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Subject: Agenda Item 17 July 18, 2023

-EXTERNAL-

Item 17. *Deny the appeals and uphold the decision of the Planning Commission to approve the Site Plan Review (SPR 22-093) and a Local Coastal Development Permit (LCDP 2208-36) and adopt certain findings and determinations related thereto for a project within the appealable area of the Coastal Zone consisting of the demolition of all existing structures on the site, and construction of a new mixed-use project consisting of 281 residential dwelling units (thirteen of which are affordable (very low income)), 3,100 square feet of commercial/retail space in a building with 592,100 square feet of area including a minimum of 507 vehicular parking spaces, 142 bicycle parking spaces and 27,534 square feet of common and private open space area within the Southeast Area Specific Plan (SEASP) Mixed Use Community Core (SP-2 MUCC) Zoning District located at 6700 East Pacific Coast Highway. (District 3)*

Dear Decision Makers:

The Sierra Club Los Cerritos Wetlands Task Force urges you to uphold these appeals. In addition to the stated appeal issues, we would add these concerns:

1. The staff report states:

The 2019 Land Use Element has yet to be approved by the California Coastal Commission (CCC) for the coastal areas, therefore the 1989 General Plan designation still applies.

Your approval should not take place until the 2019 Land Use Element has been approved by the CCC.

2. Staff states: *"the State Density Bonus Law State Density Bonus L also does not override the Local Coastal Program (LCP) or Coastal Act and waivers and concessions must be implemented in a way that does not conflict with the Coastal Act.*

We believe this project is in conflict with not only the Coastal Act, but SEASP. The mandate of the Environmental Justice policies adopted by the CCC maximizes public access to the coast "for all the people". Increased density and traffic prevents public access. The Coastal Commission allowed building height to be increased for projects that include **overnight visitor-serving accommodations, not for full-time residents. Providing 13 affordable units out of 281 is not visitor-serving.**

Staffs states: While the project does not meet the **95 low-income units allocated for the site**, the City has identified that "it has the additional capacity, capability, and feasibility based on projects currently in process by the Development Services Department's Planning Bureau on sites not previously included on the Sites Inventory List through the revised ADU projections."

It appears these are ADUs being built city-wide, not in the SEASP zone, which does not fulfill the required 95 low-income units for this location.

3. The applicant is requesting one additional story for a total of **six stories** (overall building height **85'-6"**).

SEASP states on page 93, Height and Stepbacks:

Buildings shall adhere to minimum and maximum heights as provided in Table 6-4. **No building or projection shall exceed a maximum of 80 feet in height** (including non-habitable spaces such as architectural features or spaces required for mechanical equipment.)

The maximum height for all non-visitor serving buildings is five stories.

This developer is being allowed to increase the height to 6 stories as a reward for only 13 affordable residential units. We can find no waiver which allows for the increased building height of over 80 feet.

In fact, staff admits, **“The specific concession/waivers requested to support the project are not incongruent with the certified LCP and Coastal Act.** The increased height by one-story to six-stories does not obstruct an established view corridor. Furthermore, this concession in height is not unlike the waiver process allowed under the SEASP for additional height granted to low-cost overnight visitor serving accommodations.”

We would argue that an 85 foot, 6 inch building is a big increase from the 60 foot building approved by SEASP and the CCC.

One of our concerns is the wall of buildings which will be blocking the Los Cerritos Wetlands from the nesting colonies of shore birds in Alamitos Bay. The herons and egrets nesting in Alamitos Bay are considered a coastal resource by the Coastal Commission. Currently the height limit is three stories/36 feet. Foraging birds make numerous trips to the wetlands to feed their chicks. It takes much more energy to fly over an 85 foot building than it does over a 36 foot one. Tree trimming/removal, increased traffic and other unknown reasons have already reduced the population of the Alamitos Bay Great Blue Heron rookeries from 100 nesting pairs to 2 known nests this year.

4. SEASP requires A public open space such as a corner plaza, public art or architectural landmark form be provided at the intersection of PCH and Studebaker Road to enhance the attractiveness of the South Gateway. (pg. 92)

No such feature is shown or mentioned in the plans in the staff report.

5. There are inadequate descriptions of Adjacent Uses.

Table 1: Adjacent Uses states that land use to the Northeast is **“Pumpkin Patch”**. In addition to selling pumpkins and Christmas trees, this property has existing oil wells. The developer appeared unaware that his project is within the 3200 feet from oil operations deemed as a health risk. (see SB1137). The Pumpkin Patch has been approved as the site of new oil production, including 160 foot drilling rig, 70 oil wells and a pipe line connecting more new drilling at 2nd St. and Studebaker.. At the very least, **buyers should be informed of possible health risks and air filters should be required in every unit.**

6. There is no mention that this project lies within the sacred site of Puvungna as registered with the CA Native American Heritage Commission. The level of tribal outreach required under SEASP PEIR is inadequate. Further tribal consultation with and consent of all impacted tribal groups is essential to protect Puvungna and tribal culture.

7. There have been a number of environmental changes in the short time since SEASP was approved. The climate is warming even faster than once predicted. Sea level is rising faster. Living within a half mile of oil production is now accepted as being damaging to human health. SEASP contains no solution for the existing traffic problems in this area, nor for the added thousands of cars the new developments will bring.

For these and all the above reasons, we urge you to uphold the appeals and order a separate **Environmental Impact Report for this and all other planned developments in SEASP.**

Anna Christensen and Ann Cantrell, co-chairs,
Sierra Club Los Cerritos Wetlands Task Force