provide the economic report that they have used to promote 2<sup>nd</sup>+PCH and this information is not included in the EIR. CEQA requires that this information so that *"decision makers can adequately balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable"*. The city has failed to justify that the positive impact of the development justifies significant negative impact of this project.

In the city's reports, the 12+ story tower and 6 & 4 story complex is considered "harmonious" with the surrounding neighborhood (even though existing code limits the height to 35 ft) only because the developer has stated that the tower ocean view condos are required to finance the project and make an acceptable profit for the land owner. The Planning Commission's discussion at the October 12 hearing centered primarily on the developer's input on how the project could be modified (so that they would still build the project) not the Facts & Findings or whether the environmental impacts had been adequately identified or mitigated.

On October 12 2011 the commission certified the EIR without the proper Findings and Facts, Statement of Overriding Considerations. The November 17 2011 changes to these documents again fail to meet the requirements of CEQA. Worse....As you can see from the changes show below the City of Long Beach cares more about politics and developers than public process, the California Quality Act (CEQA) or mitigating the negative environmental impact on its citizens.

Respectfully,

Kerrie Aley

On October 12 2011 this commission certified the FEIR without a valid Resolution with Findings of Fact and Statement of Consideration.

**CITY OF LONG BEACH  
PLANNING COMMISSION MINUTES**

**WEDNESDAY, OCTOBER 12, 2011  
333 W. OCEAN BOULEVARD  
COUNCIL CHAMBER, 5:00 PM**

1. 11-055PL Recommendation to: 1) Adopt a Resolution with Findings of Fact and a Statement of Overriding Considerations certifying a Final Environmental Impact Report (EIR 04-09); 2) Recommend City Council approve a General Plan/Local Coastal Program Amendment and Amendment to Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP); and 3) Continue requests for Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit approval to a date uncertain for a mixed-use project consisting of 325 residential units, 191,475 square feet of commercial retail space; 100 hotel rooms with 4,368 square feet of hotel restaurant space and 3,510 square feet of hotel meeting space, 21,092 square feet of non-hotel restaurant space, a 4,175-square-foot science center, a 99-seat theater, and 1,440 on-site parking spaces. (District 3) (Application No. 0904-09).

1. 11-060PL Recommendation to adopt a Resolution with Findings of Fact and a Statement of Overriding Considerations certifying a Final Environmental Impact Report (EIR 04-09). (District 3) (Application No. 0904-09) (1)

Chair Dumin spoke.

A motion was made by Commissioner Blair, seconded by Commissioner Van Horik, to approve the recommendation. The motion carried by the following vote:

Yes: 7 - Alan L. Fox, Charles Durnin, Leslie Fernald Gentile, Phillip Joseph Saumur, Melani Smith, Donita Van Horik and Becky Blair

1. 11-061PL Recommendation to recommend City Council approve a General Plan/Local Coastal Program Amendment and Amendment to Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP). (District 3) (Application No. 0904-09) (2)

On October 12 2011 the commission approved a amendment to SEADI and LCP for modified version of Alternate 3.

A motion was made by Commissioner Gentile, seconded by Commissioner Blair, to approve the recommendation for Alternative 3 with an amendment to allow flexibility for the allocation of square footage associated with retail and restaurant but not exceeding 175,000 square feet. The motion carried by the following vote:

Yes: 4 - Leslie Fernald Gentile, Melani Smith, Donita Van Horik and Becky Blair

No: 3 - Alan L. Fox, Charles Dumin and Phillip Joseph Saumur

1. 11-062PL

Recommendation to continue requests for Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit approval to a date uncertain for a mixed-use project consisting of 325 residential units, 191,475 square feet of commercial retail space;

A motion was made by Commissioner Gentile, seconded by Commissioner Smith to continue the requests for Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit and approval of Revised Findings for the Environmental Impact Report to November 17, 2011. The motion carried by the following vote:

Yes: 7 - Alan L. Fox, Charles Dumin, Leslie Fernald Gentile, Phillip Joseph Saumur, Melani Smith, Donita Van Horik and Becky Blair

On October 12 2001 the commission approved the following Facts and Findings:

**C REDUCED INTENSITY ALTERNATIVE A**

Reduced Intensity Alternative A would involve the development of a mix of land uses on the project site similar to the proposed project, but reduced in terms of commercial/retail and residential development intensity (20 and 15 percent, respectively), and this alternative would not include the theater use that is included in the proposed project. Hotel, hotel restaurant, hotel meeting space, and marine science center uses, as well as public open space and maximum building heights, would be the same as under the proposed project, though non-hotel restaurant uses would be reduced by approximately five percent.

**Finding**

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

**Facts in Support of Finding**

This alternative would meet many of the objectives of the proposed project and would incrementally reduce the level of environmental impact with respect to some issues as compared to the proposed project. However, air quality, land use, and traffic impacts would remain significant under this alternative.

This alternative is considered feasible, would meet many of the project objectives, and would reduce environmental impacts as compared to the proposed project. Therefore, adoption of this alternative would constitute a change or alteration that would substantially lessen the environmental effects identified in the final EIR. The findings set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations support adoption of this alternative.

On November 17 2011 the Facts and Finds have been revised (with no explanation) to:

**C REDUCED INTENSITY ALTERNATIVE A**

Reduced Intensity Alternative A would involve the development of a mix of land uses on the project site similar to the proposed project, but reduced in terms of commercial/retail and residential development intensity (20 and 15 percent, respectively), and this alternative would not include the theater use that is included in the proposed project. Hotel, hotel restaurant, hotel meeting space, and marine science center uses, as well as public open space and maximum building heights, would be the same as under the proposed project, though non-hotel restaurant uses would be reduced by approximately five percent.

**Finding**

- *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of housing and public facilities and for revitalization as discussed in the Statement of Overriding Considerations, render this alternative infeasible.*

**Facts in Support of Finding**

This alternative would meet many of the objectives of the proposed project and would incrementally reduce the level of environmental impact with respect to some issues as compared to the proposed project. However, air quality, land use, and traffic impacts would remain significant under this alternative.

This alternative is considered feasible, would meet many of the project objectives, and would incrementally reduce environmental impacts as compared to the proposed project. However, as discussed below, Reduced Intensity Alternative B or some variation of that alternative is also considered feasible, would generally achieve the project objectives, and would further reduce environmental impacts. Therefore, the findings for that alternative set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations support elimination of this alternative from further consideration.

On October 12 2001 the commission approved the following Facts and Findings:

**D REDUCED INTENSITY ALTERNATIVE B**

Reduced Intensity Alternative B would involve the development of a mix of land uses on the project site similar to the proposed project, but reduced in terms of commercial/retail and residential development intensity (35 and 33 percent, respectively), and this alternative would not include the theater use that is included in the proposed project. Hotel, hotel restaurant, hotel meeting space, and marine science center uses, as well as public open space, would be the same as under the proposed project, though non-hotel restaurant uses would be reduced by approximately five percent. Under this alternative, maximum building heights would be reduced by approximately 45 percent (i.e., from 12 stories to six stories, or from 150 feet to 82 feet).

**Finding**

- *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*

### Facts in Support of Finding

This alternative would meet many of the objectives of the proposed project and would incrementally reduce the level of environmental impact with respect to some issues as compared to the proposed project. This alternative would reduce maximum building height from 12 to six stories and would reduce weekday traffic levels by about 25 percent as compared to the proposed project. As such, although it would not eliminate the proposed project's significant and unavoidable air quality, land use, and traffic impacts (i.e., impacts in these issue areas would remain significant), this alternative or some variation of it would substantially reduce the magnitude of these impacts as compared to the proposed project.

This alternative is considered feasible, would meet many of the project objectives, and would incrementally reduce environmental impacts as compared to the proposed project. Therefore, adoption of this alternative or some variation of it would constitute a change or alteration that would substantially lessen the environmental effects identified in the final EIR. The findings set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations support adoption of this alternative or some variation of it.

On November 17 2011 the Facts and Finds have been revised (with no explanation) to:

#### D REDUCED INTENSITY ALTERNATIVE B

Reduced Intensity Alternative B would involve the development of a mix of land uses on the project site similar to the proposed project, but reduced in terms of commercial/retail and residential development intensity (35 and 33 percent, respectively), and this alternative would not include the theater use that is included in the proposed project. Hotel, hotel restaurant, hotel meeting space, and marine science center uses, as well as public open space, would be the same as under the proposed project, though non-hotel restaurant uses would be reduced by approximately five percent. Under this alternative, maximum building heights would be reduced by approximately 45 percent (i.e., from 12 stories to six stories, or from 150 feet to 82 feet).

#### Finding

- \* *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of housing and public facilities and for revitalization as discussed in the Statement of Overriding Considerations, render this alternative infeasible.*

On November 17 2011 the Facts and Finds have been revised (with no explanation) to:

**C STATEMENT OF OVERRIDING CONSIDERATIONS**

The City of Long Beach must adopt discretionary actions to approve the Second + PCH Development Project. Analysis in the EIR for this project has concluded that the proposed project would result in impacts to air quality, land use, transportation and circulation that cannot be mitigated to a less than significant level. All other potential significant adverse project impacts can be mitigated to a less than significant level through mitigation measures in the Final EIR.

The California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

The City of Long Beach has determined that the significant unavoidable adverse project impacts, which would remain significant after mitigation, are acceptable and are outweighed by social, economic and other benefits of a reduced Intensity alternative, as summarized below:

1. The City of Long Beach finds that all feasible mitigation measures/alternatives have been imposed to lessen project impacts to less than significant levels.
2. Implementation of a reduced Intensity alternative will contribute to long-range development goals identified by the City in the General Plan Land Use Element, the Southeast Area Development and Improvement Plan, and the 2010 Long Beach Strategic Plan. The 2010 Strategic Plan states that "[I]n order to improve neighborhood stability, we need to find locations for high density housing, where transportation and other public and private services can support it." A reduced intensity alternative furthers this goal by providing multi-family housing.
3. A reduced intensity alternative will positively enhance Long Beach by developing an underutilized site with a mix of residential, commercial, and public uses in proximity to employment, entertainment, retail, and transit opportunities, as well as the adjacent Alamitos Bay Marina.
4. A reduced intensity alternative will enhance access to the site and the adjacent marina by providing a high quality pedestrian environment, efficient vehicular access, bicycle facilities, and access to mass transit.
5. A reduced intensity alternative will include a mix of residences, restaurants, retail development, a hotel, a science center, and public open spaces. This mix of uses will enhance the area and provide enhanced commercial opportunities within walking distance of existing residential areas.
6. The new residential units included in a reduced intensity alternative will increase the availability of housing in the City of Long Beach, helping meet the City's housing goals, enhancing the jobs/housing balance, and encouraging walking and transit use.

## C STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Long Beach must adopt discretionary actions to approve the Second + PCH Development Project. Analysis in the EIR for this project has concluded that the proposed project would result in impacts to air quality, land use, transportation and circulation that cannot be mitigated to a less than significant level. All other potential significant adverse project impacts can be mitigated to a less than significant level through mitigation measures in the Final EIR.

The California Environmental Quality Act requires the lead agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

The City of Long Beach has determined that the significant unavoidable adverse project impacts, which would remain significant after mitigation, are acceptable and are outweighed by social, economic and other benefits of a reduced Intensity alternative, as summarized below:

1. The City of Long Beach finds that all feasible mitigation measures/alternatives have been imposed to lessen project impacts to less than significant levels.
2. Implementation of Reduced Intensity Alternative A will contribute to long-range development goals identified by the City in the General Plan Land Use Element, the Southeast Area Development and Improvement Plan, and the 2010 Long Beach Strategic Plan. The 2010 Strategic Plan states that "[i]n order to improve neighborhood stability, we need to find locations for high density housing, where transportation and other public and private services can support it." A reduced intensity alternative furthers this goal by providing multi-family housing.
3. Reduced Intensity Alternative A will positively enhance Long Beach by developing an underutilized site with a mix of residential, commercial, and public uses in proximity to employment, entertainment, retail, and transit opportunities, as well as the adjacent Alamitos Bay Marina.
4. Reduced Intensity Alternative A will enhance access to the site and the adjacent marina by providing a high quality pedestrian environment, efficient vehicular access, bicycle facilities, and access to mass transit.
5. Reduced Intensity Alternative A will include a mix of residences, restaurants, retail development, a hotel, a science center, and public open spaces. This mix of uses will enhance the area and provide enhanced commercial opportunities within walking distance of existing residential areas.
6. The new residential units included in Reduced Intensity Alternative A will increase the availability of housing in the City of Long Beach, helping meet the City's housing goals, enhancing the jobs/housing balance, and encouraging walking and transit use.

## October 12 2011 Facts Findings & Statement of Overriding Considerations

7. A reduced intensity alternative will enhance opportunities for private financial investments through home ownership opportunities, job opportunities and retail opportunities.
8. A reduced intensity alternative will strive for sustainability and utilize strategies to encourage efficient use of land and energy conservation. This will further the City's sustainability goals and reduce air pollution in the City.
9. A reduced intensity alternative will enhance the economic vitality of the site vicinity and the City as a whole by providing economically viable residential and non-residential development that will provide property tax, sales tax, and other revenue opportunities.

Therefore, the City of Long Beach, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the public record, adopts the Statement of Overriding Considerations that has been balanced against the unavoidable adverse impacts in reaching a decision on this project.

### Facts in Support of Finding

This alternative would meet many of the objectives of the proposed project and would incrementally reduce the level of environmental impact with respect to some issues as compared to the proposed project. This alternative would reduce maximum building height from 12 to six stories and would reduce weekday traffic levels by about 25 percent as compared to the proposed project. As such, although it would not eliminate the proposed project's significant and unavoidable air quality, land use, and traffic impacts (i.e., impacts in these issue areas would remain significant), this alternative or some variation of it would substantially reduce the magnitude of these impacts as compared to the proposed project.

This alternative would meet many of the project objectives and would reduce overall environmental impacts as compared to the proposed project due to the reduction in onsite development intensity and reduced maximum building height. However, this alternative would not avoid the proposed project's significant and unavoidable air quality, land use, and traffic impacts. In addition, it may not meet the following key objectives:

- Provide an economically viable reuse of the project site
- Enhance the economic vitality of the City

Based on the above, the findings set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations support elimination of this alternative from further consideration.

## November 17 2011 Facts Findings & Statement of Overriding Considerations

7. Reduced Intensity Alternative A will enhance opportunities for private financial investments through home ownership opportunities, job opportunities and retail opportunities.
8. Reduced Intensity Alternative A will strive for sustainability and utilize strategies to encourage efficient use of land and energy conservation. This will further the City's sustainability goals and reduce air pollution in the City.
9. Reduced Intensity Alternative A will enhance the economic vitality of the site vicinity and the City as a whole by providing economically viable residential and non-residential development that will provide property tax, sales tax, and other revenue opportunities.

Therefore, the City of Long Beach, having reviewed and considered the information contained in the Final EIR, Technical Appendices and the public record, adopts the Statement of Overriding Considerations that has been balanced against the unavoidable adverse impacts in reaching a decision on this project.

### 15093. Statement of Overriding Considerations

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Sections 21002 and 21081, Public Resources Code; *San Francisco Ecology Center v. City and County of San Francisco* (1975) 48 Cal.App.3d 584; *City of Carmel-by-the-Sea v. Board of Supervisors* (1977) 71 Cal.App.3d 84; *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212; *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433.

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### 15091. Findings

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.