

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 7th day of November, 2019.

Project Address: 300 Studebaker Rd. Long Beach, CA

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: See attachment

Appellant Name(s): Ann Cantrell, Joe Weinstein, Corliss Lee
Organization (if representing) Citizens About Responsible Planning
Address: 4000 Linden
City Long Beach State CA ZIP 90807 Phone 562/596-9288
Signature(s) Ann Cantrell Date 11/14/19

- 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: [Signature] Case No.: AP 12009 Appeal Filing Date: 11/14/19
Fee: \$112.14 Fee Paid Project (receipt) No.: PLNB 46941

Division V. - Appeals

21.21.501 - Authorization and jurisdiction.

- A. Authorization. Any aggrieved person may appeal a decision on any project that required a public hearing.
- B. Jurisdiction. The Planning Commission shall have jurisdiction on appeals of interpretations made pursuant to Section 21.10.045 and decisions issued by the Zoning Administrator and Site Plan Review Committee, and the City Council shall have jurisdiction on appeals from the Planning Commission as indicated in Table 21-1. Decisions lawfully appealable to the California Coastal Commission shall be appealed to that body.

21.21.502 - Time to file appeal. An appeal must be filed within ten (10) days after the decision for which a public hearing was required is made.

21.21.503 - Form of filing. All appeals shall be filed with the Department of Planning and Building on a form provided by that Department.

21.21.504 - Time for conducting hearing of appeals. A public hearing on an appeal shall be held:

- A. In the case of appeals to the City Planning Commission, within sixty (60) days of the date of filing of the appeal with the Department of Planning and Building; or
- B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

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

21.21.506 - Finality of appeals.

- A. Decision Rendered. After a decision on an appeal has been made and required findings of fact have been adopted, that decision shall be considered final and no other appeals may be made except:
 - 1. Projects located seaward of the appealable area boundary, as defined in Section 21.25.908 (Coastal Permit—Appealable Area) of this title, may be appealed to the California Coastal Commission; and
 - 2. Local coastal development permits regulated under the city's Oil Code may be appealed to the city council.
- B. No Appeal Filed. After the time for filing an appeal has expired and no appeal has been filed, all decisions shall be considered final, provided that required findings of fact have been adopted.
- C. Local Coastal Development. Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.

Reasons for Appeal of 300 Studebaker Rd. Industrial Park development

1. 2006 Environmental Impact Report done for another project on this site was found inadequate by a court of law. This Program Negative Declaration, which also includes Standards Variance, is even more inadequate. There was no study of what effect possible 24/7 truck traffic and headlights might have on the Los Cerritos Wetlands habitat. The traffic study was done in 2018, before the opening of the 2nd & PCH project, which will no doubt increase traffic on Studebaker. There was no mention of parking lot runoff into the cooling channel, which leads into the only pristine Salt Marsh left in So. CA. It does not appear that Air Quality impacts included truck traffic which would add diesel and other pollutants to the air. **THIS PROJECT DESERVES A FULL EIR.**
2. This Negative Declaration uses both SEADIP and SEASP as the zoning plan for the project. The current zoning plan, SEADIP, and the Local Coastal Plan, state the parcel on the southwest side of Studebaker Rd., is to be the site of an Interpretive Center and Overlook for the Wetlands. The other parcel on the northwest side of Studebaker is to be dedicated for park and playground purposes. The Negative Declaration stated uses for these parcels are not in conformance with SEADIP and therefore cannot be approved.
3. The owners of the property must be required to do the clean up of any hazardous waste before the transfer of the property.
4. The Planning Commission approved "a portion of the required thirty percent on-site open space on off-site vacant parcels (1.81 acres of land) located on the northwest and southwest corners of the intersection of Studebaker Road and Loynes Drive." This land is to be transferred to other owners; the developer cannot use it as open space for his development if he no longer owns it.
5. Right-hand turns only in and out of the facility will require trucks and cars to either use Loynes Drive or make a u-turn on Studebaker, creating a traffic hazard.

6. Special Condition 5 states there will be “bird-safe” glazing on 65% of all buildings, “to reduce the amount of untreated glass or lazing to less than 35% of the building facade”. **All of the glass should be bird safe.**

7. LED and truck headlights will affect animals and plants in the Los Cerritos Wetlands across Studebaker from the 24/7 facility.

8. Because of possible negative impacts to the Los Cerritos Wetlands (Puvunga East), central to the history and current cultural practices of the Tongva/Acjachemen tribes, tribal consultation should have been held with ALL affected tribal groups. These include 1) all Tongva/Gabrieleno Tribal Councils and tribal contacts listed with the Native American Heritage Commission for Los Angeles County as well as 2) all Acjachemen Tribal Councils and tribal contacts. 300 Studebaker lies within the Puvungna Complex, listed as a Sacred Site by the NAHC and therefore subject to CEQA laws regarding the protection of archaeological/tribal cultural and sacred sites.

Citizens About Responsible Planning



City of Long Beach
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802

Visit us at longbeach.gov/lbds



This information is available in alternative format by request at 562.570.6257.
For an electronic version of this document, visit our website at longbeach.gov/lbds.

LICENSED CONTRACTORS DECLARATION				WORKER'S COMPENSATION DECLARATION			
<p>I hereby affirm that I am licensed under provisions of Chapter 9 {Commencing with Section 7000} of Division 3 of the Business and Professional Code, and my license is</p> <p>License _____ License _____ Dat _____ Contract _____</p> <p style="text-align: center;">OWNER-BUILDER DECLARATION</p> <p>I hereby affirm that I am exempt from the Contractors License Law for the following reason {Sec.7031 California Business and Professional Code: Any City which requires a permit to construct, alter, improve, demolish or repair any structure prior to its issuance also requires the applicant for such permit to file a signed statement that he is a licensed contractor pursuant to the provisions of the Contractors License Law {Ch.9} {Commencing with Sec.7000 of Div.3 of the B. & P. C.} or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Sec.7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars {\$500.00}:</p> <ul style="list-style-type: none"> I as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale {Sec.7044, B. & P. C. : The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the owner-builder will have burden of proving that he did not build or improve for the <ul style="list-style-type: none"> I am exempt under _____, B. & P. C. for this _____ Dat _____ Owne _____ <p style="text-align: center;">- IMPORANT -</p> <p>Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application</p> <p>1. Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, agents, and employees from any liability arising out of the issuance of any permit from this application.</p> <p>2. Any permit issued as a result of this application becomes null and void if work is</p>				<p>____ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:</p> <p>Carrier: _____ Policy _____</p> <p style="text-align: center;">{This Section need not be completed if the permit is for one hundred dollars (\$100) or less}</p> <p>____ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall</p> <p>Dat _____ Applica _____</p> <p>WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS, IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION</p> <p>I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued {Sec.3907, Civ. C.}.</p> <p>Lender's _____ Lender's _____</p> <p>I certify that I have read this application and state that the above information is correct. I agree to comply with all City and State laws relating to the building construction, and hereby authorize representatives of this city to enter upon the</p> <p style="text-align: right;">Signature of Owner or Contractor _____ Date _____</p>			
JOB ADDRESS 300 STUDEBAKER RD		RECEIPT NO. 03629844	DATE 11/14/19	PROJECT NO. PLNB46941		AREA 0	
JOB DESCRIPTION Appeal by 3rd Party							
OWNER LOYNES BEACH PARTNERS LLC.		OCCUPANCY		PLANNING MIXED USES			
ADDRESS 2222 Martin, Suite 160		ASSESSOR NO.		ZONE PD-1			
CITY STATE Newport Beach CA	ZIP CODE 92612	FSB	S	RSB	CENSUS TRACT 577601		
APPLICANT CANTRELL							
CONTRACTOR							
ADDRESS							
CITY STATE STATE		ZIP CODE		PHONE NO.			
STATE LICENSE NO.				CITY LICENSE NO.			
ARCHITECT/ENGINEER				LICENSE NO.			
ADDRESS							
CITY STATE STATE		ZIP CODE		PHONE NO.			
VALUATION 0.00	PRESENT BLDG USE	PROPOSED BLDG USE	BLDG HEIGHT 0	TYPE OF CONSTRUCTION APPTHPTY			
LEGAL DESCRIPTION							

Paid by: CANTRELL

15195105	105.00	Appeal by Third Party		
15195106	3.99	Surcharge General Plan		N
15195107	3.15	Surcharge Technology		N
	112.14		CHECK	



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 7th day of November, 2019.

Project Address: 300 Studebaker Rd. Long Beach, CA

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: See Attachment

Appellant Name(s): Anna Christensen, Ann Cantrell
 Organization (if representing) Sierra Club Los Cerritos Wetlands Task Force
 Address: 3106 Claremore Ave
 City Long Beach State CA ZIP 90808 Phone 562/596-7288
 Signature(s) Ann Cantrell Date 11/14/19

- 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: ML Case No.: AP19-00 Appeal Filing Date: 11/14/19
 Fee: \$12.14 Fee Paid Project (receipt) No.: PLNB46939

Division V. - Appeals

21.21.501 - Authorization and jurisdiction.

- A. Authorization. Any aggrieved person may appeal a decision on any project that required a public hearing.
- B. Jurisdiction. The Planning Commission shall have jurisdiction on appeals of interpretations made pursuant to Section 21.10.045 and decisions issued by the Zoning Administrator and Site Plan Review Committee, and the City Council shall have jurisdiction on appeals from the Planning Commission as indicated in Table 21-1. Decisions lawfully appealable to the California Coastal Commission shall be appealed to that body.

21.21.502 - Time to file appeal. An appeal must be filed within ten (10) days after the decision for which a public hearing was required is made.

21.21.503 - Form of filing. All appeals shall be filed with the Department of Planning and Building on a form provided by that Department.

21.21.504 - Time for conducting hearing of appeals. A public hearing on an appeal shall be held:

- A. In the case of appeals to the City Planning Commission, within sixty (60) days of the date of filing of the appeal with the Department of Planning and Building; or
- B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

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

21.21.506 - Finality of appeals.

- A. Decision Rendered. After a decision on an appeal has been made and required findings of fact have been adopted, that decision shall be considered final and no other appeals may be made except:
 - 1. Projects located seaward of the appealable area boundary, as defined in Section 21.25.908 (Coastal Permit—Appealable Area) of this title, may be appealed to the California Coastal Commission; and
 - 2. Local coastal development permits regulated under the city's Oil Code may be appealed to the city council.
- B. No Appeal Filed. After the time for filing an appeal has expired and no appeal has been filed, all decisions shall be considered final, provided that required findings of fact have been adopted.
- C. Local Coastal Development. Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.

REASONS FOR APPEAL OF 300 STUDEBAKER RD. INDUSTRIAL PARK

1. 2006 Environmental Impact Report done for another project on this site was found inadequate by a court of law. This Program Negative Declaration, which also includes Standards Variance, is even more inadequate. There was no study of what effect possible 24/7 truck traffic and headlights might have on the Los Cerritos Wetlands habitat. The traffic study was done in 2018, before the opening of the 2nd & PCH project, which will no doubt increase traffic on Studebaker. There was no mention of parking lot runoff into the cooling channel, which leads into the only pristine Salt Marsh left in So. CA. It does not appear that Air Quality impacts included truck traffic which would add diesel and other pollutants to the air. **THIS PROJECT DESERVES A FULL EIR.**

2. This Negative Declaration uses both SEADIP and SEASP as the zoning plan for the project. The current zoning plan, SEADIP, and the Local Coastal Plan, state the parcel on the southwest side of Studebaker Rd., is to be the site of an Interpretive Center and Overlook for the Wetlands. The other parcel on the northwest side of Studebaker is to be dedicated for park and playground purposes. The Negative Declaration stated uses for these parcels are not in conformance with SEADIP and therefore cannot be approved.

3. The Neg. Dec. originally stated that the two parcels would be deeded to the Los Cerritos Wetlands Authority; however, when the LCWA discovered there may be hazardous materials cleanup required, they requested that another government entity be added as possible owners. CARP and Sierra Club Los Cerritos Wetlands Task Force urge that **the owners of the property be required to do the clean up of any hazardous waste before the transfer of the property.**

4. The Planning Commission approved "a portion of the required thirty percent on-site open space on off-site vacant parcels (1.81 acres of land) located on the northwest and southwest corners of

the intersection of Studebaker Road and Loynes Drive.” This land is to be transferred to other owners; the developer cannot use it as open space for his development as he no longer owns it.

5. Right-hand turns only in and out of the facility will require trucks and cars to either use Loynes Drive or make a u-turn on Studebaker.

6. Special Condition 5 states there will be “bird-safe” glazing on 65% of all buildings, “to reduce the amount of untreated glass or glazing to less than 35% of the building facade”. **All of the glass should be bird safe.**

7. LED and truck headlights will affect animals and plants in the Los Cerritos Wetlands across Studebaker from the 24/7 facility.

8. Because of possible negative impacts to the Los Cerritos Wetlands (Puvunga East), central to the history and current cultural practices of the Tongva/Acjachemen tribes, tribal consultation should have been held with ALL affected tribal groups. These include 1) all Tongva/Gabrieleno Tribal Councils and tribal contacts listed with the Native American Heritage Commission for Los Angeles County as well as 2) all Acjachemen Tribal Councils and tribal contacts. 300 Studebaker lies within the Puvungna Complex, listed as a Sacred Site by the NAHC and therefore subject to CEQA laws regarding the protection of archaeological/tribal cultural and sacred sites.

Sierra Club Los Cerritos Wetlands Task Force

Sierra Club Los Cerritos Wetlands Task Force



City of Long Beach
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802

Visit us at longbeach.gov/lbds

  LongBeachBuilds

This information is available in alternative format by request at 562.570.6257.
For an electronic version of this document, visit our website at longbeach.gov/lbds.

LICENSED CONTRACTORS DECLARATION				WORKER'S COMPENSATION DECLARATION			
<p>I hereby affirm that I am licensed under provisions of Chapter 9 {Commencing with Section 7000} of Division 3 of the Business and Professional Code, and my license is</p> <p>License _____ License _____ Dat _____ Contract _____</p> <p style="text-align: center;">OWNER-BUILDER DECLARATION</p> <p>I hereby affirm that I am exempt from the Contractors License Law for the following reason {Sec.7031 California Business and Professional Code: Any City which requires a permit to construct, alter, improve, demolish or repair any structure prior to its issuance also requires the applicant for such permit to file a signed statement that he is a licensed contractor pursuant to the provisions of the Contractors License Law {Ch.9} {Commencing with Sec.7000 of Div.3 of the B. & P. C.} or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Sec.7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars {\$500.00}:</p> <ul style="list-style-type: none"> • I as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale {Sec.7044, B. & P. C. : The Contractors License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the owner-builder will have burden of proving that he did not build or improve for the <ul style="list-style-type: none"> • I am exempt under _____, B. & P. C. for this _____ <p>Dat _____ Owne _____</p> <p style="text-align: center;">- IMPORANT -</p> <p>Application is hereby made to the Superintendent of Building and Safety for a permit subject to the conditions and restrictions set forth on the front faces of this application</p> <p>1. Each person upon whose behalf this application is made and each person at whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to and shall indemnify and hold harmless the City of Long Beach its officers, agents, and employees from any liability arising out of the issuance of any permit from this application.</p> <p>2. Any permit issued as a result of this application becomes null and void if work is</p>				<p>____ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:</p> <p>Carrier: _____ Policy _____</p> <p style="text-align: center;">{This Section need not be completed if the permit is for one hundred dollars (\$100) or less}</p> <p>____ I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall</p> <p>Dat _____ Applica _____</p> <p>WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS, IN ADDITION TO THE COST OF COMPENSATION DAMAGES AS PROVIDED FOR IN SECTION</p> <p>I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued {Sec.3907, Civ. C.}.</p> <p>Lender's _____ Lender's _____</p> <p>I certify that I have read this application and state that the above information is correct. I agree to comply with all City and State laws relating to the building construction, and hereby authorize representatives of this city to enter upon the</p> <p style="text-align: right;">Signature of Owner or Contractor _____ Date _____</p>			
JOB ADDRESS		RECEIPT NO.	DATE	PROJECT NO.			
300 STUDEBAKER RD		03629852	11/14/19	PLNB46939			
JOB DESCRIPTION						AREA	
Appeal for 300 Studebaker Rd						0	
OWNER			OCCUPANCY		PLANNING		
LOYNES BEACH PARTNERS LLC.					MIXED USES		
ADDRESS			ASSESSOR NO.		ZONE		
2222 Martin, Suite 160					PD-1		
CITY	STATE	ZIP CODE	FSB	S	RSB	CENSUS TRACT	
Newport Beach	CA	92612				577601	
APPLICANT							
ANN CANTRELL							
CONTRACTOR							
ADDRESS							
CITY		STATE	ZIP CODE	PHONE NO.			
STATE LICENSE NO.				CITY LICENSE NO.			
ARCHITECT/ENGINEER				LICENSE NO.			
ADDRESS							
CITY		STATE	ZIP CODE	PHONE NO.			
VALUATION	PRESENT BLDG USE	PROPOSED BLDG USE	BLDG HEIGHT	TYPE OF CONSTRUCTION			
0.00			0	APPTHPTY			
LEGAL DESCRIPTION							

Paid by: ANN CANTRELL

15195121	105.00	Appeal by Third Party		
15195122	3.15	Surcharge Technology		N
15195123	3.99	Surcharge General Plan		N
	112.14		CHECK	