

12-20-11

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Date: 12/19/2011 09:17 AM
Subject: Sorry, I forgot to attach letter--here it is.

Dear Councilmembers and others,

I guess I have been sitting in the twilight and it was not until this morning that I realized that you will be having this meeting on the 1st night of Channukah. As is tradition in my family, this holiday has always been celebrated with a

dinner commemorating this occasion on the 1st night of candle lighting. Since this must occur at sundown, it is with certainty that I will be unable to attend. I am rather concerned that you choose this occasion to put this item on the vote, thereby limiting attendance by many religious persons at this time. Why should that be? Why have you singled out people who are Jewish to not be present and instead chose the date of January 3 as vacation time. This selection is ill-conceived and I am very distressed about it.

First I would like to attach my letter that was sent to my homeowners. It was not an official letter but just an informational letter. This I would like to be put in the public record, along with the following concerns I specifically have. By the way, the response to this attached letter was 9 to 1 in opposition--but then no one ever came to our Homeowners Association to talk about the project even after numerous attempts to contact the project developer and others regarding this issue.

I would like you to address two problems among the many that need to be addressed about this project. First: this project is on the Seismic Hazard Zone map and as a consequence is prone to great damage during an earthquake. As we learned during the Northridge Earthquake of 1994, **liquefaction** was the major cause of damage. This parcel will be built on liquefaction susceptible soils and therefore is unsuitable for the structures proposed

I have not seen any mitigation that shows that the design of either these 12 story buildings or the parking structure will be made to be liquefaction resistant. In addition, will they be drilling onsite borings up to 50 feet deep, have they addressed the liquefaction potential and have they done such an analysis. Since this is on the Alquist-Priolo Fault, have they mapped to delineate any locations of potentially active faults. Will there be a Geotechnical Report, a liquefaction investigation and will a geological survey be submitted so that we know prior to construction if active faulting exists. **AS YOU WELL KNOW, structures for human occupancy are prohibited across the trace of an active fault.**

This could be a problem long after the Council leaves to go to greener pastures, leaving us the citizen's of this city with a massive tax bill to pay for a 12 story structure that could be flattened.

Secondly, I would ask the Councilman DeLong and Councilwoman Lowenthal consider recusing themselves from voting on this issue for the following reasons:

1. This particular project may involve a direct or indirect pecuniary or material benefit to them and others.
2. There is at a minimum an appearance of impropriety that could result in a direct or indirect pecuniary interest.
 1. The owner of Bancap and a past campaign manager for Mr. DeLong has been an active member of the "support this project team", all the while owning numerous parcels along Marina Drive.
 2. Councilwoman Lowenthal's brother-in-law, has also been a

member of the "team", and had a "nightclub" at the present site and in all probability will have one in the future project.

3. Both of these representatives have a commitment in a private capacity to the interests of others.
3. The ethical code should frown on council members who will henceforth receive campaign money from the developers. They should not be allowed to receive money from those who's issues the Councilperson will vote on. When in doubt, these members should abstain from voting.

Thank You very much for listening

Pat Towner

3rd District Resident

6239 E. 6th Street



Long Beach, CA 90803 Letter to UPENA residents 2nd & PCH.docx

Hi,

I am writing to you today outside of my role as President of University Park Neighborhood Association, but rather as an owner, original member of the Local Coastal Committee in Long Beach, the Coastal Commission of California and almost lifelong member of Long Beach. My taxes are \$1400.00 to make some of you very jealous, but my commitment to College Park Estates/University Park Estates runs long and deep. I care very much what happens here, though I do admit to harboring antiquated notions of community, affiliation and a local version of the "Peace Corps". I want to maintain our area for the self-same reasons each of us bought homes here.

On December 20th 2011, at approximately 5:00 pm, the City Council will have a final review of the project at 2nd & PCH. There is no doubt in my mind that the council will approve it, even though the Open Meeting Act precludes Council members from talking to one another prior to the vote on the floor. However, the project is being promoted by some very influential people (none, save one or two that will be directly impacted by the change) in the name of getting rid of the "eyesore" called a "hotel" on the corner. As if a high density, high rise of 12 stories complete with residential were the only solution to this problem.

While I am personally opposed to this project because it is not what we envisioned for Southeast Long Beach, I am more concerned about the violations of our "long standing commitment to the Coastal Act, which took more than 2 years to plan and included every major player in the City—the Chamber of Commerce, Bixby Ranch/Land, Homeowners groups from the entire area, the Sierra Club, League of Women Voters, etc. Unlike current concerns. . our issues were never about revenue, but about a planning document that preserved our quality of life—that brought us a "Naples-like development", which allowed high rises, but downtown. We planned heights and density low in order to establish a character.

Now we have an incredibly dense 12 story project which will severely impact us not only with additional traffic on already congested "F" roads, but will serve as

precedent-setting for all future projects in the area—and believe me, a number of them are already on the drawing board.

Besides there are so many problems with this project that even Councilman DeLong admitted that it would probably not get through the Coastal Commission. Which makes me wonder how he would know how the vote would go at City Council and why on earth would he be willing to approve a project that would be rejected by the State Coastal Commission?

Problems this project presents:

The proposed development does not conform to the certified Local Coastal Program (LCP) and unless and until the Coastal Commission certifies the proposed LCP amendment revisions, the currently certified LCP is still the zoning for the area. In this case, the currently certified LCP restricts building height to 35 feet and prohibits residential. The Project is not consistent with the certified LCP, and the City shouldn't be making a positive finding that it is. Yet that is exactly what they are suggesting should be done.

To quote **Heather Altman** from her blog "Egrets not Regrets" "None of this makes much sense. There are some serious, substantial issues here that need to get dealt with, and it would seem as though the City's desired approach in recommending immediate approval is to "kick the can down the road." Why? Why approve a permit if it won't get upheld by the subsequent decision making body? And why set the legal wheels in motion giving anyone who sues such powerful ammunition? Why?

- 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 and few if any of us have seen the finished product since it was voted on a mere 6 days before the Planning Commission adopted its findings.
- In 2010, the Planning staff noted that 60% of the respondents to a citywide survey did not want to change the character of SEADIP, the

neighborhood, ergo changes to the LCP and SEADIP were dropped---
ask yourself why those results were and have been ignored?

Failure to mitigate the 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 that major projects have occurred across 7th street (the expansion of the VA Hospital, the expansion of Cal State that will impact all of us, particularly given the major access and egress to our tract is 2 streets that are already severely impacted on a daily basis. Cal Trans has taken note, the City of Seal Beach & a number of citizens have major concerns about congestion this project will create on already congested streets.

Please write, or come to the council meeting and express your thoughts on this project. You may want additional height of 12+ stories and increased traffic as a "way of life", but you need to share it with the council. If, like me you oppose this project, do let the City Council know by emailing Gary DeLong @ longbeach.gov or calling him at 562-570-6300 to tell him that you love it, or that you hate it. Better yet, come to the council meeting on Tuesday and express your concerns

Cordially

Pat Towner