

Application For Appeal

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

Site Plan Review Committee

Zoning Administrator

Planning Commission

Cultural Heritage Commission

Which was taken on the 26th day of May, 20 21.

Project Address: 525 E. Broadway

I/We, your appellant(s), hereby respectfully request that Your Honorable Body reject the decision and Approve / Deny the application or permit in question.

ALL INFORMATION BELOW IS REQUIRED

Reasons for Appeal: As condo owners (some long-term) in the building to the north at 215 Atlantic Ave., we request the following design changes to 525 E. Broadway:

1-1

1.) A larger setback between buildings, perhaps 15', in order to allow more sunlight and airflow to the south and west-facing condos in 215 Atlantic. The 7-story design of 525 will block all existing light and views. We recommend a third party study of the effect the light and airflow loss will have upon the residents of our building.

1-2

2.) Design changes to the walls facing our building for aesthetic and airflow/light purposes mentioned above. Possible vertical gardens/mosaics/artwork/staggered.

1-3

3.) A goodwill/good neighbor effort to add more parking stalls for their residents.

Appellant Name(s): Jennifer Celio, Marybeth Wall, Tony Eklaris, Gayle Shapiro, Susan Taylor

Organization (if representing)

Address: 215 Atlantic Ave.

City Long Beach State CA ZIP 90802 Phone (562) 522-4454

Signature(s) Jennifer Celio (primary appellant) Date 6/4/21

- A separate appeal form is required for each appellant party, except for appellants from the same address, or an appellant representing an organization.
Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
You must have established aggrieved status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
See reverse of this form for the statutory provisions on the appeal process.

BELOW THIS LINE FOR STAFF USE ONLY

Appeal by Applicant Appeal by Third Party

Received by: SK Case No.: 2004-05, SPR20-009 Appeal Filing Date: 6/4/21

Fee: \$112.14 Fee Paid Project (receipt) No.: PLNB50432

APL21-004

From: [Susan Taylor](#)
To: [Maryanne Cronin](#)
Cc: [Jennifer Celio](#); [Gayle Shapiro](#); [Tony Glavis](#); [Marybeth](#)
Subject: Addendum to the Application for Appeal re: 525 E. Broadway Project
Date: Sunday, June 06, 2021 6:44:31 PM
Attachments: [True Shadow Effects of 525 Broadway on Atlantic Plaza Rev 3.docx](#)
[The Effects of Lack of Sunlight and Fresh Air.docx](#)

-EXTERNAL-

Dear Maryanne,

This email message is intended to serve as an addendum to the Application for Appeal submitted on June 4, 2021, to deny or significantly revise the conditions of approval for the 525 E. Broadway development project. The appeal form was submitted by Jennifer Celio as the primary appellant. The appeal form did not provide adequate room for us to express our concerns so we will attempt to do so here. Please know that we appreciate you sending us the Conditions of Approval Site Plan Review for the proposed project. We believe, however, there is still a long way to go before the proposed development will honor our needs as condominium owners in the Atlantic Plaza located at 215 Atlantic Avenue, Long Beach.

1-4

To start with, this proposed project completely encases the west and south sides of the Atlantic Plaza building. All of the windows on these two sides of our building would face the proposed project's walls at a distance of only nine feet between buildings. I will refer to this area as the nine-foot L-shaped passageway. Direct sunlight will never enter the windows in the passageway. Those windows will only receive diffused light for no more than seven hours a day at the best of times and not at all during the worst of times. While all of the Atlantic Plaza condos and residents will be impacted by this proposed development, there are eight condos that will be severely impacted as they are located at the turning point of the nine-foot L-shaped passageway and ALL of their windows will face the passageway. Also, four of those eight units have balconies that would overlook this dark narrow passageway. The "shade study" that was produced does not begin to address the problems such an L-shaped passageway will create.

1-5

Lack of sunlight affects the physical, mental and emotional health of human beings in serious ways. Numerous studies and articles can be easily found online if you doubt the truthfulness of this statement. The sunlight that enters the passageway will go directly toward the ground and will provide less and less light as it descends. This creates an even more dire situation for folks on the lower floors. While owners of the condos on the fifth floor of the Atlantic Plaza will enjoy some indirect sunlight, each successive lower floor will get less and less light. If you doubt this simply look at a lamp. The closer you are to the bulb the brighter the light, the farther away

1-6



the more diffused the light becomes.

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1-6

When we had our May 26th virtual meeting with the developer, he was asked about the impact of the proposed building on air currents in the L-shaped passageway. He said he didn't know about the impact. The Atlantic Plaza building does not have central air conditioning and depends upon natural coastal breezes to cool the building. Dramatic changes to the air currents will have a detrimental impact upon air quality and quality of life for the residents of the Atlantic Plaza.

1-7

We also have concerns about the proposed garage that will be only nine feet from our building. We need to know if the garage will be vented into the L-shaped passageway. If so, we fear that carbon monoxide and other pollutants will be trapped in the passageway and drift in through the open windows of Atlantic Plaza residents. Noise is also a concern. Will the sound of engines starting, cars breaking, tires screeching and vehicles bouncing over speed bumps enter the L-shaped passageway and reverberate through the Atlantic Plaza?

1-8

Because of these concerns we strongly recommend that an objective, third party study be performed to ascertain the impact the proposed project will have on our building and its residents prior to the final approval of the proposed project. This study should also recommend project changes that would mitigate the harmful effects of the proposed project on the Atlantic Plaza and its residents. Please be aware that although the Atlantic Plaza is zoned as a mixed-use building, it is primarily a condominium residence filled with people who call it home. The only unit that can be used for commercial purposes is located on the ground floor. All the remaining twenty-four condos are filled by people who live in those units.

1-9

The developer has stated he is unwilling to flip the current design so that their planned courtyard could be viewed by residents of the Atlantic Plaza. His concern was that the occupants of his building would lose their views. But what about our views? Since he feels he cannot honor our appeal, and barring other creative solutions from the study requested, we ask that there be at least fifteen feet between the buildings as opposed to the nine-foot distance currently proposed. This would allow for more sunlight and airflow, more room for fire trucks and other emergency vehicles, and more visibility to deter undesirable elements from congregating in the passageway. If there is only nine feet of space between buildings, there is little possibility that plants would survive the lack of sunlight. In fact, with such limited light chances are only moss, algae and dry rot would grow.

1-10

We also request a vertical garden insert that stretches across the full length of the proposed building rather than just the five foot insert currently offered. This would improve the air quality and add reflected light and dimension to the otherwise drab

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1-11

north wall.

↑ 1-11

Keep in mind that the proposed development is located within the Long Beach Arts District. Accordingly, we propose that a mosaic work of art be created on the west garage wall. A bold work of art would potentially attract renters to the new building that might not otherwise find the building appealing and would also give the Atlantic Plaza residents something attractive to look at that would also reflect light into the dark passageway. Barring that, painting adjoining walls with bright, reflective paint and having vertical gardens all over the walls would reflect what little sunlight comes down during the day. This is not New York after all. Atlantic Plaza residents shouldn't have to look at tenement walls. The advantage of a mosaic over plants is that it would be permanent and would not die from lack of sunlight or water.

1-12

We know this may seem like a lot to ask of the developer, but in the long run it is better for Atlantic Plaza residents and would mitigate property value losses for our owners due to the loss of sunlight, air currents and city views. I draw to your attention condition number seventy in the Conditions of Approval Site Plan Review. It states, "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." It is our firm position that without significant alterations to the plans of the proposed project, it will indeed be seriously detrimental to the health, safety, general welfare, environmental quality and quality of life for residents of the Atlantic Plaza.

1-13

Again, we appreciate that some of our concerns and ideas were considered in the Site Plan Review. It would have been better for all concerned if the needs of the residents of the Atlantic Plaza had been taken into consideration at an earlier phase in the project's development, but we were never advised that the project was being planned. Given the situation we now find ourselves in, we must impress upon you our concerns that the concessions made to date do not go far enough to address the loss of views, airflow, direct sunlight as well as the increase of noise levels and carbon monoxide fumes from the garage. We were here first and deserve to have our concerns addressed.

1-14

Thank you for working with us to come to an equitable solution for all concerned. We are providing two attachments with information in support of our most salient concerns regarding loss of light and airflow. One addresses shadow throughout the day and the other concerns the health risks of the current design. We dearly hope that you hear our concerns with open hearts and minds. If human beings are to survive and thrive on this planet, we must all learn listen to one another and make concessions for



the good of all concerned. We offer this appeal in that spirit and hope it is received in the same way.



1-14

Sincerely,

Susan Taylor

Owner of unit 406 in the Atlantic Plaza

True Shadow Effects of 525 E. Broadway on Atlantic Plaza

The diagrams and text of the developer’s EIR are misleading. Using software found at FindMyShadow.com, owners of Atlantic Plaza condominiums discovered that in fact there is often less than two hours of sunlight September through June on the south and west sides of the building. June allows up to 7 hours of light for units designated '01, '03 and '05.

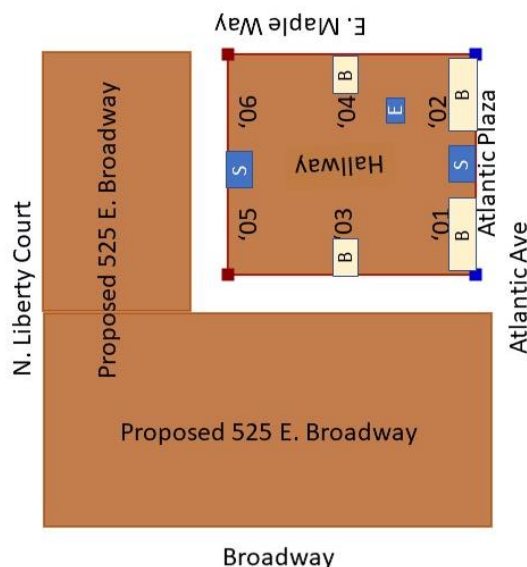
The best seasons for sunlight are summer and fall. Using September 2, 2021 as an example, there is one hour of sunlight on the south side between 8 a.m. and 9 a.m. We surmise that the developer came up with the four-hour figure by noting that as sun moves across the sky the '01 unit in southeast corner of Atlantic Plaza will receive sunlight as late as noon (see diagram below). The rest of the units on the south side of the building move into shadow after one hour. In addition, if you look at their illustration of shadow at Spring Equinox, the space between the buildings is clearly exaggerated. Their own drawings show the east side of 525 Broadway is 63'+ across. If that is true, then the space they depict between the north side of their building and the south side of Atlantic Plaza is more like 12 ft, instead of the 9' space the city proposed.

The best season for sunlight is summer (see pictures below). In June, owners will receive up to 7 hours of sunlight, most during working hours. The worst season is winter (December pictures) when owners can only count on 30-45 minutes of light during a time already rife with Seasonal Affective Disorder (SAD).

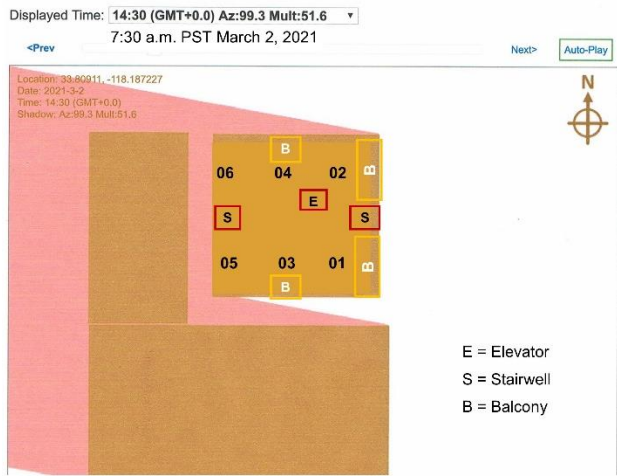
On the following pages we have selected times when there is some sunlight whenever possible, just to illustrate we are not being biased.

In addition to the detriment caused to owners of Atlantic Plaza, lack of sunlight will create an ideal situation for moss, algae and dry rot to grow on our building, especially around windows. Other potential hazards have been cited elsewhere, including creating a hidden spot for criminal activity and homeless residents, lack of air flow, insect and rodent infestations, and lack of emergency vehicle access in case of fire or earthquake.

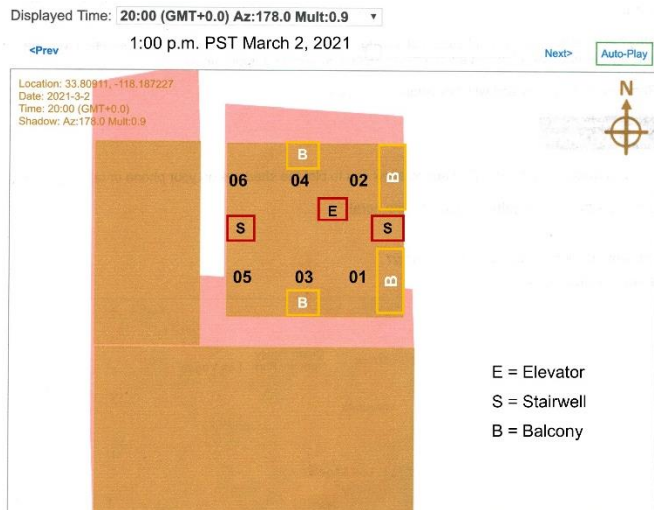
For reference, see layout of Atlantic Plaza units illustrated below.



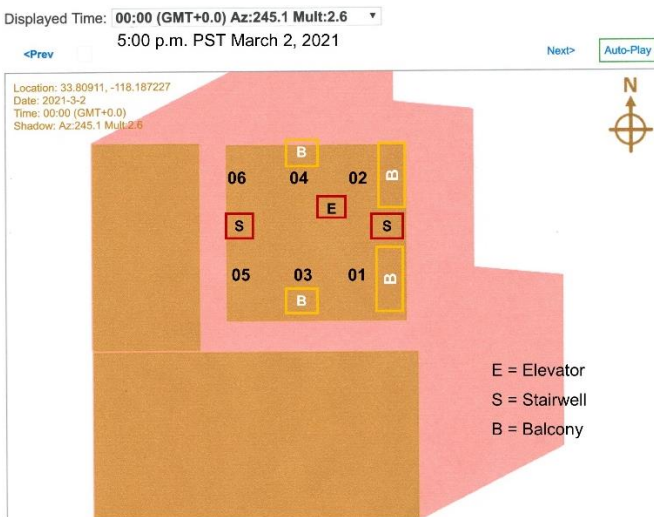
SPRING (MARCH 2, 2021)



7:30 a.m. Unit '03 gets light, '05 is diffused



1 p.m. Units '05 and '06 get light for one hour

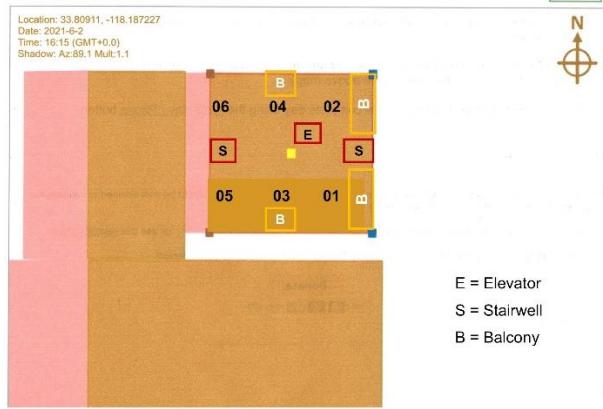


5 p.m. No unit gets any light at all

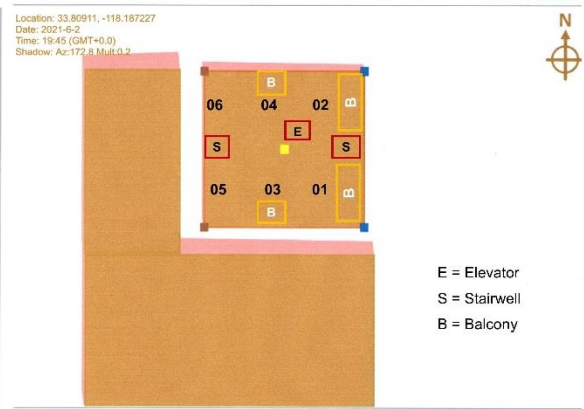
1-15
cont.

SUMMER (JUNE 2, 2021)

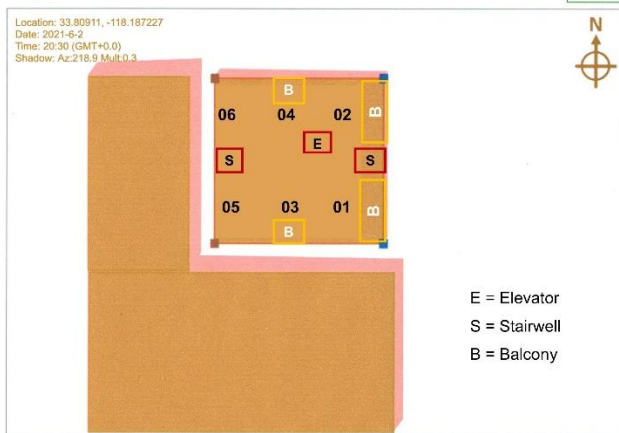
Displayed Time: 16:15 (GMT+0.0) Az:89.1 Mult:1.1
9:15 a.m. PDT June 2, 2021



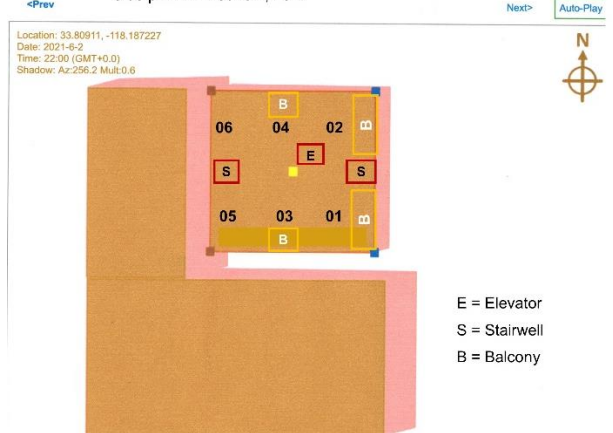
Displayed Time: 19:45 (GMT+0.0) Az:172.8 Mult:0.2
12:45 p.m. PDT June 2, 2021



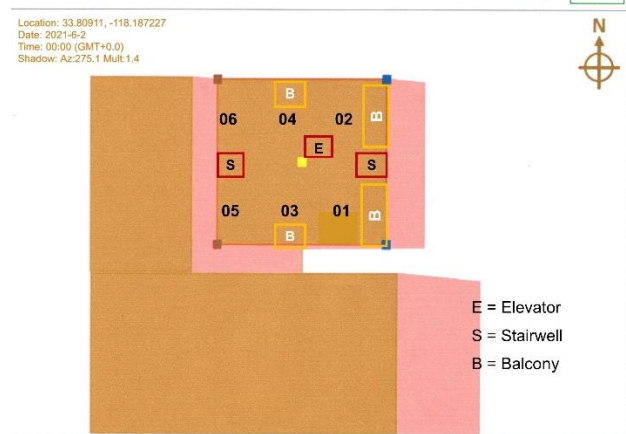
Displayed Time: 20:30 (GMT+0.0) Az:218.9 Mult:0.3
1:30 p.m. PDT June 2, 2021



Displayed Time: 22:00 (GMT+0.0) Az:256.2 Mult:0.6
3:00 p.m. PDT June 2, 2021



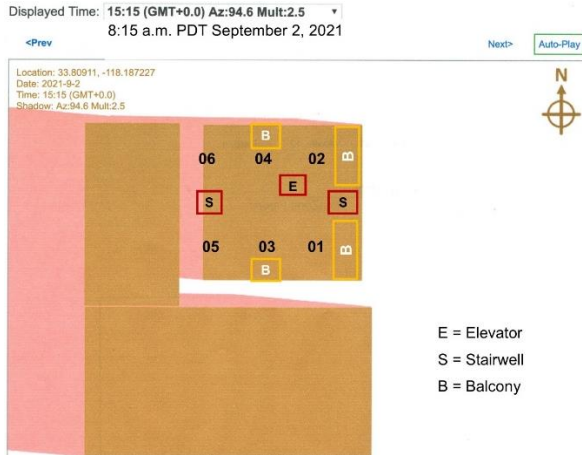
Displayed Time: 00:00 (GMT+0.0) Az:275.1 Mult:1.4
5:00 p.m. PDT June 2, 2021



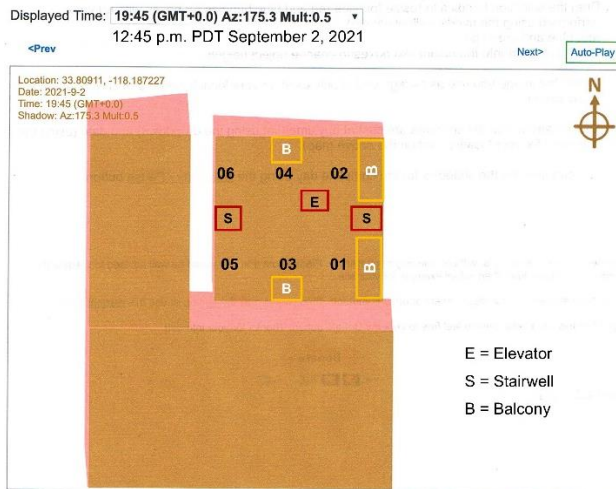
1-15
cont.

In June, owners of Atlantic Plaza units will enjoy the most exposure to sunlight, although it will be diffused by the height of the proposed 525 Broadway project. Units with '01, '03, '05 and '06 designations will no longer receive any direct sunlight regardless. Owners of units with '03 designation will also find their balconies less usable and inviting.

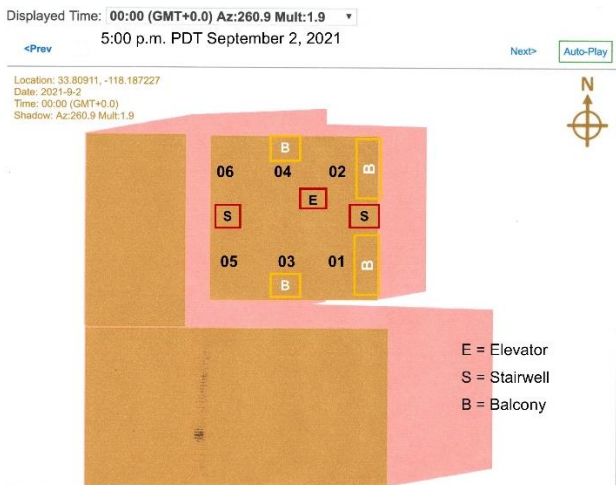
FALL (SEPTEMBER 2, 2021)



8:15 a.m. Units designated '01, '03 and '05 will get light for less than two hours. The rest of AP remains in darkness except east facing units.



12:45 p.m. Units designated '05 and '06 get light for one hour.



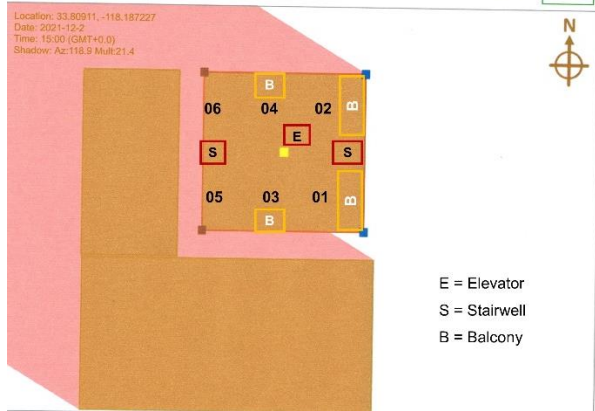
5 p.m. Unit designated '01 gets filtered light for 30 minutes.

1-15
cont.



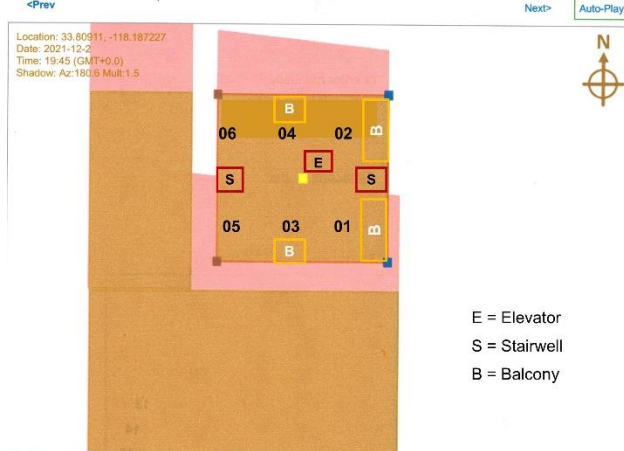
WINTER (DECEMBER 2, 2021)

Displayed Time: 15:00 (GMT+0.0) Az:118.9 Mult:21.4
8:00 a.m. PST December 2, 2021



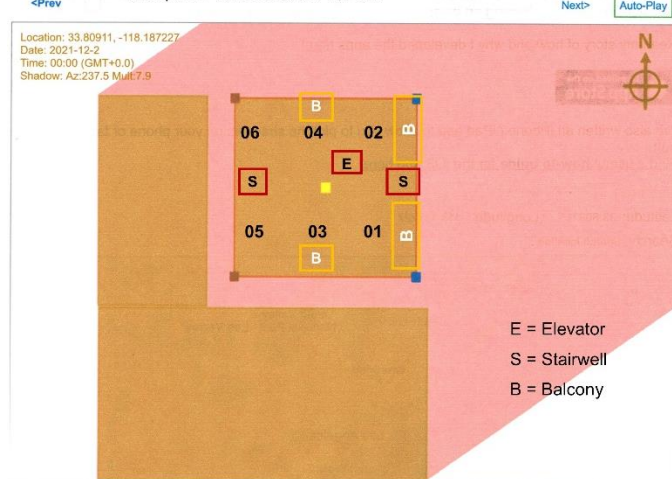
This brief eastern light will be diffuse on '01 Units

Displayed Time: 19:45 (GMT+0.0) Az:180.6 Mult:1.5
12:45 p.m. PST December 2, 2021



This light only lasts 30 minutes: 12:45-1:15

Displayed Time: 00:00 (GMT+0.0) Az:237.5 Mult:7.9
5:00 p.m. PST December 2, 2021



There is no light from 1:15 p.m. until 8 a.m.

the following morning.

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cont.

The Effects of Lack of Sunlight and Fresh Air:

An Argument for a Scaled Back 525 E. Broadway Project

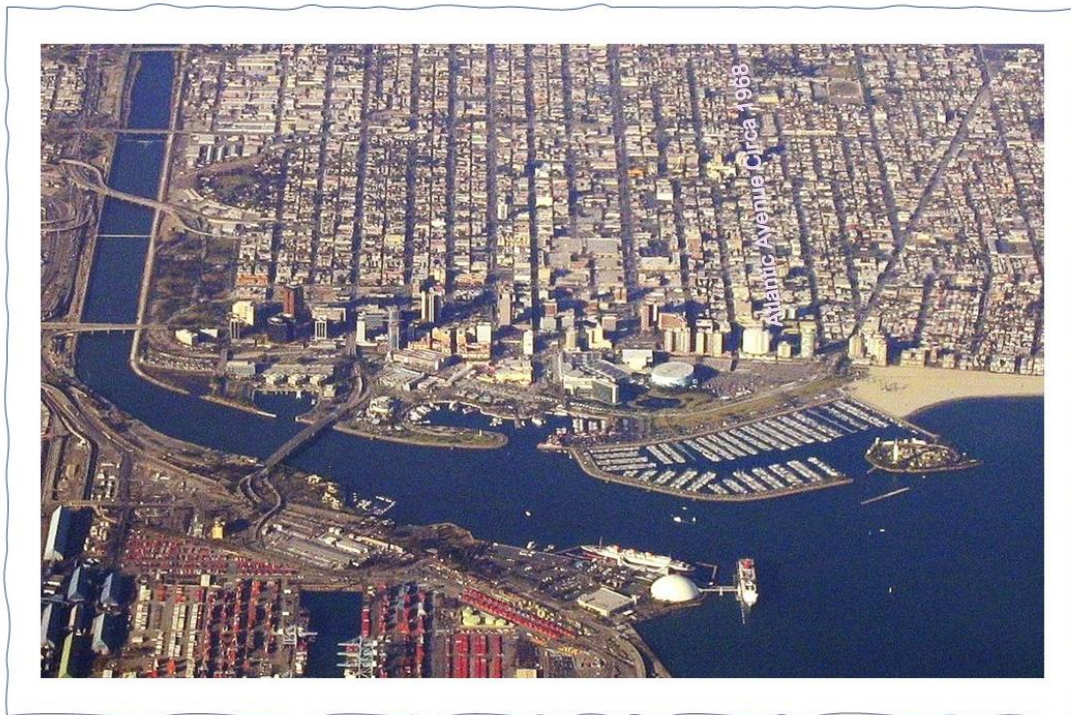
Modern life dictates a life indoors. Gone are the days of absorbing the sun's benefits from working outside. Consequently, it is essential we receive as much natural light and air as we can get in our homes and workplaces.

As owners and residents of the Atlantic Plaza Condominiums, we have enjoyed fresh air and natural sunlight streaming through our windows for up to 53 years. Now those life-giving ingredients are being threatened by the proposed 525 E. Broadway development, particularly on the west and south sides of our building.

What follows is a brief overview of what we will lose if this project goes through as planned.

215 Atlantic Avenue is located just four blocks from the beach. When Atlantic Plaza was constructed in 1968 it was among the tallest residential structures in town. Condominium owners could even see the ocean from their apartments from between the commercial structures located along Ocean Blvd. They enjoyed the convenience of ready public transit, shopping and the sunlight and ocean breezes of a coastal city.

Long Beach Circa 1968 (Note Atlantic Avenue in pink at center right)



It was only by accident that we learned of the proposed 525 E. Broadway development. A resident of the Atlantic Plaza condominiums saw a flyer promoting the development and encouraging early reservations for its luxury apartments. Immediately residents began to ask what would happen to the sunshine and fresh air we had enjoyed for 53 years. We quickly learned they might be gone.

THE BENEFITS OF SUNSHINE AND THE RISK OF DARKNESS

Scientists have long been aware of the correlation between sunlight and health. Specifically, how the Vitamin D one absorbs from the sun enhances bone health, reduces the likelihood of certain cancers, enhances the immune system, pancreatic function, and heart health. To learn more about the health benefits of sunlight, go here: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997/>

The effect of Vitamin D on bone health is the oldest known benefit of sunshine. While supplements can help, they do not have the overall effect of natural sunlight. The Vitamin D created by human skin from exposure to the ultraviolet-B radiation in the sun's rays reduces rickets in children and osteoporosis in adults.

A 2008 study published in the *Clinical Journal of the American Society of Nephrology* established that sunshine reduces the likelihood of breast, colon, pancreatic, prostate, ovarian and Hodgkin's Lymphoma cancers. In fact, "Recent studies suggested that women who are vitamin D deficient have a 253% increased risk for developing colorectal cancer." Read more here: <https://cjasn.asnjournals.org/content/3/5/1548.full>

A 2014 study by Professor Anthony Ormerod, Professor of Dermatology at the University of Aberdeen, Scotland, determined there was a link between sunlight, vitamin D and the regulatory "T" cells in the body which play a vital role in the immune system, keeping it in check and preventing damaging responses. His colleague, Professor Helen Macdonald, Professor of Nutrition and Musculoskeletal Health, added: "Vitamin D is important for bones and vitamin D deficiency has also been linked with cancer, cardiovascular disease and autoimmune diseases such as MS [multiple sclerosis]."

A healthy pancreas is vital to the body's absorption of blood sugar as the organ emits insulin to help the body metabolize the sugar from the foods we eat. A 2017 article in *Critical Reviews of Food Science and Nutrition* notes the role of the sunshine vitamin in the development of diabetes and pancreatic cancer. "Increasing evidence suggests that vitamin D exerts multiple effects beyond bone and calcium metabolism. Vitamin D seems to play a role in pancreatic disease, including type 1 and type 2 diabetes mellitus as well as pancreatic cancer."

When it comes to sunlight's importance to heart health scientific findings are even more astounding. According to Martin Feelisch, a professor of experimental medicine and integrative biology at the University of Southampton, "Nitric oxide stored in the top layers of the skin reacts to sunlight and causes blood vessels to widen as the oxide moves into the bloodstream. That, in turn, lowers blood pressure."

But there's more. While additional research is needed to confirm recent studies, there also appears to be a link between lack of Vitamin D absorption from sunshine and rheumatoid arthritis, lupus, inflammatory bowel disease and thyroid issues.

The mind is also affected. Hormones in the brain are released by sunlight and darkness. Sunlight helps the brain release a hormone called serotonin, which bolsters one's mood and helps a person feel calm and focused. Sunlight cues specific areas in the eye's retina to release serotonin. Darker lighting triggers the brain to make melatonin, the hormone responsible for helping you sleep. Decreased sun exposure creates lower serotonin levels, which can lead to depression and Seasonal Affective Disorder (SAD). This type of depression is more prevalent in the wintertime, when the days are shorter, but can also be triggered any time of year by a lack of sunlight signaling the eye to release serotonin.



The Mayo Clinic, one of the world's preeminent medical research and care facilities, says that if Seasonal Affective Disorder is not taken seriously, it may result in "social withdrawal, school or work problems, substance abuse, other mental health disorders such as anxiety or eating disorders, and suicidal thoughts or behavior." To learn more, go to: <https://www.mayoclinic.org/diseases-conditions/seasonal-affective-disorder/symptoms-causes/syc-20364651>

The residents of the Atlantic Plaza will be plunged into darkness throughout the year, particularly in winter and spring, if the proposed 525 E. Broadway project goes through as planned.



1-17
cont.

THE BENEFITS OF AIR-FLOW

One of the greatest attractions of the Atlantic Plaza Condominiums is the fresh ocean air. In a city where air pollution can be a problem, the flow of air around the building has helped the residences remain an enjoyable place to live. The 525 E. Broadway development will wall off the primary source of fresh air and cooling in the 12 units on the south and west sides of the building (those designated '03, '05 and '06). The Atlantic Plaza does not have built-in air conditioning and the terms of the homeowner's association agreement do not allow for the installation of exterior air conditioners. Consequently, if the 525 E. Broadway project goes through as planned, the only air received by the south and west facing units will be whatever manages to be in the nine-foot L-shaped passageway between Atlantic Plaza and the proposed development.

These units represent 50% of the building's occupancy, and all of these units will see reduced value if air flow and sunlight are significantly reduced. This reduction in real estate value will extend to the other units in the Atlantic Plaza, even if not by as much. Thus, the proposed development will not only disrupt our way of life, but we will lose property value, a state that has significant financial ripple effects.

1-18

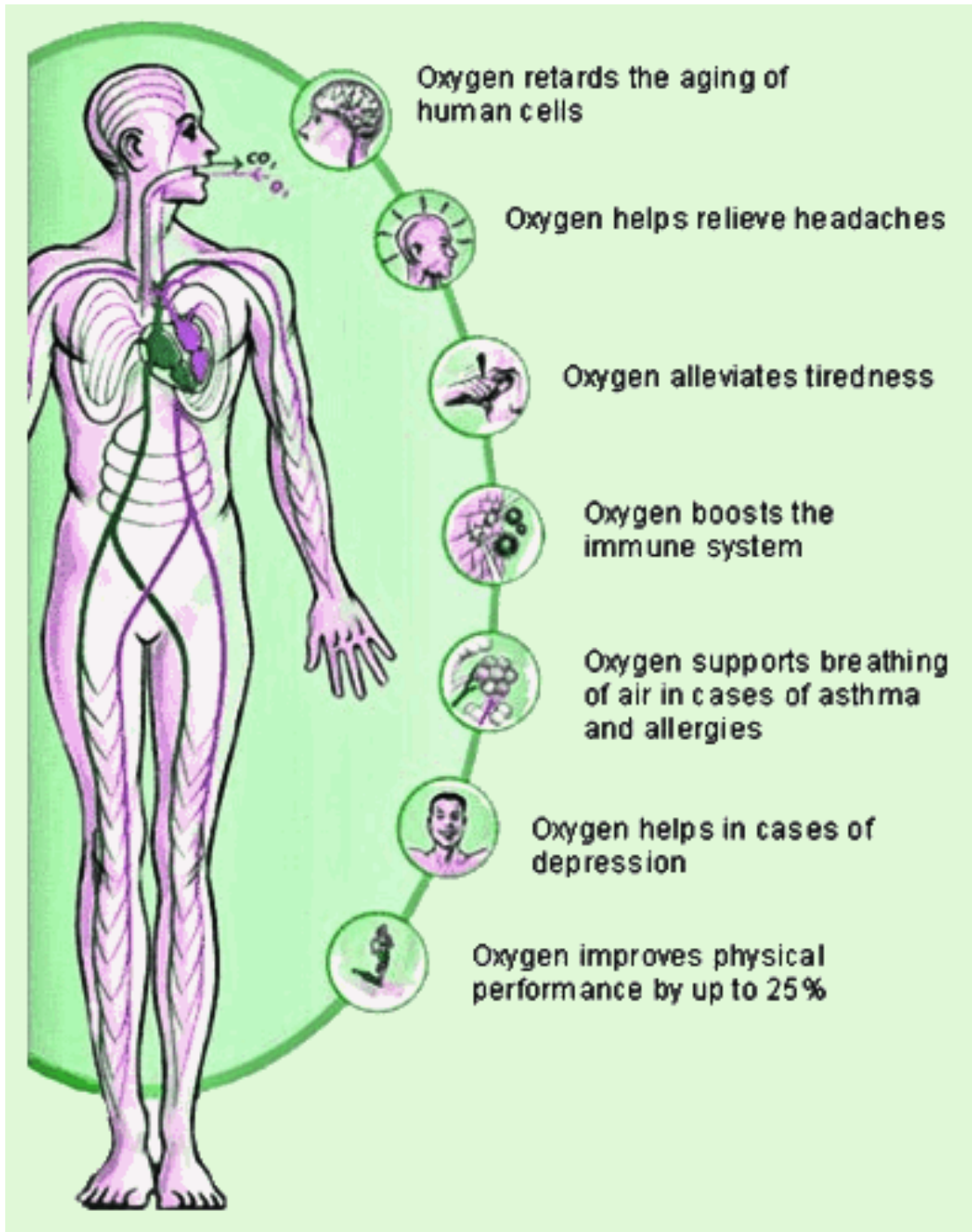
Air flow obviously translates to oxygen levels. Fresh air not only makes one happier, it also enhances sleep, improves digestion, lowers blood pressure and heart rate. The proposed nine-foot L-shaped passageway will have three effects.

1. **It will act as a barrier to fresh air.** The air currents in Long Beach generally come inland from the ocean toward the east and north. The west and south sides of the Atlantic Plaza benefit from this air flow. If a structure of the size and scope of the 525 E. Broadway development goes forward without significant changes this air will be blocked.
2. **It will significantly increase carbon monoxide exposure** to residents of the Atlantic Plaza. The proposed 525 E. Broadway development has a two-story garage on its west facing side. It appears that there are vents in the walls of that garage that would allow car exhaust fumes to escape into the nine-foot L-shaped passageway. Even if these vents are eliminated a nine-foot area between the buildings will not allow enough air flow for healthy breathing.
3. **It will raise the temperature and humidity in the south and west facing units of the Atlantic Plaza.** As stated above, the Atlantic Plaza condominiums are not air-conditioned and rely upon sea breezes to circulate the air within them. This problem will be especially noticeable in summer when the average Long Beach temperature is between 80-100 degrees. In winter, this lack of air flow will increase moisture levels in the units, another contributing factor to poor air quality. The nine-foot L-shaped passageway will not allow enough air to flow, not only because the south and west sides of the L are over 100' in length but also because the entrances to this passageway do not face the prevailing winds. Hence the air between the structures will be stagnant, polluted and potentially foul smelling. Under these conditions the residents of the south and west side of the Atlantic Plaza will be unlikely to want to open their windows or sit on their balconies.

Studies have shown that homes without adequate indoor ventilation create unwelcome results for their occupants. This usually begins with a headache, eye irritation, upset stomach and sometimes dizziness. Over longer periods, poor indoor air quality can trigger asthma attacks, respiratory ailments, neurological disorders, and allergic reactions. Oxygen slows the aging of cells, alleviates tiredness, boosts the immune system, reduces depression, and improves physical and mental performance by 25 percent. In addition, pollutants can collect on your heating and cooling systems and reduce their efficiency adding another cost burden to owners of the Atlantic Plaza condominiums. Read: <https://cleanairsolutionshamilton.ca/blog.php?postID=4&article=The-Importance-of-Indoor-Air-Quality%21>

Carbon monoxide, carbon dioxide, nitrogen dioxide and even VOCs (Volatile Organic Compounds) can result when rooms are closed off. According to a 1989 report to the United States Congress by the Environmental Protection Agency (EPA), "improved indoor air quality can result in higher productivity and fewer lost workdays. EPA estimates that poor indoor air may cost the nation tens of billions of dollars each year in lost productivity and medical care." Remedies to the challenge of poor indoor air quality are costly and time-consuming, including new ventilation systems, better windows, and special signaling devices for indoor gases like radon and carbon monoxide. To learn more about the importance of quality indoor air, go here: <https://www.epa.gov/indoor-air-quality-iaq/office-building-occupants-guide-indoor-air-quality#why-indoor> and here: <https://www.epa.gov/indoor-air-quality-iaq/protect-indoor-air-quality-your-home>

The developer of the proposed 525 E. Broadway development and City of Long Beach have not addressed the many concerns of the owners of condominiums located at the Atlantic Plaza, 215 Atlantic Ave. We respectfully request they do so before final approval of this project.



From: [Susan Taylor](#)
To: [Maryanne Cronin](#)
Cc: [Jennifer Celio](#); [Gayle Shapiro](#); [Tony Glavis](#)
Subject: Request to add one additional attachment to our appeal form
Date: Monday, June 07, 2021 2:47:56 PM
Attachments: [Managing Air Quality Issues Regarding Land Use.docx](#)

-EXTERNAL-

Hi Maryanne,

Since it isn't quite close of business on the day the appeal form is due, could I please add one additional attachment on air quality concerns to our appeal documents?

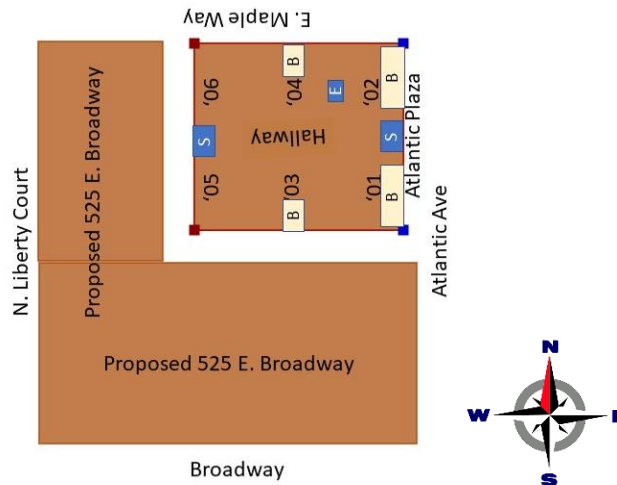
Thank you for taking this request into consideration.

Best wishes,
Susan Taylor
Owner of unit #406 of the Atlantic Plaza

Managing Air Quality Issues Regarding Land Use

How the South Coast Air Quality Management District Sees Things

The South Coast Air Quality Management District (AQMD) is charged with assuring a balance between the needs of residents, developers, businesses, and cities in their jurisdiction. Taking into consideration Chapter 2 of AQMD’s Guidance Document, what follows are some thoughts that may apply to the relationship between the Atlantic Plaza condominium building and the proposed L-shaped development to its southwest, 525 E. Broadway.



As illustrated above, the proposed development wraps fully around the south and west sides of Atlantic Plaza. This means the prevailing winds cannot reach the Atlantic Plaza building to blow pollutants away from the building. Further complicating the matter is the decision by the developer to place a multistory garage on the bottom levels of the west side of the L-shaped building. This means that the nine-foot space between the buildings, hereinafter referred to as the L-shaped passageway, will fill up with air pollution that has limited means of escape.

Mid-rise apartment buildings such as the proposed 525 E. Broadway project and condominium buildings are likely to house what AQMD defines as “sensitive receptors,” people who are “particularly susceptible to health effects due to exposure to an air contaminant.” The California Air Resources Board (CARB) has found that high traffic roads and freeways, distribution centers, railyards, ports, refineries, and airports deliver significant air contaminants to the areas in which they are located. All these sources of contaminants are within two miles of the proposed development and the Atlantic Plaza building. AQMD states, “The potential impacts of new facilities on sensitive sites will depend on a variety of factors including the amount and toxicity of pollutants emitted, the type of air pollution control equipment at the facility, design features of the facility, the distance from the source of emissions to the sensitive receptor, and local meteorology. All these factors should be carefully evaluated when siting a source of air pollution. Typically, the siting process followed by land use agencies to avoid the location of sensitive sites (e.g., residences, health clinics, etc.) near sources of air pollution does not involve the AQMD. *The potential for public health impacts remains unchanged when siting sensitive receptors near a pollution source or a pollution source near a sensitive receptor. Therefore, local policies should allow for a thorough evaluation of air quality*

Cancer Risks from Diesel Particulate Matter at the Edge of Roadways in Rural and Urban Areas

Distance from Edge of Roadway (meters)	Diesel Particulate Matter Cancer Risk (in one million)		Total Cancer Risk (in one million)*	
	Rural	Urban	Rural*	Urban*
20 m	475	890	589	1104
150 m	151	277	187	343
500 m	86	159	107	197

Source: South Coast Air Quality Management District. Adapted from the California Air Resources Board's Diesel Risk Reduction Plan.

*To account for gasoline vehicle emissions, the diesel PM risk was multiplied by 1.24. This represents the relative risk contribution from benzene, 1, 3 butadiene, formaldehyde, and acetaldehyde on a basin-wide basis. It is assumed that the vast majority of benzene, 1, 3 butadiene, formaldehyde, and acetaldehyde emissions come from on-road gasoline vehicles.

AQMD's Guidance Document states, "Given projections for future growth and additional vehicles that will utilize the region's transportation corridors, there is no guarantees that localized cancer risk and non-cancer impacts will diminish rapidly in the short term or adequately in the long run. Cities are encouraged to join the AQMD in a proactive approach to address existing health concerns identified in MATES-II."

Toxic Air Contaminants (TACs) from a stationary source such as the proposed development's garage present a significant problem for sensitive receptors. In addition, the Atlantic Plaza garage is on the ground level of the building and would also emit toxins into the L-shaped passageway. Those toxins are presently not a danger to Atlantic Plaza residents as they can safely escape without being trapped in a confined space. It should be noted that California State Law requires school districts to consider the impact of siting a new school close to existing facilities that emit TACs. If this is the case, why isn't it also important to consider the impact of siting a garage within nine feet of a residence? The Community Health Air Pollution Information System (CHAPIS) explains that "Exposure is the amount of pollution that someone actually breathes or otherwise ingests. The degree of exposure varies with the distance from the source. Exposure is also dependent on how emissions are released and dispersed into the atmosphere." As it now stands, exposure to TACs is inevitable given the way the L-shaped passageway is currently proposed.

"Siting issues, with respect to sensitive receptors need to be identified early in the review process, preferably before projects are formally submitted to the public agencies' planning boards." AQMD suggests that the following three air quality questions related to land use compatibility be asked whenever a project is in close proximity to sensitive receptors:

- Will a sensitive receptor be located downwind from an existing source of dust or odors?
 - Yes, Atlantic Plaza will be.
- Will a sensitive receptor be located in close proximity to a congested roadway or facility that emits TACs?
 - Yes, Atlantic Plaza will be.
- Is adequate separation provided, or are there established siting criteria to minimize exposure and health risk between sensitive receptors and sources of air pollution?"
 - No, there is not. Atlantic Plaza will be only nine feet away.



1-20
cont.

1-21

These issues can be addressed. AQMD recommends the following “strategies that may be employed to address over-concentration of emission sources and the cumulative impacts of the combined emissions to protect sensitive receptors:”

1. Physical separation between source and the sensitive site.
2. Design features at the source to minimize air pollution emissions.
3. Siting, permitting, and zoning policies.
4. Encouraging appropriate setbacks and buffer zones to disperse the air pollutants before they reach sensitive receptors.
5. Encouraging applicants for sensitive land uses (e.g., residences) to incorporate design features in the planning process.
6. Enforce requirements that owners of new developments notify residents and businesses adjacent to the proposed site during the early stages of the permitting process of potential air pollutants resulting from the project.

1-21
cont.

The Atlantic Plaza building would also be susceptible during construction of the proposed mid-rise apartment complex. For instance, besides concrete particulates, toxic building materials such as asbestos may be present and dispersed during demolition of the existing restaurant. According to AQMD, “assessing potential impacts depends on a number of variables such as wind speed and direction, design features ... and the physical distance from the source and the sensitive receptors.” Accordingly, AQMD recommends identifying and evaluating potential sources of air contaminants while the project is still in the design phase. “Local governments are advised to contact AQMD’s Office of Engineering and Compliance to determine if complaints have been filed by property owners or occupants in the general vicinity of a proposed project site.”

1-22

The owners and residents of the Atlantic Plaza request that if AQMD is unavailable to access the environmental impacts of the proposed development, or perhaps in addition to an air pollution study by AQMD, that an independent, third party study be performed to determine if the air quality impacts were correctly monitored and any other effects of the proposed project on our residence. Here are some suggested resources for that work:

Alta Environmental
Scott Taylor
Scott.taylor@altaenviron.com
562-495-5777

AB32 Consultants
Jackie Ferlita
jferlita@agc-inc.com
714-397-5508

Earthguard Environmental Services
Richard Friedman
ricfriedman@aol.com
310-796-9905

1-23

Thank you again for taking our concerns as Long Beach property owners into consideration.

Comment Letter 1

Appeal No. APL21-004

Appellant Names: Jennifer Celio, Marybeth Wall, Tony Glavis, Gayle Shapiro, Susan Taylor

Appeal Filing Date: 6/4/21

Comment 1-1:

As condo owners (some long-term) in the building to the north at 215 Atlantic Ave. we request the following design changes to 525 E. Broadway:

- 1) A larger setback between building, perhaps 15' in order to allow more sunlight and airflow to the south and west facing condos in 215 Atlantic. The 7-story design of 525 will block all existing light and views. We recommend a Third-party study of the effect of the light and airflow loss will have upon the residents of our building.

Response 1-1:

The project complies with the development standards required for the Downtown Plan are of the PD-30 Zoning District. The request for a greater setback, beyond code requirements, abutting the property at 215 Atlantic Avenue has been forwarded to the decisionmakers for consideration.

Refer to Response to Comments 1-15 through 1-18 for a discussion of the project-specific shade and shadow analysis completed as part of the Program Environmental Impact Report (PEIR) Compliance Checklist completed as part of this project.

Comment 1-2:

- 2) Design changes to the walls facing our building for aesthetic and airflow/light purposes mentioned above. Possible vertical gardens/mosaics/artwork/staggered.

Response 1-2:

The project approval includes a specific condition of approval that require the 5-foot-wide landscaped setback at the north elevation abutting Atlantic Plaza, 215 Atlantic Avenue, shall be landscaped with vegetation capable of growing vertically within the setback area. The east facing elevation that faces the rear portion of 215 Atlantic Avenue would include a variation of building materials to add accent to this elevation. The request for additional vertical gardens, mosaics, artwork, and staggering beyond PD-30 requirements has been forwarded to the decisionmakers for consideration.

Comment 1-3:

- 3) A goodwill neighbor effort to add more parking stalls for their residents.

Response 1-3:

The project proposes to include 60 parking spaces in accordance with the Downtown Plan (PD-30) parking requirements for multi-family residential uses and commercial retail/restaurant uses less than 6,000-

square-feet in size. The request for additional onsite parking beyond PD-30 requirements has been forwarded to the decisionmakers for consideration.

Comment Letter 1

Susan Taylor
215 Atlantic Avenue
Long Beach, CA 90802
Letter received June 6, 2021

Comment 1-4:

This email message is intended to serve as an addendum to the Application for Appeal submitted on June 4, 2021, to deny or significantly revise the conditions of approval for the 525 E. Broadway development project. The appeal form was submitted by Jennifer Celio as the primary appellant. The appeal form did not provide adequate room for us to express our concerns so we will attempt to do so here. Please know that we appreciate you sending us the Conditions of Approval Site Plan Review for the proposed project. We believe, however, there is still a long way to go before the proposed development will honor our needs as condominium owners in the Atlantic Plaza located at 215 Atlantic Avenue, Long Beach.

Response 1-4:

This comment is introductory in nature and does not provide specific comments on the adequacy of the environmental analysis. Refer to the subsequent responses to comments for additional concerns included in the filed appeal. This comment has been forwarded to the decisionmakers for consideration.

Comment 1-5:

To start with, this proposed project completely encases the west and south sides of the Atlantic Plaza building. All of the windows on these two sides of our building would face the proposed project's walls at a distance of only nine feet between buildings. I will refer to this area as the nine-foot L-shaped passageway. Direct sunlight will never enter the windows in the passageway. Those windows will only receive diffused light for no more than seven hours a day at the best of times and not at all during the worst of times. While all of the Atlantic Plaza condos and residents will be impacted by this proposed development, there are eight condos that will be severely impacted as they are located at the turning point of the nine-foot L-shaped passageway and ALL of their windows will face the passageway. Also, four of those eight units have balconies that would overlook this dark narrow passageway. The "shade study" that was produced does not begin to address the problems such an L-shaped passageway will create.

Response 1-5:

The project complies with the development standards required for the Downtown Plan are of the PD-30 Zoning District. Refer to Responses to Comments 1-15 through 1-18 for a discussion of the project-specific shade and shadow analysis completed as part of the PEIR Compliance Checklist completed as part of this project.

Comment 1-6:

Lack of sunlight affects the physical, mental and emotional health of human beings in serious ways. Numerous studies and articles can be easily found online if you doubt the truthfulness of this statement. The sunlight that enters the passageway will go directly toward the ground and will provide less and less light as it descends. This creates an even more dire situation for folks on the lower floors. While owners of the condos on the fifth floor of the Atlantic Plaza will enjoy some indirect sunlight, each successive lower floor will get less and less light. If you doubt this simply look at a lamp. The closer you are to the bulb the brighter the light, the farther away the more diffused the light becomes.

Response 1-6:

As previously noted, the proposed setback between the project and the Atlantic Plaza structure at 215 Atlantic Avenue is in compliance with the development standards required for the Downtown Plan area of the PD-30 Zoning District. Refer to Responses to Comments 1-15 through 1-18 for a discussion of shade and shadow analysis completed as part of the PEIR Compliance Checklist completed as part of this project.

Comment 1-7:

When we had our May 26th virtual meeting with the developer, he was asked about the impact of the proposed building on air currents in the L-shaped passageway. He said he didn't know about the impact. The Atlantic Plaza building does not have central air conditioning and depends upon natural coastal breezes to cool the building. Dramatic changes to the air currents will have a detrimental impact upon air quality and quality of life for the residents of the Atlantic Plaza.

Response 1-7:

A shade and shadow analysis were completed for the proposed project in accordance with the requirements of the Downtown Plan Program EIR. Refer to Responses to Comments 1-15 through 1-18 for a discussion of shade and shadow analysis completed for the proposed project. Responses to concerns related to air flow and air quality can be found in Responses to Comments 1-19 through 1-23 in this attachment.

Comment 1-8:

We also have concerns about the proposed garage that will be only nine feet from our building. We need to know if the garage will be vented into the L-shaped passageway. If so, we fear that carbon monoxide and other pollutants will be trapped in the passageway and drift in through the open windows of Atlantic Plaza residents. Noise is also a concern. Will the sound of engines starting, cars breaking, tires screeching and vehicles bouncing over speed bumps enter the L-shaped passageway and reverberate through the Atlantic Plaza?

Response 1-8:

As shown on the submitted plans, there would be no garage openings proposed on the elevations facing the Atlantic Plaza Building at 215 Atlantic Avenue. Therefore, all garage areas facing the abutting structure would be fully enclosed and noise from the parking areas would be completely concealed within the structure.

Comment 1-9:

Because of these concerns we strongly recommend that an objective, third party study be performed to ascertain the impact the proposed project will have on our building and its residents prior to the final approval of the proposed project. This study should also recommend project changes that would mitigate the harmful effects of the proposed project on the Atlantic Plaza and its residents. Please be aware that although the Atlantic Plaza is zoned as a mixed-use building, it is primarily a condominium residence filled with people who call it home. The only unit that can be used for commercial purposes is located on the ground floor. All the remaining twenty four condos are filled by people who live in those units.

Response 1-9:

Technical studies were prepared as part of the PEIR Compliance Checklist (Attachment L of the Planning Commission Staff Report) to analyze the project level impacts of the proposal. Studies included the topics of air quality, geology and soils, greenhouse gases, hazards and hazardous materials, hydrology and water quality, shade and shadow, noise, traffic, utilities, and trees. The technical analyses determined that that project impacts would be within the impacts identified under the Downtown Plan Program EIR. As conditioned, the project would be required to comply with all identified mitigation measures included in the Downtown Plan Program EIR, which includes compliance with applicable air quality standards. Refer to Responses to Comments 1-15 through 1-23 for a discussion of project specific analyses based on concerns raised in this appeal and its attachments.

Comment 1-10:

The developer has stated he is unwilling to flip the current design so that their planned courtyard could be viewed by residents of the Atlantic Plaza. His concern was that the occupants of his building would lose their views. But what about our views? Since he feels he cannot honor our appeal, and barring other creative solutions from the study requested, we ask that there be at least fifteen feet between the buildings as opposed to the nine-foot distance currently proposed. This would allow for more sunlight and airflow, more room for fire trucks and other emergency vehicles, and more visibility to deter undesirable elements from congregating in the passageway. If there is only nine feet of space between buildings, there is little possibility that plants would survive the lack of sunlight. In fact, with such limited light chances are only moss, algae and dry rot would grow.

Response 1-10:

This comment requests a greater setback than is required under the PD-30 development standards. The 5-foot setback on the project site is in compliance with PD-30 requirements and would be landscaped in accordance with the conditions of approval. The request for an increased setback has been forwarded to the decisionmakers for consideration.

Refer to Responses to Comments 1-15 and 1-18 for a discussion relative to appellant concerns regarding humidity, sunlight, emergency access, moss, algae, and dry rot.

Comment 1-11:

We also request a vertical garden insert that stretches across the full length of the proposed building rather than just the five foot insert currently offered. This would improve the air quality and add reflected light and dimension to the otherwise drab north wall.

Response 1-11

This comment requests an additional design component that is not required under the PD-30 development standards. The request for a vertical garden has been forwarded to the decisionmakers for consideration.

Comment 1-12:

Keep in mind that the proposed development is located within the Long Beach Arts District. Accordingly, we propose that a mosaic work of art be created on the west garage wall. A bold work of art would potentially attract renters to the new building that might not otherwise find the building appealing and would also give the Atlantic Plaza residents something attractive to look at that would also reflect light into the dark passageway. Barring that, painting adjoining walls with bright, reflective paint and having vertical gardens all over the walls would reflect what little sunlight comes down during the day. This is not New York after all. Atlantic Plaza residents shouldn't have to look at tenement walls. The advantage of a mosaic over plants is that it would be permanent and would not die from lack of sunlight or water.

Response 1-12:

This comment requests additional design treatments to the proposed elevations. The request for a vertical garden and mural has been forwarded to the decisionmakers for consideration.

Comment 1-13:

We know this may seem like a lot to ask of the developer, but in the long run it is better for Atlantic Plaza residents and would mitigate property value losses for our owners due to the loss of sunlight, air currents and city views. I draw to your attention condition number seventy in the Conditions of Approval Site Plan Review. It states, "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." It is our firm position that without significant alterations to the plans of the proposed project, it will indeed be seriously detrimental to the health, safety, general welfare, environmental quality and quality of life for residents of the Atlantic Plaza.

Response 1-13:

Condition of Approval No. 70 refers to violation of the aforementioned conditions of approval. As proposed and conditioned, the project would comply with all applicable development standards. Refer to Responses to Comments 1-19 through 1-23 for a discussion of project specific analyses prepared, including

air quality and shadow, for the proposed project that demonstrate the project would be in compliance with the certified Program EIR and Downtown Plan assumptions.

Comment 1-14:

Again, we appreciate that some of our concerns and ideas were considered in the Site Plan Review. It would have been better for all concerned if the needs of the residents of the Atlantic Plaza had been taken into consideration at an earlier phase in the project's development, but we were never advised that the project was being planned. Given the situation we now find ourselves in, we must impress upon you our concerns that the concessions made to date do not go far enough to address the loss of views, airflow, direct sunlight as well as the increase of noise levels and carbon monoxide fumes from the garage. We were here first and deserve to have our concerns addressed.

Thank you for working with us to come to an equitable solution for all concerned. We are providing two attachments with information in support of our most salient concerns regarding loss of light and airflow. One addresses shadow throughout the day and the other concerns the health risks of the current design. We dearly hope that you hear our concerns with open hearts and minds. If human beings are to survive and thrive on this planet, we must all learn listen to one another and make concessions for the good of all concerned. We offer this appeal in that spirit and hope it is received in the same way.

Response 1-14:

Refer to Responses to Comments 1-15 through 1-18 for a discussion of the comments raised in the referenced attachments to this June 6, 2021 addendum to APL21-004.

Comment 1-15:

The diagrams and text of the developer's EIR are misleading. Using software found at FindMyShadow.com, owners of Atlantic Plaza condominiums discovered that in fact there is often less than two hours of sunlight September through June on the south and west sides of the building. June allows up to 7 hours of light for units designated '01, '03 and '05.

The best seasons for sunlight are summer and fall. Using September 2, 2021 as an example, there is one hour of sunlight on the south side between 8 a.m. and 9 a.m. We surmise that the developer came up with the four-hour figure by noting that as sun moves across the sky the '01 unit in southeast corner of Atlantic Plaza will receive sunlight as late as noon (see diagram below). The rest of the units on the south side of the building move into shadow after one hour. In addition, if you look at their illustration of shadow at Spring Equinox, the space between the buildings is clearly exaggerated. Their own drawings show the east side of 525 Broadway is 63'+ across. If that is true, then the space they depict between the north side of their building and the south side of Atlantic Plaza is more like 12 ft, instead of the 9' space the city proposed.

The best season for sunlight is summer (see pictures below). In June, owners will receive up to 7 hours of sunlight, most during working hours. The worst season is winter (December pictures) when owners can only count on 30-45 minutes of light during a time already rife with Seasonal Affective Disorder (SAD).

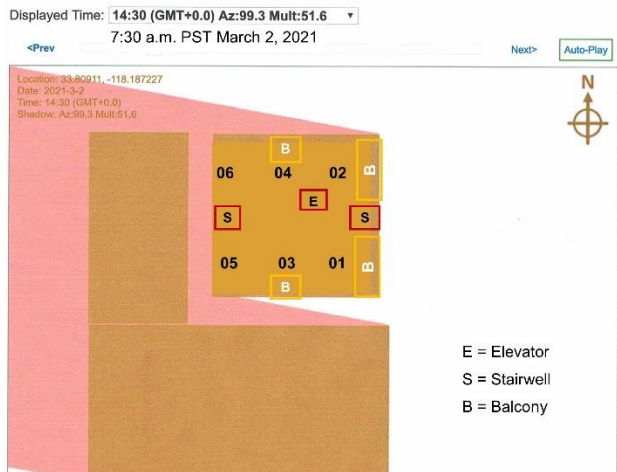
On the following pages we have selected times when there is some sunlight whenever possible, just to illustrate we are not being biased.

In addition to the detriment caused to owners of Atlantic Plaza, lack of sunlight will create an ideal situation for moss, algae and dry rot to grow on our building, especially around windows. Other potential hazards have been cited elsewhere, including creating a hidden spot for criminal activity and homeless residents, lack of air flow, insect and rodent infestations, and lack of emergency vehicle access in case of fire or earthquake.

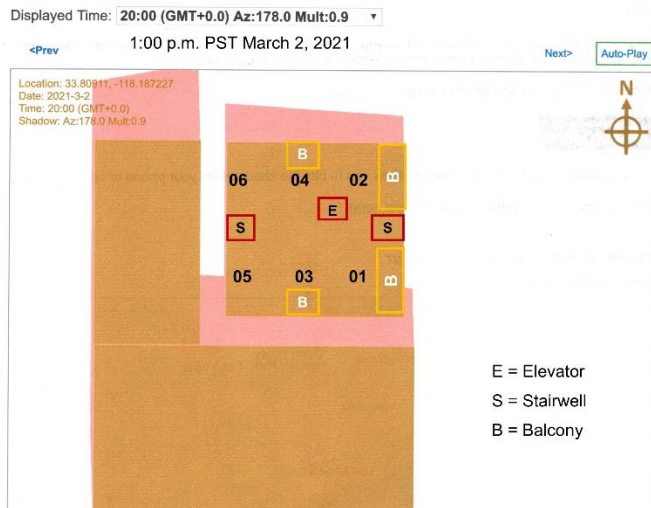
For reference, see layout of Atlantic Plaza units illustrated below.



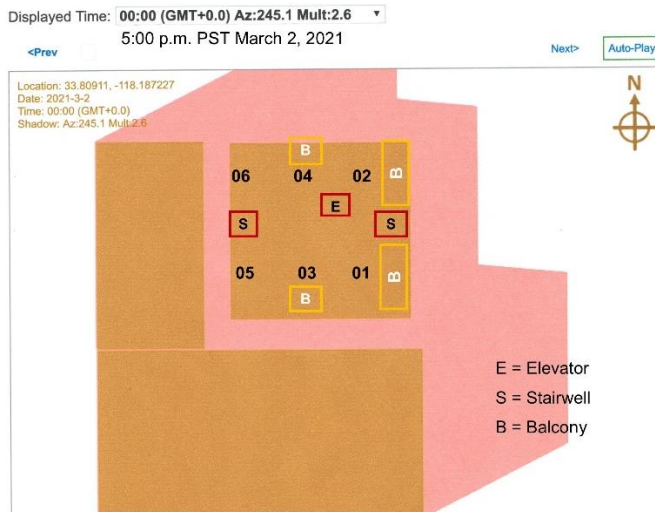
SPRING (MARCH 2, 2021)



7:30 a.m. Unit '03 gets light, '05 is diffused

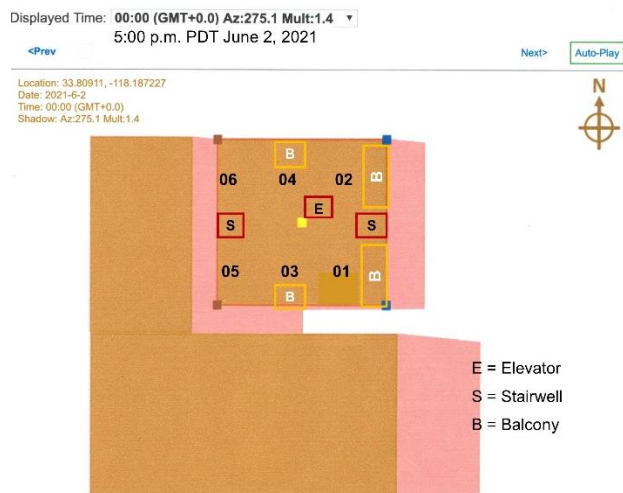
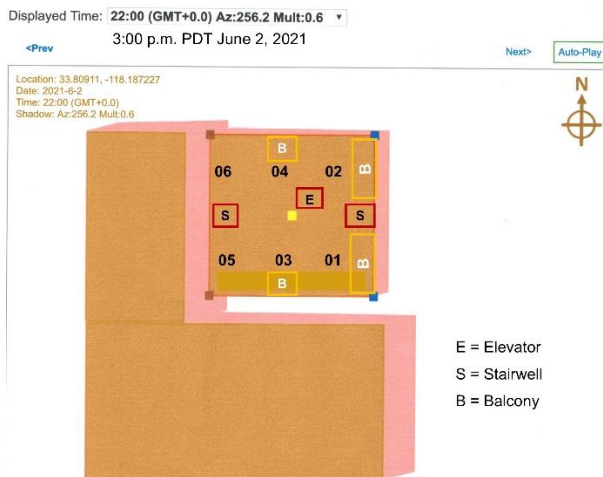
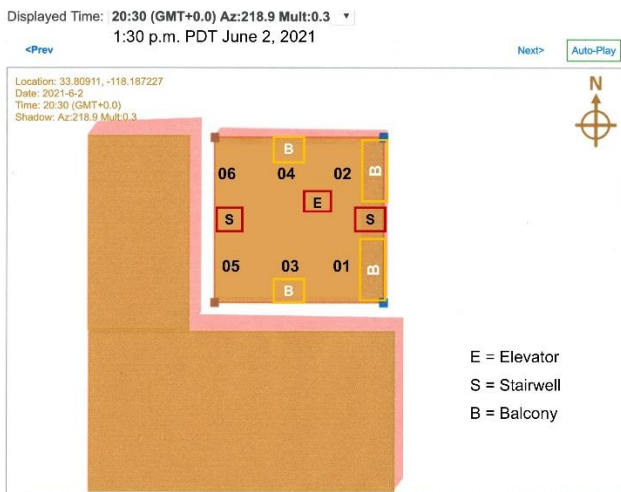
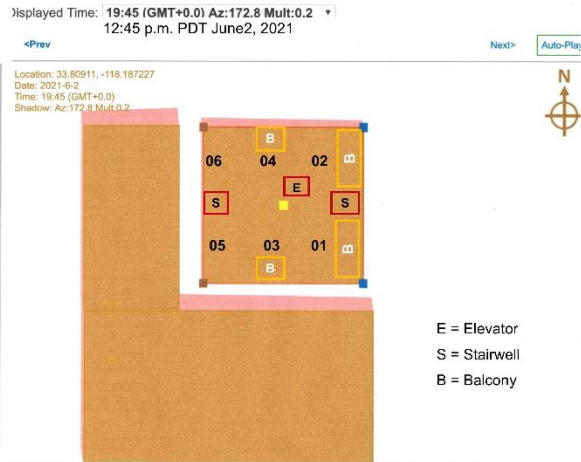
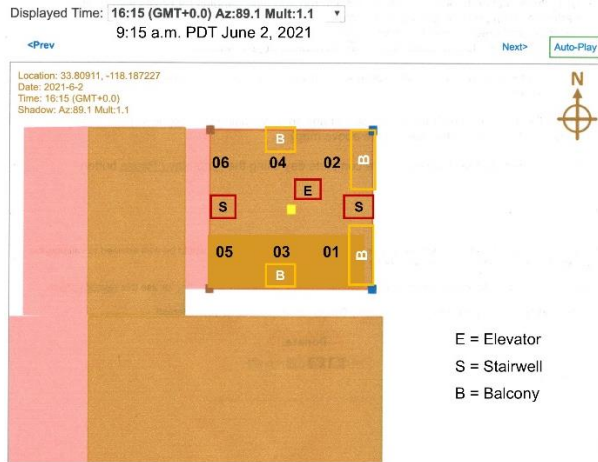


1 p.m. Units '05 and '06 get light for one hour



5 p.m. No unit gets any light at all

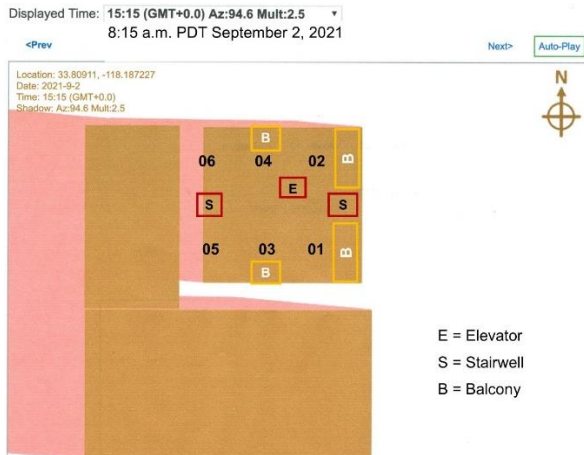
SUMMER (JUNE 2, 2021)



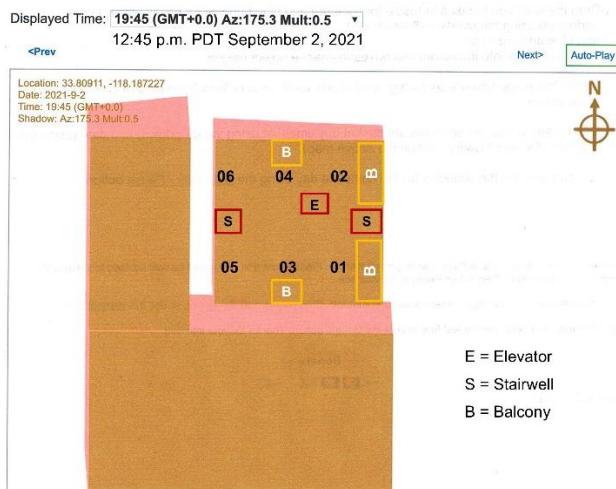
In June, owners of Atlantic Plaza units will enjoy the most exposure to sunlight, although it will be diffused by the height of the proposed 525 Broadway project. Units with '01, '03, '05 and '06

designations will no longer receive any direct sunlight regardless. Owners of units with '03 designation will also find their balconies less usable and inviting.

FALL (SEPTEMBER 2, 2021)



8:15 a.m. Units designated '01, '03 and '05 will get light for less than two hours. The rest of AP remains in darkness except east facing units.

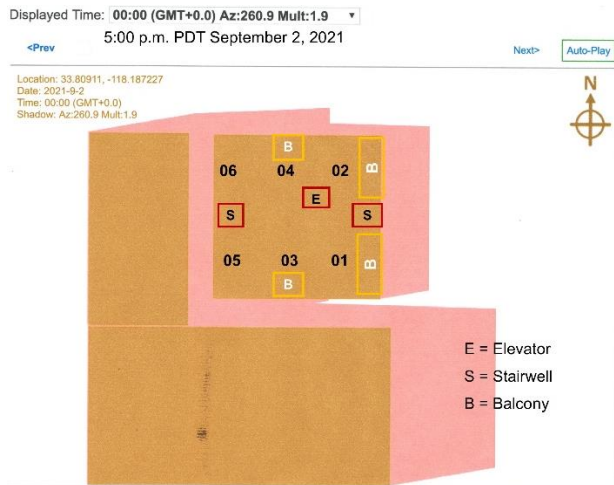


12:45 p.m. Units designated '05 and '06 get light for one hour.

Response to Appeal

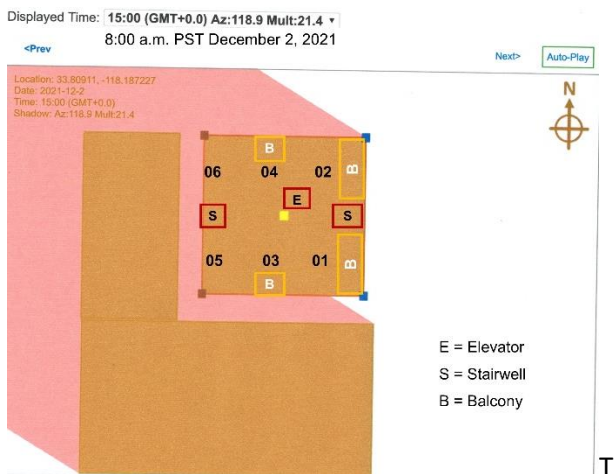
App. No. 2004-05

Page 11 of 33

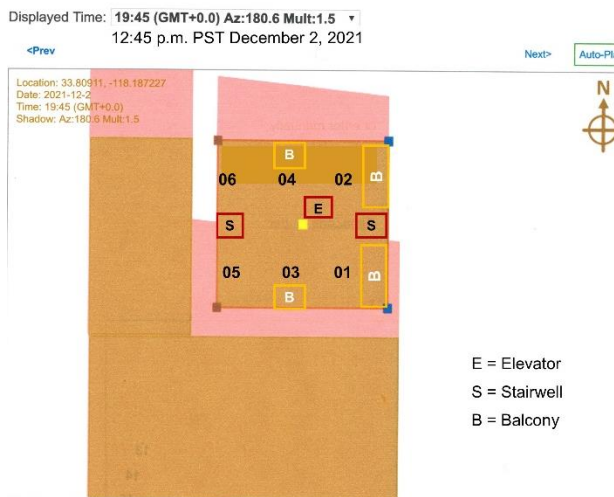


5 p.m. Unit designated '01 gets filtered light for 30 minutes.

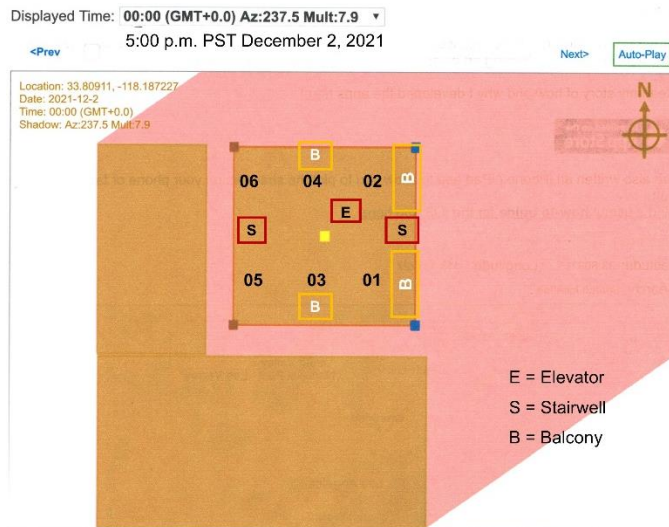
WINTER (DECEMBER 2, 2021)



This brief eastern light will be diffuse on '01 Units



This light only lasts 30 minutes: 12:45-1:15



There is no light from 1:15 p.m. until 8 a.m the following morning.

Response 1-15:

The project proposes to develop a mid-rise building (7 stories in height) with mixed-use residential and commercial development in the Downtown Plan area. The proposed project would replace the existing restaurant and adjacent surface parking lot with a 7-story mid-rise, mixed-use building that would include ground floor retail-restaurant uses with residential units on the upper stories on a 0.34-acre site. The proposed building includes a total of 48 dwelling units, including 10 1-bedroom units, 37 2-bedroom units, and 1 3-bedroom unit, as well as 5,090 sf of retail-restaurant uses with outdoor seating on the ground floor; an 1,855 sf courtyard including a pool and pool deck and a 940 sf gym on Level 3; and a 900 sf sundeck on Level 7. In addition, the proposed project would provide 60 parking spaces within 3 levels (1 subterranean and 2 above-ground levels) and 12 bicycle parking spaces on 1 level (ground floor level).

As described in the Certified PEIR, the visual character of the Downtown Plan area would be altered through the introduction of additional high-rise structures and full-block complexes at locations within the Downtown Plan area. However, with implementation of the Downtown Plan’s Design Guidelines and the City’s Design Review process, the proposed development would be compatible with existing development patterns and would enhance the visual environment. Thus, impacts to visual character would be less than significant.

The Downtown Plan Program EIR Compliance Checklist analyzed the proposed project’s shading impacts in a manner that is consistent with the guidance and thresholds of both the California Environmental Quality Act (CEQA) and the Certified PEIR. ESA prepared an analysis in accordance with the Certified PEIR Mitigation Measure AES-3, Shadow Impacts, identified in Table 1, of the Downtown Plan Program EIR Compliance Checklist, which requires a shading study to be completed to disclose potential impacts. ESA prepared the shade and shadow analysis (see Figures 4 through 7 of the Downtown Plan Program EIR Compliance Checklist) for the proposed project using professional software that utilizes the architectural plans as inputs. The analysis prepared by ESA focused on the new shadows caused by the proposed project on

surrounding land uses to the north, east, and west, including Atlantic Plaza to the north, a multi-family residential building located east of North Liberty Court, north of East Maple Way, and multiple residential buildings located west of North Liberty Court. In contrast, the commenter prepared an analysis focused on the proposed project and Atlantic Plaza. Additionally, the analysis provided in Section 4.1, Aesthetics, of the Certified Long Beach Downtown Plan PEIR, states that the Project area, which includes the proposed project, is currently developed with a number of tall buildings and full-block development projects, which cast morning and afternoon shadows on existing uses such as commercial offices, retail districts, schools, public parks, and plazas, to residential development of all types and intensities. As such, shadows cast as part of the proposed project would be similar, in character, to those cast under the existing conditions of the urban neighborhood and as expected under the analysis provided in the Long Beach Downtown Plan Programmatic EIR.

A shadow is dependent on the height, size, and shape of the building from which the shadow is cast and the angle of the sun. The angle of the sun varies with respect to the rotation of the earth and the earth's elliptical orbit. The longest shadows are cast during winter months, and the shortest shadows are cast during the summer months. The shortest day of the year (i.e., the shortest day of the year and the longest night) is the winter solstice, which occurs in late December. The analysis provided in Section I, Aesthetics, of the Downtown Plan Program EIR Compliance Checklist, indicates that the shadows (3 hours or more) with development of the proposed project would be cast over the multi-family residential uses (Atlantic Plaza) to the north of the project site, east of North Liberty Court, north of East Maple Way. However, the shadow is not affecting shadow-sensitive uses. As described in the Certified PEIR, shadow-sensitive receptors include routinely usable outdoor spaces associated with residential, recreational, or institutional (e.g., schools, convalescent homes) land uses; commercial uses such as pedestrian-oriented outdoor spaces or restaurants with outdoor eating areas; nurseries; and existing solar collectors. The closest shadow-sensitive uses located within the vicinity of the project site include the outdoor dining uses located across Atlantic Avenue, approximately 90 feet east of the project site. The Atlantic Plaza residential building is not considered a sensitive receptor as the residential units do not include common or private open space areas that meet the parameters identified in the PEIR. Thus, it was determined that the proposed project would not shade any sensitive uses for greater than allowed for under the threshold and would result in less impacts than the Certified PEIR's significant and unavoidable impact; thus, impacts would be less than significant.

In addition, the proposed project is located on an infill site within a transit priority area and would be subject to provisions of Senate Bill (SB) 743 with regards to significance of aesthetics impacts. On September 2013, the Governor signed into law SB 743, which instituted changes to CEQA when evaluating environmental impacts to projects located in areas served by transit. While the thrust of SB 743 addressed a major overhaul on how transportation impacts are evaluated under CEQA, it also limited the extent to which aesthetics and parking are defined as impacts under CEQA. Specifically, Section 21099 (d)(1) of the Public Resources Code (PRC) states that a project's aesthetic and parking impacts shall not be considered a significant impact on the environment if:

1. The project is a residential, mixed-use residential, or employment center project, and
2. The project is located on an infill site within a transit priority area.

Section 21099 (a) of the PRC defines the following terms:

(1) "Employment center project" (TPAs) means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area.

(4) "Infill site" means a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

(7) "Transit priority area" means an area within one-half mile of a major transit stop that is existing or planned. Section 21064.3 of the PRC defines a "major transit stop" as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. For purposes of Section 21099 of the PRC, a transit priority area also includes major transit stops in the City of Los Angeles (city) that are scheduled to be completed within the planning horizon of the Southern California Association of Governments (SCAG) Regional Transportation Plan / Sustainable Community Strategy (RTP/SCS).

In accordance with SB 743, aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area are exempt from environmental consideration. The project site is considered an infill site, which means the project is located in a previously-developed urban area lot or area surrounded by urban uses. The project site is in a transit priority area as it is located within half a mile of an existing or planned major transit stop, including the Metro Blue Line Downtown Long Beach Station located approximately 0.25 miles southwest of the project site. As such, the proposed project would be exempt from environmental consideration. However, as mentioned above, a shadow analysis was prepared by ESA in accordance with the Certified PEIR Mitigation Measure AES-3, Shadow Impacts, identified in Table 1, of the Downtown Plan Program EIR Compliance Checklist.

Additionally, the commenter expressed concern regarding lack of sunlight leading to moss, algae and dry rot to grow as well as other potential hazards, including criminal activity and homeless residents, lack of air flow, insect and rodent infestations, and lack of emergency vehicle access in case of fire or earthquake. Regarding emergency vehicle access, the proposed project would be within the development parameters considered in the Certified PEIR and would not alter existing street patterns and would not result in an impact to emergency preparedness (see Section VIII., *Hazards and Hazardous Materials*, and Section XVI., *Transportation/Traffic*). Regarding lack of air flow, please see Response 1-18, below, for responses to the air flow concerns. This comment has been noted and will be forwarded to decision-makers as part of this document process; no further response is required as the comments regarding lack of sunlight, criminal activity and homeless residents, insect and rodent infestation do not address the adequacy of the Downtown Plan Program EIR Compliance Checklist.

Comment Letter 1

Owners and Residents of Atlantic Plaza
215 Atlantic Avenue
Long Beach, CA 90802
Letter received June 6, 2021

Comment 1-16:

The Effects of Lack of Sunlight and Fresh Air:

An Argument for a Scaled Back 525 E. Broadway Project

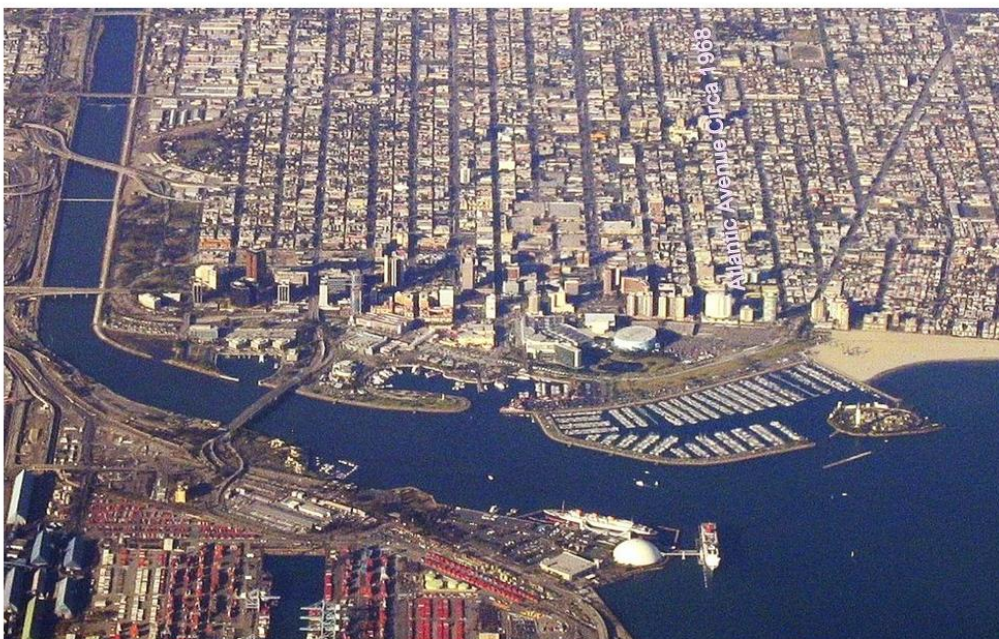
Modern life dictates a life indoors. Gone are the days of absorbing the sun's benefits from working outside. Consequently, it is essential we receive as much natural light and air as we can get in our homes and workplaces.

As owners and residents of the Atlantic Plaza Condominiums, we have enjoyed fresh air and natural sunlight streaming through our windows for up to 53 years. Now those life-giving ingredients are being threatened by the proposed 525 E. Broadway development, particularly on the west and south sides of our building.

What follows is a brief overview of what we will lose if this project goes through as planned.

215 Atlantic Avenue is located just four blocks from the beach. When Atlantic Plaza was constructed in 1968 it was among the tallest residential structures in town. Condominium owners could even see the ocean from their apartments from between the commercial structures located along Ocean Blvd. They enjoyed the convenience of ready public transit, shopping and the sunlight and ocean breezes of a coastal city.

Long Beach Circa 1968 (Note Atlantic Avenue in pink at center right))



It was only by accident that we learned of the proposed 525 E. Broadway development. A resident of the Atlantic Plaza condominiums saw a flyer promoting the development and encouraging early reservations for its luxury apartments. Immediately residents began to ask what would happen to the sunshine and fresh air we had enjoyed for 53 years. We quickly learned they might be gone.

Response 1-16:

The comment is an introduction and does not ask any specific questions. No further response is needed.

Comment 1-17:

THE BENEFITS OF SUNSHINE AND THE RISK OF DARKNESS

Scientists have long been aware of the correlation between sunlight and health. Specifically, how the Vitamin D one absorbs from the sun enhances bone health, reduces the likelihood of certain cancers, enhances the immune system, pancreatic function, and heart health. To learn more about the health benefits of sunlight, go here: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997/>

The effect of Vitamin D on bone health is the oldest known benefit of sunshine. While supplements can help, they do not have the overall effect of natural sunlight. The Vitamin D created by human skin from exposure to the ultraviolet-B radiation in the sun's rays reduces rickets in children and osteoporosis in adults.

A 2008 study published in the *Clinical Journal of the American Society of Nephrology* established that sunshine reduces the likelihood of breast, colon, pancreatic, prostate, ovarian and Hodgkin's Lymphoma cancers. In fact, "Recent studies suggested that women who are vitamin D deficient have a 253% increased risk for developing colorectal cancer." Read more here: <https://cjasn.asnjournals.org/content/3/5/1548.full>

A 2014 study by Professor Anthony Ormerod, Professor of Dermatology at the University of Aberdeen, Scotland, determined there was a link between sunlight, vitamin D and the regulatory "T" cells in the body which play a vital role in the immune system, keeping it in check and preventing damaging responses. His colleague, Professor Helen Macdonald, Professor of Nutrition and Musculoskeletal Health, added: "Vitamin D is important for bones and vitamin D deficiency has also been linked with cancer, cardiovascular disease and autoimmune diseases such as MS [multiple sclerosis]."

A healthy pancreas is vital to the body's absorption of blood sugar as the organ emits insulin to help the body metabolize the sugar from the foods we eat. A 2017 article in *Critical Reviews of Food Science and Nutrition* notes the role of the sunshine vitamin in the development of diabetes and pancreatic cancer. "Increasing evidence suggests that vitamin D exerts multiple effects beyond bone and calcium metabolism. Vitamin D seems to play a role in pancreatic disease, including type 1 and type 2 diabetes mellitus as well as pancreatic cancer."

When it comes to sunlight's importance to heart health scientific findings are even more astounding. According to Martin Feelisch, a professor of experimental medicine and integrative biology at the University of Southampton, "Nitric oxide stored in the top layers of the skin reacts to sunlight and

causes blood vessels to widen as the oxide moves into the bloodstream. That, in turn, lowers blood pressure.”

But there’s more. While additional research is needed to confirm recent studies, there also appears to be a link between lack of Vitamin D absorption from sunshine and rheumatoid arthritis, lupus, inflammatory bowel disease and thyroid issues.

The mind is also affected. Hormones in the brain are released by sunlight and darkness. Sunlight helps the brain release a hormone called serotonin, which bolsters one’s mood and helps a person feel calm and focused. Sunlight cues specific areas in the eye’s retina to release serotonin. Darker lighting triggers the brain to make melatonin, the hormone responsible for helping you sleep. Decreased sun exposure creates lower serotonin levels, which can lead to depression and Seasonal Affective Disorder (SAD). This type of depression is more prevalent in the wintertime, when the days are shorter, but can also be triggered any time of year by a lack of sunlight signaling the eye to release serotonin.

The Mayo Clinic, one of the world’s preeminent medical research and care facilities, says that if Seasonal Affective Disorder is not taken seriously, it may result in “social withdrawal, school or work problems, substance abuse, other mental health disorders such as anxiety or eating disorders, and suicidal thoughts or behavior.” To learn more, go to: <https://www.mayoclinic.org/diseases-conditions/seasonal-affective-disorder/symptoms-causes/syc-20364651>

The residents of the Atlantic Plaza will be plunged into darkness throughout the year, particularly in winter and spring, if the proposed 525 E. Broadway project goes through as planned.



Response 1-17:

The commenter expresses concern that the proposed project located at 525 E. Broadway would eliminate exposure to sunshine and fresh air for the tenants of 215 Atlantic Avenue. The commenter suggests that the 525 E. Broadway Project would result in the residents of 215 Atlantic Avenue being "...plunged into darkness throughout the year..." which could reduce the benefits from the sun's light. The commenter provided reference documents that discuss the effect of exposure to sunlight on human health.

As described in 525 East Broadway Project – Downtown Plan Program EIR Compliance Checklist, the building would be seven stories or approximately 89 feet in height. Surrounding uses to the north consist of a five-story mixed-use apartment building with ground floor commercial uses, residential buildings and a motel. Immediately to the east, across Atlantic Avenue, uses consist of commercial-retail and a five-story mixed-use residential building with ground floor commercial (215 Atlantic). Uses to the west of the project site consist of North Liberty Court alley, and two-story residential and commercial-retail uses. Immediately to the south of the project site, across East Broadway Avenue is a two-story hotel and surface parking lot, and an eight-story mixed-use residential building with ground floor commercial. The project site is located within the Downtown Plan Height Incentive Area, which allows for a maximum permitted height of 240 feet. Thus, the height of the project is within the allowed height limit and is consistent with the height of other buildings located in the immediate vicinity of the project site. The 525 East Broadway Project – Downtown Plan Program EIR Compliance Checklist analyzed shade and shadow impacts and the results of the analysis are shown graphically in Figures 4 through 7 on pages 44 through 47. As summarized on page 43, "the proposed project would create new shadows in the project area; however, shadows cast by this project will not significantly increase the shaded area or shade duration of sensitive uses." Thus, the proposed project would not subject the residents of 215 Atlantic Avenue, which itself is a five-story building, to darkness throughout the year. While all buildings generate some amount of shade and shadow, since the angle, orientation, and location of the sun in the sky relative to a point on the Earth changes through the course of any given day and throughout the year, shadows cast by the project building, as well shadows cast by all other buildings, would shift throughout the day and throughout the year and would not consistently darken entire areas throughout the year.

Regarding the beneficial effects of sunlight, according to one of the reference documents cited in the comment, sunlight aids the human body in essential vitamins and states that "vitamin D can be synthesized in the skin through a photosynthetic reaction triggered by exposure to UVB radiation."¹ The document also states that "the efficiency of production depends on the number of UVB photons that penetrate the skin, a process that can be curtailed by clothing, excess body fat, sunscreen, and the skin pigment melanin,"² and "Current observations of widespread vitamin D insufficiency should not be attributed only to sun protection strategies... Over the same period there is a trend to an increasingly indoor lifestyle, associated with technological advances such as television, computers, and video games."³ It also states that "most cases of vitamin D deficiency are due to lack of outdoor sun

1 Environmental Health Perspectives 2008. Benefits of Sunlight: A Bright Spot for Human Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997>.

2 Environmental Health Perspectives 2008. Benefits of Sunlight: A Bright Spot for Human Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997>.

3 Environmental Health Perspectives 2008. Benefits of Sunlight: A Bright Spot for Human Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997>.

exposure.” It is known that windows of homes filter out the UVB rays that are needed to synthesize vitamin D. According to a second document cited by the commenter, “Your body can't make vitamin D if you're sitting indoors by a sunny window because ultraviolet B (UVB) rays (the ones your body needs to make vitamin D) can't get through the glass.”⁴ Therefore, the potential for a person to be subject to a vitamin D deficiency exists whether or not the project would be developed, as the key factors for potential vitamin D deficiency relate to a person’s overall indoor lifestyle and other personal characteristics and choices that are unrelated to the project.

The commenter also suggests that serotonin levels are affected by exposure to sunlight. The reference document cited by the commenter states that “As diurnal creatures, we humans are programmed to be outdoors while the sun is shining and home in bed at night.”⁵ Further the document says that “... it’s important that people who work indoors get outside periodically, and moreover that we all try to sleep in total darkness.”⁶ Similar to the vitamin D issue, key factors for potential effects to serotonin levels relate to a person’s overall indoor lifestyle and other personal characteristics and choices that are unrelated to the project.

While the referenced documents discussed above acknowledge the benefits of sunlight, the documents also acknowledge that benefits are achieved through exposure to the UVB rays of the sun. Exposure to the UVB rays of the sun is difficult when indoors, regardless of the number of windows a dwelling unit has, since the windows themselves block UVB rays. Thus, there is no substantial evidence that implementation of the 525 E. Broadway project would adversely impact the beneficial effects of sunlight to the residents of the 215 Atlantic Avenue building.

Comment 1-18:

THE BENEFITS OF AIR-FLOW

One of the greatest attractions of the Atlantic Plaza Condominiums is the fresh ocean air. In a city where air pollution can be a problem, the flow of air around the building has helped the residences remain an enjoyable place to live. The 525 E. Broadway development will wall off the primary source of fresh air and cooling in the 12 units on the south and west sides of the building (those designated '03, '05 and '06). The Atlantic Plaza does not have built-in air conditioning and the terms of the homeowner’s association agreement do not allow for the installation of exterior air conditioners. Consequently, if the 525 E. Broadway project goes through as planned, the only air received by the south and west facing units will be whatever manages to be in the nine-foot L-shaped passageway between Atlantic Plaza and the proposed development.

These units represent 50% of the building’s occupancy, and all of these units will see reduced value if air flow and sunlight are significantly reduced. This reduction in real estate value will extend to the other units in the Atlantic Plaza, even if not by as much. Thus, the proposed development will not only disrupt our way of life, but we will lose property value, a state that has significant financial ripple effects.

4 NHS, 2018. How to get vitamin D from Sunlight. <https://www.nhs.uk/live-well/healthy-body/how-to-get-vitamin-d-from-sunlight>.

5 Environmental Health Perspectives 2008. Benefits of Sunlight: A Bright Spot for Human Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997>.

6 Environmental Health Perspectives 2008. Benefits of Sunlight: A Bright Spot for Human Health. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2290997>.

Air flow obviously translates to oxygen levels. Fresh air not only makes one happier, it also enhances sleep, improves digestion, lowers blood pressure and heart rate. The proposed nine-foot L-shaped passageway will have three effects.

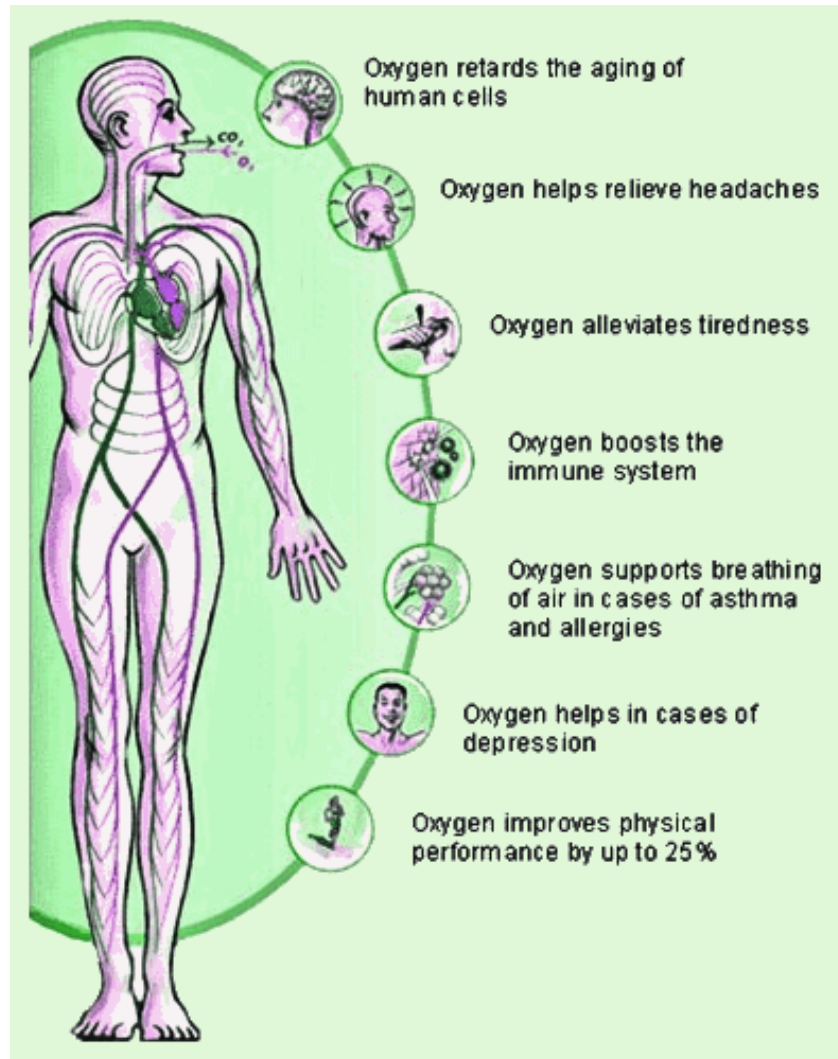
1. **It will act as a barrier to fresh air.** The air currents in Long Beach generally come inland from the ocean toward the east and north. The west and south sides of the Atlantic Plaza benefit from this air flow. If a structure of the size and scope of the 525 E. Broadway development goes forward without significant changes this air will be blocked.
2. **It will significantly increase carbon monoxide exposure** to residents of the Atlantic Plaza. The proposed 525 E. Broadway development has a two-story garage on its west facing side. It appears that there are vents in the walls of that garage that would allow car exhaust fumes to escape into the nine-foot L-shaped passageway. Even if these vents are eliminated a nine-foot area between the buildings will not allow enough air flow for healthy breathing.
3. **It will raise the temperature and humidity in the south and west facing units of the Atlantic Plaza.** As stated above, the Atlantic Plaza condominiums are not air-conditioned and rely upon sea breezes to circulate the air within them. This problem will be especially noticeable in summer when the average Long Beach temperature is between 80-100 degrees. In winter, this lack of air flow will increase moisture levels in the units, another contributing factor to poor air quality. The nine-foot L-shaped passageway will not allow enough air to flow, not only because the south and west sides of the L are over 100' in length but also because the entrances to this passageway do not face the prevailing winds. Hence the air between the structures will be stagnant, polluted and potentially foul smelling. Under these conditions the residents of the south and west side of the Atlantic Plaza will be unlikely to want to open their windows or sit on their balconies.

Studies have shown that homes without adequate indoor ventilation create unwelcome results for their occupants. This usually begins with a headache, eye irritation, upset stomach and sometimes dizziness. Over longer periods, poor indoor air quality can trigger asthma attacks, respiratory ailments, neurological disorders, and allergic reactions. Oxygen slows the aging of cells, alleviates tiredness, boosts the immune system, reduces depression, and improves physical and mental performance by 25 percent. In addition, pollutants can collect on your heating and cooling systems and reduce their efficiency adding another cost burden to owners of the Atlantic Plaza condominiums. Read: <https://cleanairsolutionshamilton.ca/blog.php?postID=4&article=The-Importance-of-Indoor-Air-Quality%21>

Carbon monoxide, carbon dioxide, nitrogen dioxide and even VOCs (Volatile Organic Compounds) can result when rooms are closed off. According to a 1989 report to the United States Congress by the Environmental Protection Agency (EPA), "improved indoor air quality can result in higher productivity and fewer lost workdays. EPA estimates that poor indoor air may cost the nation tens of billions of dollars each year in lost productivity and medical care." Remedies to the challenge of poor indoor air quality are costly and time-consuming, including new ventilation systems, better windows, and special signaling devices for indoor gases like radon and carbon monoxide. To learn more about the importance of quality indoor air, go here: <https://www.epa.gov/indoor-air-quality-iaq/office-building-occupants->

[guide-indoor-air-quality#why-indoor](#) and here: <https://www.epa.gov/indoor-air-quality-iaq/protect-indoor-air-quality-your-home>

The developer of the proposed 525 E. Broadway development and City of Long Beach have not addressed the many concerns of the owners of condominiums located at the Atlantic Plaza, 215 Atlantic Ave. We respectfully request they do so before final approval of this project.



Response 1-18:

The commenter also discusses the benefits of air-flow, and suggests that the 525 Broadway project would “wall off the primary source of fresh air cooling the units on the south and west sides of the building.” The commenter states that the proposed 525 E. Broadway project would have three main

effects: the project would act as a barrier to fresh air; significantly increase carbon monoxide exposure; and would raise the temperatures and humidity in the south and west facing units of the Atlantic Plaza.

With respect to the project acting as a barrier to fresh air, the proposed 525 E. Broadway project may result in some change to the localized air flow in the southern and western areas around the 215 Atlantic Avenue development. However, the project would not act as a barrier to fresh air. On-shore winds from the south would be deflected around the project building, but the 215 Atlantic Avenue development would have access to fresh air. The project would not affect regional wind flow patterns. Wind data from the South Coast Air Quality Management District (SCAQMD) meteorological data station located approximately 3.7 miles to the northeast of the project site at Long Beach Airport indicates that in the Long Beach area primarily blows from the from south and the northwest (See Figure 1: *Station #23129 Wind Direction (blowing from)*).⁷ The addition of 525 E. Broadway project would, as stated, potentially alter the localized air flow in the southern and western areas around the 215 Atlantic Avenue development but would not block air flow to the 215 Atlantic Avenue location nor significantly affect the localized air flow from the northwest.

With respect to the second point of increasing carbon monoxide exposure, the 525 E. Broadway project would not, as indicated by the commenter, have vents from the parking structure to the interior spaces between the 525 E. Broadway building and the 215 Atlantic Avenue location. Vents are included on elevations that are abutting the rights of way only. Carbon monoxide issues in homes are a direct result of carbon monoxide trapped within living spaces. As the vents from the 525 E. Broadway project would not be along the interior space between the two buildings, the 525 E. Broadway project would not directly result in the potential for increased carbon monoxide within the 215 Atlantic Avenue development.

With respect to the third point that the project will raise the temperature and humidity and humidity in the south and west facing units of the Atlantic Plaza, the comment appears to conflict with the prior concern regarding shading. As discussed previously, the 525 East Broadway Project – Downtown Plan Program EIR Compliance Checklist analyzed shade and shadow impacts and the results of the analysis are shown graphically in Figures 4 through 7 on pages 44 through 47. As shown, the project would, at times, cast temporary shadows on the 215 Atlantic Avenue development, depending on the time of day and season, with winter demonstrating the most instances of shadowing. The temporary shadowing would block the direct sunlight during a portion of the day from impinging upon the 215 Atlantic Avenue development, thereby providing shade which would inhibit heating caused by direct sunlight. Additionally, the majority of humidity issues within buildings are caused by too much outside air, inadequately sized HVAC systems, design of the building envelope, and occupant behaviors (such as cooking, bathing, cleaning).^{8,9} These potential humidity issues are unrelated to the project.

Given the above discussion points, the development at 525 E. Broadway would alter the localized air flow around 215 Atlantic Avenue development; however, the project would not completely block the

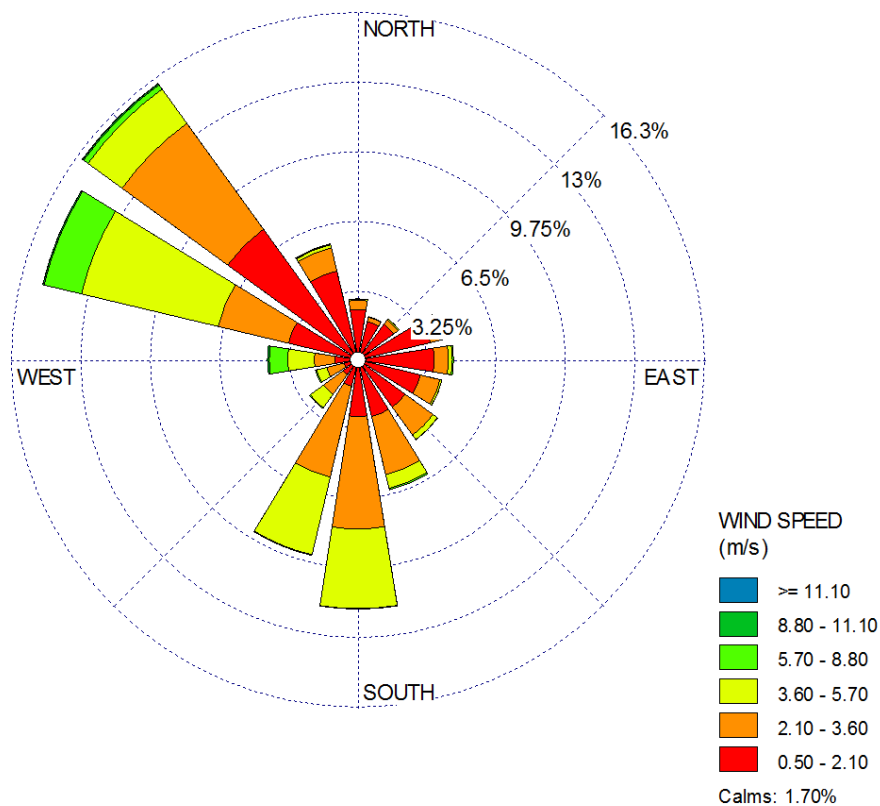
⁷ Lakes Environmental. WRPLOT View Wind Rose Plot for Station #23129.

⁸ ENTECH Engineering. 2020. Building Humidity: Issues, Problems, & Causes. Building Humidity: Issues, Problems, & Causes - Engineering | Entech Engineering, Inc., https://www.entecheng.com/blog/building-humidity-issues-problems-causes-bpid_427.aspx.

⁹ Apartments.com. 2019. How to Deal with Home Humidity. How to Deal with Home Humidity | Apartments.com, <https://www.apartments.com/blog/how-to-deal-with-home-humidity>.

flow of air and would not significantly affect the localized air flow from winds from the northwest. Further, the project building design does not include exhaust venting from the parking garage into the space between the project and the 215 Atlantic Avenue development; therefore, the project would not create a carbon monoxide hotspot impact on the 215 Atlantic Avenue development. Finally, the project would, at times, cast temporary shadows on the 215 Atlantic Avenue development, depending on the time of day and season, with winter demonstrating the most instances of shadowing, which would inhibit heating caused by direct sunlight. The project would not affect the humidity of the 215 Atlantic Avenue development.

Figure 1: Station #23129 wind direction (blowing from)



Comment Letter 1

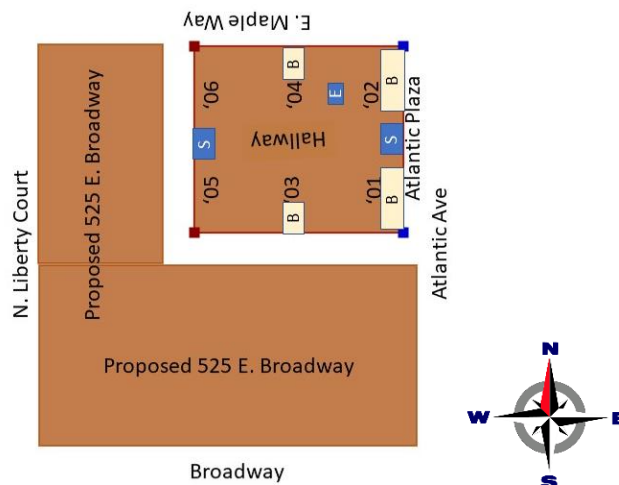
Owners and Residents of Atlantic Plaza
215 Atlantic Avenue
Long Beach, CA 90802
Letter received June 7, 2021

Comment 1-19:

Managing Air Quality Issues Regarding Land Use

How the South Coast Air Quality Management District Sees Things

The South Coast Air Quality Management District (AQMD) is charged with assuring a balance between the needs of residents, developers, businesses, and cities in their jurisdiction. Taking into consideration Chapter 2 of AQMD’s Guidance Document, what follows are some thoughts that may apply to the relationship between the Atlantic Plaza condominium building and the proposed L-shaped development to its southwest, 525 E. Broadway.



As illustrated above, the proposed development wraps fully around the south and west sides of Atlantic Plaza. This means the prevailing winds cannot reach the Atlantic Plaza building to blow pollutants away from the building. Further complicating the matter is the decision by the developer to place a multistory garage on the bottom levels of the west side of the L-shaped building. This means that the nine-foot space between the buildings, hereinafter referred to as the L-shaped passageway, will fill up with air pollution that has limited means of escape.

Mid-rise apartment buildings such as the proposed 525 E. Broadway project and condominium buildings are likely to house what AQMD defines as “sensitive receptors,” people who are “particularly susceptible to health effects due to exposure to an air contaminant.” The California Air Resources Board (CARB) has found that high traffic roads and freeways, distribution centers, railyards, ports, refineries,

and airports deliver significant air contaminants to the areas in which they are located. All these sources of contaminants are within two miles of the proposed development and the Atlantic Plaza building. AQMD states, "The potential impacts of new facilities on sensitive sites will depend on a variety of factors including the amount and toxicity of pollutants emitted, the type of air pollution control equipment at the facility, design features of the facility, the distance from the source of emissions to the sensitive receptor, and local meteorology. All these factors should be carefully evaluated when siting a source of air pollution. Typically, the siting process followed by land use agencies to avoid the location of sensitive sites (e.g., residences, health clinics, etc.) near sources of air pollution does not involve the AQMD. *The potential for public health impacts remains unchanged when siting sensitive receptors near a pollution source or a pollution source near a sensitive receptor. Therefore, local policies should allow for a thorough evaluation of air quality impacts for both scenarios*" (emphasis added). Accordingly, AQMD or other environmental group should be consulted concerning "relative exposure and health risk of proposed projects."

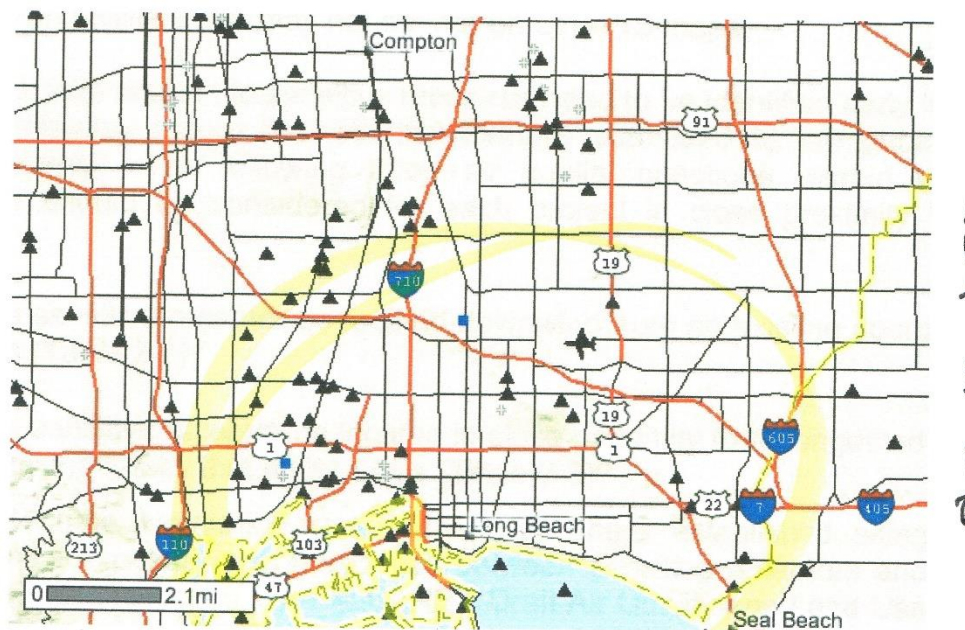


Figure 2-2
Example of a CHAPIS Map of Central Los Angeles Port Regions

As illustrated in the map above, the Atlantic Plaza building already sits squarely in the middle of *all* CARB identified pollution sources. "Where possible, CARB recommends a minimum separation between new sensitive land uses and ...existing sources" of air contamination. AQMD notes that, "In a report prepared for CARB, researchers concluded that the current levels of ambient air pollution in Southern California are associated with clinically important chronic health effects that have substantial health and economic impacts." CARB studies have shown that "air pollution levels can be significantly higher within 500 feet of busy traffic corridors. ... A downwind distance of 328 feet will reduce cancer risk by over 60 percent. If the physical downwind distance is increased to 984 feet, the relative concentration is reduced by over 80 percent." While AQMD's Guidance Document is primarily discussing proximity to freeways and

industrial facilities, it is possible that the nine-foot L-shaped passageway with insufficient air flow could replicate these findings. Constructing a new development that chokes off air flow and in fact adds additional dangers endangers sensitive receptors.

Response 1-19:

The comment provides an introduction to the letter, a description of sensitive receptors, and a figure showing the 525 Broadway Site in relation to the 215 Atlantic Plaza Building. The comment further states that the new development would block prevailing winds from reaching the existing 215 Atlantic Plaza building resulting in a stagnation of air within the corridor between the new project and the existing building. The comment further states that the 525 E. Broadway project would be adversely impacted by its location with respect to existing TAC sources, and that the addition of the 525 E. Broadway Project would adversely impact the 215 Atlantic Plaza residents with additional pollution sources.

As detailed in Response to Comment 1-18 above, the development at 525 E. Broadway would alter the localized air flow around 215 Atlantic Avenue development; however, the project would not completely block the flow of air and would not significantly affect the localized air flow from winds from the northwest. Further, the project building design does not include exhaust venting from the parking garage into the space between the project and the 215 Atlantic Avenue development; therefore, the project would not create a carbon monoxide hotspot impact on the 215 Atlantic Avenue development. Therefore, the 525 E. Broadway Project would not result in a stagnation of air within the space between the two buildings and therefore would not increase the impacts from existing sources with respect to the 215 Atlantic Avenue development.

The 525 E. Broadway Project would be developed within the South Coast Air Basin, which is a region that has a number of toxic air contaminant (TAC) emission sources, as stated by the comment. The California Air Resources Board (CARB) published the *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook), which provides information to keep vulnerable populations “out of harm’s way with respect to nearby sources of air pollution.”¹⁰ The Handbook identifies the following as sources of TACs that could result in increased TAC exposure and risk to nearby sensitive receptors: freeways and high-traffic roads, distribution centers, rail yards, ports, refineries, chrome platers, dry cleaners using perchloroethylene, and gasoline dispensing facilities. The Handbook refers to siting distances of 10 feet to 1,700 feet depending on the specific source of TAC emissions. There are no sources of TAC emissions identified in the Handbook within the respective siting distances of the 525 E. Broadway Project site. Therefore, while background sources of TAC emissions would continue to exist in the South Coast Air Basin, the 525 E. Broadway Project would not be overly burdened by being sited close to an existing source of TAC emissions.

With respect to the 525 E. Broadway’s impact on the 215 Atlantic Avenue receptors, more specific questions defining the nature of this comment are identified in Comment 1-20 and answered in Response to Comment 1-20.

¹⁰ CARB, *Air Quality and Land Use Handbook: A Community Health Perspective*, 2005. <https://ww3.arb.ca.gov/ch/handbook.pdf>, Accessed June 2021.

Comment 1-20:

For just one example of how sensitive receptor residents of Atlantic Plaza will be adversely affected by the proposed development consider this: the AQMD’s Multiple Air Toxics Exposure Study (MATES-II) noted that areas near the port and along major freeways have the highest cancer risk. Both the Atlantic Plaza and proposed development are within blocks of those sources of toxic air.

Cancer Risks from Diesel Particulate Matter at the Edge of Roadways in Rural and Urban Areas

Distance from Edge of Roadway (meters)	Diesel Particulate Matter Cancer Risk (in one million)		Total Cancer Risk (in one million)*	
	Rural	Urban	Rural*	Urban*
20 m	475	890	589	1104
150 m	151	277	187	343
500 m	86	159	107	197

Source: South Coast Air Quality Management District. Adapted from the California Air Resources Board’s Diesel Risk Reduction Plan.

*To account for gasoline vehicle emissions, the diesel PM risk was multiplied by 1.24. This represents the relative risk contribution from benzene, 1, 3 butadiene, formaldehyde, and acetaldehyde on a basin-wide basis. It is assumed that the vast majority of benzene, 1, 3 butadiene, formaldehyde, and acetaldehyde emissions come from on-road gasoline vehicles.

AQMD’s Guidance Document states, “Given projections for future growth and additional vehicles that will utilize the region’s transportation corridors, there is no guarantees that localized cancer risk and non-cancer impacts will diminish rapidly in the short term or adequately in the long run. Cities are encouraged to join the AQMD in a proactive approach to address existing health concerns identified in MATES-II.”

Toxic Air Contaminants (TACs) from a stationary source such as the proposed development’s garage present a significant problem for sensitive receptors. In addition, the Atlantic Plaza garage is on the ground level of the building and would also emit toxins into the L-shaped passageway. Those toxins are presently not a danger to Atlantic Plaza residents as they can safely escape without being trapped in a confined space. It should be noted that California State Law *requires* school districts to consider the impact of siting a new school close to existing facilities that emit TACs. If this is the case, why isn’t it also important to consider the impact of siting a garage within nine feet of a residence? The Community Health Air Pollution Information System (CHAPIS) explains that “Exposure is the amount of pollution that someone actually breathes or otherwise ingests. The degree of exposure varies with the distance from the source. Exposure is also dependent on how emissions are released and dispersed into the atmosphere.” As it now stands, exposure to TACs is inevitable given the way the L-shaped passageway is currently proposed.

Response 1-20:

The comment states that long-term exposure to TAC emissions is inevitable with the operation of the proposed Project. The comment references the SCAQMD's Multiple Air Toxics Exposure Study (MATES II), which discusses background risk levels throughout the South Coast Air Basin. MATES II was released in March 2000 and has been updated several times. The most recent version is MATES V, which is in draft form and available on the SCAQMD's website¹¹ (MATES IV is the most recent final version and was released in May 2015). Data in the draft MATES V indicates that the air toxics cancer risk at the MATES V monitoring locations ranged from 572 to 827 per million and that the risk is on average 38 percent lower than reported in the MATES IV study and 82 percent lower than the average in MATES II.¹² The MATES series of studies shows that diesel particulate matter (DPM) is the largest contributor to overall air toxic cancer risk in the South Coast Air Basin. According to the draft MATES V, the average levels of DPM have been reducing over time with the MATES V showing a 50 percent reduction over MATES IV and an 86 percent reduction over MATES II.¹³ The draft MATES V modeling results indicate that the highest concentrations of DPM occur around the Ports of Los Angeles and Long Beach and that the distribution of DPM is aligned with the transportation corridors including freeways, major arterials and rail rights-of-way. The draft MATES V also acknowledges that DPM concentrations are much lower than the previous MATES studies, due in a large part to emission reductions from regulations and programs impacting in various categories of on-road and other mobile sources, which acknowledges that CARB and SCAQMD regulations to reduce DPM emissions have been effective at reducing DPM concentrations in the South Coast Air Basin. The proposed Project is a residential project with 48 dwelling units and 5,090 square feet of ground floor retail-restaurant uses and would not develop land uses that are associated with DPM cancer risk drivers according to MATES V, such as port uses, and other uses that attract substantial diesel truck trips, such as warehouses and good movement facilities.

The California Air Resources Board published the *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides information to keep vulnerable populations "out of harm's way with respect to nearby sources of air pollution."¹⁴ The Handbook identifies the following as sources of TACs that could result in increased TAC exposure and risk to nearby sensitive receptors: freeways and high-traffic roads, distribution centers, rail yards, ports, refineries, chrome platers, dry cleaners using perchloroethylene, and gasoline dispensing facilities. The proposed project is a mixed-used residential development with ground-level retail-restaurant uses and is not one of the TAC sources that are anticipated to have the potential to result in substantial increased risk to nearby receptors requiring additional risk analysis. The siting of the 525 Broadway development will not result in an increased risk to the existing 215 Atlantic Avenue development and would not substantially increase the risk from existing sources beyond the baseline levels reported in the SCAQMD's MATES studies for the area. On the contrary, as discussed above, the evidence indicates that risk levels have been and continue to decline as emission reductions from regulations and programs continue to be implemented.

11 SCAQMD, *Draft MATES-V Multiple Air Toxics Exposure Study*, 2021, <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>, accessed June 2021.

12 SCAQMD, *Draft MATES-V Multiple Air Toxics Exposure Study*, 2021, <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>, accessed June 2021.

13 SCAQMD, *Draft MATES-V Multiple Air Toxics Exposure Study*, 2021, <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>, accessed June 2021.

14 CARB, *Air Quality and Land Use Handbook: A Community Health Perspective*, 2005. <https://ww3.arb.ca.gov/ch/handbook.pdf>, Accessed June 2021.

Comment 1-21:

“Siting issues, with respect to sensitive receptors need to be identified early in the review process, preferably before projects are formally submitted to the public agencies’ planning boards.” AQMD suggests that the following three air quality questions related to land use compatibility be asked whenever a project is in close proximity to sensitive receptors:

- Will a sensitive receptor be located downwind from an existing source of dust or odors?
 - *Yes, Atlantic Plaza will be.*
- Will a sensitive receptor be located in close proximity to a congested roadway or facility that emits TACs?
 - *Yes, Atlantic Plaza will be.*
- Is adequate separation provided, or are there established siting criteria to minimize exposure and health risk between sensitive receptors and sources of air pollution?
 - *No, there is not. Atlantic Plaza will be only nine feet away.*

These issues can be addressed. AQMD recommends the following “strategies that may be employed to address over-concentration of emission sources and the cumulative impacts of the combined emissions to protect sensitive receptors:”

1. Physical separation between source and the sensitive site.
2. Design features at the source to minimize air pollution emissions.
3. Siting, permitting, and zoning policies.
4. Encouraging appropriate setbacks and buffer zones to disperse the air pollutants before they reach sensitive receptors.
5. Encouraging applicants for sensitive land uses (e.g., residences) to incorporate design features in the planning process.
6. Enforce requirements that owners of new developments notify residents and businesses adjacent to the proposed site during the early stages of the permitting process of potential air pollutants resulting from the project.

Response 1-21:

The comment discusses siting issues with respect to sensitive receptors and identifies the following three tests of potential siting issues: 1. Sensitive receptors located downwind from an existing source of dust or odor; 2. sensitive receptors located in close proximity to a congested roadway or facility that emits TACs and; 3. Is there adequate separation between sensitive receptors and sources of health risk and air pollution. The comment states that the existing 215 Atlantic Avenue development would be located downwind from dust and odors, would be located adjacent to congested roadways or facilities that emit TAC, and does not have adequate separation from pollution emitters.

The 525 Broadway Project would be a source of dust and odors with respect to construction activities. However, with respect to construction related dust, the project would be required to incorporate dust control measures in compliance with SCAQMD regulations. Specifically, SCAQMD Rule 403 requires implementation of dust control measures. The Project’s construction contractor would be required to

comply with all applicable dust control provisions and requirements in SCAQMD Rule 403. With implementation of these required regulatory compliance measures, the emissions of PM₁₀ and PM_{2.5} would be below the SCAQMD thresholds for construction emissions as identified in the Downtown Plan Program EIR Compliance Checklist (DPPECC) *Section III.d*, Table 5, page 59. As identified in the DPPECC, PM₁₀ (dust and exhaust) emissions would be approximately 1.9 pounds per day (lbs/day) compared to the 4 lbs/day threshold established to protect sensitive receptors from localized air pollution; and PM_{2.5} (dust and exhaust) emissions would be approximately 1.1 lbs/day compared to the 3 lbs/day threshold established to protect sensitive receptors from localized air pollution. With respect to long-term operational emissions, Table 6 (page 59 of the DPPECC), identifies PM₁₀ and PM_{2.5} emissions (which include dust and exhaust emissions) at approximately 0.1 lbs/day compared to the 1 lbs/day threshold established to protect sensitive receptors from localized air pollution. Therefore, as discussed in the DPPECC, the construction and operation of the 525 Broadway Project would not be a significant source of dust for the 215 Atlantic Avenue property and localized emission impacts from construction and operation of the Project would be less than significant.

With respect to odors, the DPPECC (Section III.e, page 69) discusses the odors would be emitted during construction as related to heavy-duty equipment but that these would be intermittent and temporary and would cease after construction would be completed. The analysis states that no other sources of objectionable odors would be associated with the 525 Broadway development due to the mixed-use nature of the project. SCAQMD rules that limit and regulate the potential for odorous emissions include Rule 1113, which limits the amount of volatile organic compounds (VOC) in paints and architectural coatings and Rule 1138, which limits emissions from restaurant cooking operations. In addition, the CARB Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling set forth in Title 13, California Code of Regulations, Section 2485, sets limits on idling for diesel trucks. Compliance with the rules and regulations are mandatory for covered products and entities. Therefore, with regulatory compliance, construction and operation of the 525 Broadway Project would not be a significant source of odors for the 215 Atlantic Avenue property.

With respect to congested roadway or facility that emits TACs, the 525 Broadway Project would add a limited amount of traffic to the surrounding roadways. Carbon monoxide (CO) is an indicator pollutant for evaluating the potential for adverse air quality impacts associated with increased passenger vehicle operation because CO is emitted in relatively higher quantities from passenger vehicles relative to other pollutants and because CO has the potential to form CO hotspots (i.e., localized areas of relatively higher CO concentrations) at congested roadway intersections. As detailed in the DPPECC (Section III.d, page 60), the Project would introduce a net increase in 42 daily trips which, when combined with the 6,000 vehicles per hour identified at the maximum affected intersection would not exceed the screening limit of 31,600 vehicles. The CARB Handbook identifies high-traffic urban roadways as roadways that generate 100,000 vehicle trips per day or more. As the maximum affected intersection is only 6,000 vehicles per hour (or approximately 60,000 vehicles per day based on the generally accepted assumption that a peak hour represents approximately 10 percent of the daily volume), the roadways impacting the 215 Atlantic Avenue property would not be considered congested, or high traffic roadways. Therefore, as identified in the DPPECC would not be considered a congested roadway and the introduction of traffic from the 525 Broadway Project would not result in a congested roadway or exposure of significant pollutant concentrations.

As detailed in Response to Comment 1-20, the 525 Broadway Project would not be a significant source of TAC emissions and therefore would not be a "TAC emitter" that would significantly impact the 215 Atlantic Avenue development.

As detailed in the DPPECC, and outlined above, the 525 Broadway Project would not be a significant source of TAC emissions and would not introduce new land uses to the area that are known to be substantial contributors to health risks, and therefore, the distance between the 525 Broadway Project and the 215 Atlantic Avenue development would not conflict with the siting distances identified for pollutant sources.

The comment also provides recommended strategies to resolve siting issues. The strategies recommended in the comment are vague and contain no performance standards and are therefore infeasible to implement. The discussion above demonstrates that the development of the 525 Broadway Project does not result in a siting concern. Therefore, these measures, while acknowledged, are not required to be implemented.

Comment 1-22:

The Atlantic Plaza building would also be susceptible during construction of the proposed mid-rise apartment complex. For instance, besides concrete particulates, toxic building materials such as asbestos may be present and dispersed during demolition of the existing restaurant. According to AQMD, "assessing potential impacts depends on a number of variables such as wind speed and direction, design features ... and the physical distance from the source and the sensitive receptors." Accordingly, AQMD recommends identifying and evaluating potential sources of air contaminants while the project is still in the design phase. "Local governments are advised to contact AQMD's Office of Engineering and Compliance to determine if complaints have been filed by property owners or occupants in the general vicinity of a proposed project site."

Response 1-22:

The comment states that the 215 Atlantic Plaza project would be susceptible to pollutant emissions during construction with relation to concrete particles, and demolition of potential toxic building materials during demolition activities. As detailed in the DPPECC, and as summarized in Response to Comment 1-21 above, the construction of the 525 Broadway Project would not expose nearby sensitive receptors (including the 215 Atlantic Plaza development) to a significant amount of air pollution. As summarized in Response to Comment 1-21 above, the Project's potential to result in localized impacts to sensitive receptors during construction and operations would be less than the SCAQMD localized significance thresholds and impacts would be less than significant. Additionally, with respect to asbestos, demolition activities are subject to the DPPECC mitigation measure HAZ-1(b) (see DPPECC Table 1, page 19) which states "Prior to any demolition or renovation, onsite structures that contain asbestos must have the asbestos-containing material removed according to proper abatement procedures recommended by the asbestos consultant. All abatement activities shall be in compliance with California and federal OSHA and SCAQMD requirements. Only asbestos trained and certified abatement personnel shall be allowed to perform asbestos abatement. All asbestos-containing material removed from onsite structures shall be hauled to a licensed receiving facility and disposed of under

proper manifest by a transportation company certified to handle asbestos. Following completion of the asbestos abatement, the asbestos consultant shall provide a report documenting the abatement procedures used, the volume of asbestos-containing material removed, where the material was moved to, and transportation and disposal manifests or dump tickets. The abatement report shall be prepared for the property owner or other responsible party and a copy shall be submitted to the City of Long Beach prior to issuance of a demolition or construction permit.” As such, the Project would be required to comply with applicable provisions of SCAQMD Rule 1403, which limits asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials. Therefore, construction of the 525 Broadway Project would not result in significant impacts to the 215 Atlantic Plaza development.

Comment 1-23:

The owners and residents of the Atlantic Plaza request that if AQMD is unavailable to access the environmental impacts of the proposed development, or perhaps in addition to an air pollution study by AQMD, that an independent, third party study be performed to determine if the air quality impacts were correctly monitored and any other effects of the proposed project on our residence. Here are some suggested resources for that work:

Alta Environmental
Scott Taylor
Scott.taylor@altaenviron.com
562-495-5777

AB32 Consultants
Jackie Ferlita
jferlita@agc-inc.com
714-397-5508

Earthguard Environmental Services
Richard Friedman
ricfriedman@aol.com
310-796-9905

Thank you again for taking our concerns as Long Beach property owners into consideration.

Response 1-23:

The comment requests that the AQMD review of the Project to determine if the analysis of air quality impacts to localized sensitive receptors was adequate. The DPPECC identified that impacts to sensitive receptors would be equal to or less than those that were identified in the Certified PEIR (or the approved Project). The SCAQMD, as a responsible agency, was provided an opportunity to review the PEIR as part of the CEQA review process, prior to its certification by the City. The SCAQMD provided a

four-page comment letter, dated April 6, 2011, on the Draft PEIR. All of the SCAQMD comments in its four-page letter were reviewed, considered, responded to, and incorporated into the Final PEIR as appropriate prior to certification by the City. The air quality analysis for the Project was based on same methodology and SCAQMD guidance and thresholds that were used to inform the analysis for the DPPECC, informed by the SCAQMD comment letter as relevant to the Project. Therefore, the analysis in the DPPECC, as well as the Project analysis, adequately analyzes and discloses potential impacts to sensitive receptors.