

Material submitted for consideration in connection with December 15, 2015 Hearing Item #1 on Long Beach City Council agenda regarding proposed certification of Supplemental EIR 02-15 concerning the Long Beach Civic Center Project

The undersigned is submitted by William Pearl, a resident and taxpayer in the City of Long Beach and the owner/operator of LongBeachReport.com (www.LBREPORT.com), an online news outlet in our 16th year in Long Beach. In the latter capacity, I am familiar with certain matters related to the subject matter of this project's draft Supplemental EIR. The material below is submitted in the public interest to ensure a more complete record in connection with Section 6.0 ("Alternatives") in the draft Supplemental EIR.

On November 13, 2014, LBREPORT.com reported and provided a link to a Columbia University Thesis by a graduate student in support of a Master of Science degree in Historic Preservation, that supported a City Hall retrofit at a fraction of the costs claimed by city management. The Masters Thesis can today be viewed at the following link: <http://academichcommons.columbia.edu/catalog/ac:177346>.

As LBREPORT.com reported at the time:

[Begin LBREPORT.com Nov. 13, 2014 text, within quotation marks]

"The existence of the latest retrofit proposal from a Columbia University Master of Science graduate thesis came to light in testimony by preservationist Nancy Latimer at a Nov. 11 Council "study session" [webcast LIVE exclusively on LBREPORT.com] on financial aspects of city management's favored "P3" transaction. The "study session" (held at NLB's Houghton Park community center) gave management roughly 45 minutes, while members of the public had three minutes each to testify. Ms. Latimer testified that she had conveyed a retrofit proposal to the City but it appeared to be going nowhere. No Council member followed up on her statement [and to our knowledge it has gone unreported by any other outlet thus far.]

"The Columbia University thesis by Talene Montgomery, submitted in partial fulfillment of requirements of a Masters Degree of Science in Historic Preservation at Columbia University's Graduate School of Architecture, Planning and Preservation in May 2014, states in pertinent part:

"...The tower's seismic retrofit involves stitching together the outermost columns of the articulated external cores together to transform the structural steel frame into a ductile vierendeel tube. As illustrated on the next pages, the design intervention plays a careful game of embracing this flexible (rather than stiffening) structural strategy of directly tying the cores together, while attempting to maintain a reading of each of them as an articulated, vertical volume.

"... PHASING PLAN

"Goal: Minimize relocation costs with an outboard addition.

- (1) Remove ex'g concrete panels
- (2) Install welded plate connections at outer columns (per core)
- (3) Re-affix original concrete panels
- (4) Weld vierendeel beams between plates
- (5) Install floor beams outboard of building
- (6) Install curtain wall
- (7) Remove original facade panels.

[An image from the Thesis showing connections across City Hall's outer columns can be viewed at this link: <http://www.lbreport.com/14pix/retro/the2.jpg>.]

"Evacuated tube solar collectors convert energy from the sun into usable heat. This energy can be used for hot water heating, space heating and air conditioning. The evacuated tubes can be mounted on vertical or horizontal surfaces, shown here attached to the vertical

piers to accentuate their surface effect. The tubes are fully demountable...The key is ensuring optimum exposure to the sun through the day. The SE facades...collect solar energy in the AM, and the SW facades, collect solar energy after noon.

[An image from the these showing the above can be viewed at this link:
<http://www.lbreport.com/14pix/retro/the3.jpg>.]

"The thesis continues:

"...The Long Beach Civic Center complex deserves a second look in the next chapter of the Long Beach Civic Center's redevelopment. Based on the local historical significance of the complex, and the notable urban architectural features of the city hall and main library buildings -- particularly the articulated cores of the city hall tower and the bermed street wall of the main library -- a strategy of structural and urban retrofitting is an appropriate means of renewal for the Long Beach Civic Center complex, rather than the wholesale demolition that the city is currently pursuing.

"Regarding the Main Library (which the P3 proposals would tear down and replace with another library), the thesis proposes:

"...Library Strategy: FREE THE EDGE

"The library's retrofit involves displacing the bermed, external shear walls to the library's interior and opening the canted, formerly planted, edge up with a screened glass wall to allow views into the library from the street. The ambition is to transform the hidden institution into a recombinant library and community space that acts as an interior extension of the urbanism of the street.

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"The thesis concludes:

"By re-examining the urban retrofit logic at the core of the American civic center type, this theory of retrofits suggests that a project of revitalization can be achieved within the existing urban parti, as a way to frame the future of downtown while situating it within the past. The design proposal does not categorically preclude the possibility of a public-private partnership at the Long Beach site -- the financial model for redevelopment that the city is currently pursuing. In fact, the sensitive integration of commercial and even residential functions, particularly towards the north end of the site could serve to bolster public activity and everyday use of the civic center space. What remains critical to the public and historical value of the site is that the core of the civic center -- including the city hall tower and the surrounding library structure -- remains truly public. And that the urban features that characterize the complex in the Long Beach skyline (the articulated cores of the tower) and on the street (the bermed, canted walls of the library) are preserved, while being strategically manipulated to accommodate the retrofit. Operating in this liminal edge territory of each building also reinforces this thesis's challenge to expand the criteria of preservation to include the urban design concept: in the case of Long Beach, the

'tower in the park' as a civic urban type. The civic center's public offerings -- the plaza, park, library and tower -- should be preserved as a part of the city's history, and as a challenge to the outright demolition of the complex. The decision to intervene in precisely these territories of significance is also a challenge to preservation's prioritization of the exterior as an absolute and highest value."

"This was the second time that a retrofit estimate has come to light offering an estimated price significantly lower than what city management has told Council members and taxpayers. In December 2013, an award winning architect who is the principal in Long Beach's Ultra-Unit Architectural Studio told LBREPORT.com that seismically retrofitting Long Beach City Hall could be accomplished as an adaptive reuse project for roughly \$30 million [the same figure estimated by the thesis] and the building could additionally be made current-code compliant (for ADA and other purposes) for a total of roughly \$45 million.

"In an exclusive audio interview with LBREPORT.com, Mr. Crockett (AIA, LEED) estimated the total cost of the seismic retrofit/adaptive reuse and code compliance work should come in at under \$50 million. Asked if his firm could respond to a Request for Proposals to retrofit Long Beach City Hall as an adaptive reuse project and make the building current code compliant for under \$50 million, Mr. Crockett said "yes."

"Mr. Crockett said he tried to meet with all Council members, managed to meet with six Council incumbents or their office representatives and in his audio remarks describes the meetings. He says he also met with city management (public works) officials in a meeting he described as unproductive.

[LBREPORT.com coverage (including audio) is at this link:
<http://www.lbreport.com/news/dec13/citalt.htm>]

"Ultra-Unit Architectural Studio's website described itself as "a boutique, leading edge Architectural - Design/Build firm... We don't do many projects, we just do them very well which means listening to our clients, using advanced construction technologies and doing architecture in the manner that it was done historically - as a Master-Craftsman. This makes us "ultra" qualified because we not only Design extraordinary buildings but that we can also accurately assess construction related costs and implications."

"[Firm website text] We are a small award winning and premier Architectural firm that constructs what we design because we have found it's the only way to assure the quality we demand in projects.
<p>We are hands on. We create solutions through innovative problem solving, integrated construction services and sometimes just thumping a nail into a piece of wood.

"Ultra-Unit Architectural Studio is team comprised of the professionals in the office and extends to the engineers, consultants, contractors and subcontractors in the field. This team shares a vision for creating the extraordinary, efficiently. Team leader Cameron Crockett AIA, LEED is both a California licensed contractor (#959011) and licensed architect (#31503) with over 25 years experience in single family residential, multi family residential, commercial and retail, historic rehabilitation, structural analysis, remodels and new construction..."

[End LBREPORT.com Nov. 13, 2014 text]

At no point in the Nov. 13, 2014 Council proceeding, or to the undersigned's knowledge in any public City Council proceeding, did city management or the current or immediate past Mayor(s) or the current or immediate past Councils invite or allow retrofit proponents to present their proposals at length -- in anything approaching the opportunities given to P3 developer/operators and city management was given multiple monopoly opportunities to do -- at any Council agendaized study sessions.

Instead, the Council accepted without serious question what it was told by management, in this case a management estimated retrofit cost of roughly \$190 million, a figure management derived internally, basically self-extrapolated from seismic studies, not from bids or RFP responses from firms that actually do seismic retrofit work.

The draft Supplemental EIR's section on Alternatives doesn't even use the word "retrofit" in its narrative, as if the alternative doesn't exist. The undersigned acknowledges that management-commissioned reports or management agenda items were portrayed as discussing retrofits and sometimes agenda items were portrayed as such, but in substance the reports amount to seismic studies (of a building with acknowledged seismic issues) from which city management -- which was hostile to retrofits and had already taken an advocacy position in favor of a complete tear down and hostile to retrofits -- then internally extrapolated, hypothesized or proffered cost numbers. The undersigned believes this process was unfair, untenable and led to misstating the economics and benefits of retrofitting.

On Feb. 10, 2014, 4:15 p.m., updated Feb. 11, 11:55 a.m., LBREPORT.com reported that it had learned that the City of Long Beach was advised by a detailed report over eight years earlier to begin taking measures to seismically retrofit Long Beach City Hall. The record indicates that city staff began exploring retrofit options in the final months of the O'Neill administration but effectively shifted to favoring a full Civic Center rebuild under Mayor Foster and his Council majorities.

[LBREPORT.com text, Feb. 10, 2014]

"LBREPORT.com has obtained a copy of a report, dated Sept. 3, 2005, provided to the City of Long Beach, titled "Long Beach City Hall Life Safety Performance Evaluation, Based on FEMA 310 Tier 2," (hereafter "Report") performed by 3D International of Los Angeles. LBREPORT.com obtained the document from the City within the past few days following a request initially made in October 2013.

"The report states in pertinent part:

"It is our professional opinion that certain deficiencies, as identified in the current investigation, should be mitigated irrespective of whether the building owner chooses to perform [further analyses] or not... [Cites items for further evaluation]

"Alternatively, the conceptual retrofit measures suggested here could be further developed into detailed retrofit design and implemented..."

"Although, there are no mandatory retrofit requirements from the building jurisdiction that we are aware of, it is our professional opinion that the building should be retrofitted to alleviate life-save concerns during a major seismic event. [Source: Report, Executive Summary, p. 4.]

"The report included "Recommended Conceptual Upgrades" including six specific measures to mitigate seismic deficiencies, and also provided sketches of the retrofits.

"At a Feb. 1, 2014 public meeting, city management acknowledged that it hasn't issued a Request for Proposals seeking bids/proposals from firms that actually do retrofitting and stated its reasons for this [see transcript below]

"On June 21, 2011, an item appeared as a 3:30 p.m. Study Session (no action) item "regarding the Civic Center." City staff presented the Power Point at this site.. There was no accompanying city management memo. LBREPORT.com reported what took place (text below):

"(June 26, 2011) -- As reported earlier this week on LBReport.com's front page, the City Council held a June 21 study session (no action taken) regarding the Civic Center and a possible new City Hall.

"Several Council members indicated that they don't favor spending money or discussion

time on a new City Hall...but Vice Mayor Suja Lowenthal said a "public-private partnership" with development interests could avoid the use of public money and favored discussing the issue further...and Mayor Bob Foster introduced the item by saying it won't be the last Council session on the subject.

"Public Works Dir. Mike Conway told the Council that after Hurricane Katrina, FEMA ordered local governments to assess their public buildings. Long Beach did so and found that while City Hall is seismically safe, it doesn't meet current seismic code standards.

"Mr. Conway said the Council should decide if this is an appropriate time to "re-vision" its Civic Center and City Hall...and offered several options, including a "public-private partnership" financing arrangement.

"Councilman Patrick O'Donnell asked rhetorically, "How can we afford this if we can't afford to fix out streets?" and says his vote on a new City Hall is "no."

"Councilman James Johnson asked about current seismic safety at City Hall, and Mr. Conway replied that the building is safe but in a large earthquake, employees might not be able to exit the building (exit routes might be blocked). Councilman Johnson replied that his preference isn't a new City Hall and he'd like to look at a fire-escape type option to ensure employee safety in an earthquake.

"Councilwoman Rae Gabelich said, without contradiction from management, Councilmembers or the Mayor, that the study session was brought forward at the request of Councilman Garcia (who didn't attend the meeting) and Vice Mayor Lowenthal. Gabelich said considering the issue of a new City Hall sends wrong message to the public, especially when the City has reduced police service and can't fix its streets...and said Lincoln Park (next to City Hall, in the 2nd Council district) isn't being properly cared for.

"Vice Mayor Lowenthal said that although City of LB doesn't have public money to replace City Hall, a public-private financing arrangement might enable this without tapping public safety or public works funds. She said she favors examining public-private partnership option, saying City Hall is how City represents itself to the public.

"Councilwoman Gabelich responded that Lincoln Park [unspoken: in Lowenthal's district, adjoining Garcia's district] is how City represents itself to the public now.

"Mayor Foster responded by taking the focus off Lowenthal and Garcia, saying the Council will have opportunity to deal with Lincoln Park that when the FY12 budget is proposed in coming weeks.

"Councilman Steve Neal said he's open to examining possible public-private partnership for new City Hall.

"The study session concluded without voted action, just Mayor's statement at the outset that the issue of a new City Hall/Civic Center will come up again.

"On February 12, 2013, the Civic Center project reappeared on the City Council's agenda. The agenda item summarized the September 2005 report's retrofit recommendations in four bullet points, then estimated the retrofit costs in 2013 dollars at \$170 million. It also asserted the view that LB's current City Hall is "functionally obsolete." At the Feb. 13 Council meeting, Councilmembers directed staff to invite a Request for Qualifications from firms that might wish to respond to a Request for Proposals to build/finance/operate a new LB City Center...and the Council asked city staff to update the 2005 seismic report with either a peer review or a new study.

"On Oct. 22, 2013, city staff sought Council approval to prepare a Request for Proposals for a new Civic Center. City staff's agendaing memo stated that it had commissioned a new study which "concluded that action must be taken immediately to either retrofit or construct a new facility." [emphasis added.] Staff's memo then

went on to list cost figures with no data sources cited:

"[City staff Oct. 22, 2013 memo by Mike Conway, Dir. of Business & Property Development and Ara Maloyan, Acting Dir of Public Works, initialed as approved City Mgr. Pat West] Given the original study was performed in 2005 and newer established criteria that assess building performance during a seismic event now exist, staff commissioned a new seismic report. The conclusions confirm the precarious stability of City Hall and the extensive renovations necessary to retrofit the building to perform in a seismic event. The study concluded that action must be taken immediately to either retrofit or construct a new facility. Staff will be presenting more details and information related to the new seismic study at the City Council meeting.

"When seismically retrofitting a building, additional code and ADA required upgrades are triggered. Current deficiencies in the building systems (mechanical, electrical and plumbing), as well as ADA access and egress issues, have to be addressed as part of any retrofit project. In addition, there would be a cost to relocate into temporary facilities while the retrofit and upgrades are underway. The current costs for additional seismic retrofitting and asbestos abatement are estimated to be \$67 million; the current costs for building upgrades and deferred maintenance are estimated to be \$65 million and the current costs for design, engineering, construction management, and temporary relocation and tenant improvements are estimated to be \$62 million. Total current costs are estimated at \$194 million or \$685 per square foot...

"In summary, given both the results of the original seismic report performed in 2005 and the new seismic report using more current established criteria, it remains clear that City Hall is at significant risk during and after a seismic event. With an eight year perspective on the alternatives, a decision must be made as to how best to address the seismic issues associated with the current City Hall building. Considering the investment that would be required to seismically retrofit City Hall, the additional costs related to code required upgrades, and knowing that even with that investment, City Hall would still be functionally obsolete and uninhabitable in the event of a significant seismic event, staff recommends proceeding expeditiously with the preparation of the RFP and selection of a development team to construct a new City Hall. Only construction of a new building to current seismic standards will provide for the continued use of a building after a significant seismic event.

"On December 3, 2013, the City Council voted 7-1 (Schipske dissenting, Lowenthal absent) to approve entering into a contract with a firm to prepare the RFP for a new Civic Center for submission to three competing developer/operator teams. City staff has indicated publicly that it expects the RFP will be ready to submit to the three competing firms by late February 2014 and won't be shown to the Council before it's issued. City staff has also indicated that it aims to bring a recommended developer/operator to a Council vote on July 1, 2014. A new Mayor and Council majority [five new members] will take office on July 15.

"On Feb. 1, 2014 city staff held a public meeting offering to provide information on the Civic Center project. Mike Conway fielded Q & A. LBREPORT.com asked one of the final questions at the event:

"LBREPORT.com: ... Can you explain exactly why if the city had materials in its possession since 2005, 06, 07, 08, 09, 10, 11, 12 and 13, that raised seismic issues about City Hall, that it apparently never once put out for an RFP a request for proposals from firms that actually do retrofitting... and instead seems to have created, inferred, extrapolated figures internally from staff, whom we don't vote for, instead of bringing the result of that RFP to the policymaking elected City Council?

"Mr. Conway: The firm that conducted the Tier 2 seismic study also presented costs to retrofit. Costs not only for retrofit but ADA upgrades and code required upgrades. Also relocation costs, FFE, all of it detailed, arrived at \$119 million in 2006. Bringing that forward in 2014 at 6% is \$194 million.

"The expectation that building codes have changed since 2006 are obvious so that

\$194 [million] may not be adequate, but we do have a number and that \$194 million equates to \$118/sq ft. for an inefficient, substandard, subsidized building.

"LBREPORT.com... [M]y question was why wouldn't city staff put that out in the marketplace and see what other firms could offer to retrofit City Hall?

"Mr. Conway: That hasn't been done. We've been looking at a new facility rather than retrofitting this facility because it doesn't seem to make economic sense to burden the taxpayers of Long Beach with additional costs if we can instead move our costs from one facility to another and get a new facility at no additional burden to the taxpayers.

"LBREPORT.com: Could the City Council still make that decision now if there were a majority?

"Mr. Conway: I can't speak for the City Council.

"LBREPORT.com But they could, couldn't they? What would city staff's position be on that?

"Mr. Conway: I don't want to speak to city staff. We haven't analyzed that [notion, audibility difficulty]

"LBREPORT.com: In what ways would it be inconsistent with what's been done so far if there were on a separate track pursuing an RFP in the marketplace bids from multiple firms on some kind of adaptive reuse for fixing City Hall?

"Mr. Conway: So we've been directed as of Oct. 22 to proceed with an RFP for a design-build-finance-operate-maintain a new Civic Center and that's the process we're pursuing." [end LBREPORT.com quoted text]

In addition, and for context in considering these matters, the first sentence of management's December 15, 2015 agendaizing memo to the City Council, accompanying management's recommendation that the Council certify the draft Supplemental EIR, states in its narrative section: "The need for a replacement Civic Center was first formally identified in 2007, when the Department of Public Works presented to the City Council a study identifying major seismic deficiencies of the existing City Hall building." But in the undersigned's view, that's not an accurate picture of what took place.

On May 15, 2007, during a non-voting City Council study session, the city's then-Public Works Director gave the Council a Power Point slide show titled a "City Hall Seismic Evaluation" (which can be viewed at this link: http://lbciviccenter.com/uploads/docs/related_seismic_study_presentations/May%2015%202007%20Presentation.pdf)

The Power Point slides described City Hall's seismic issues, which it summarized by noting that an additional strength analysis, beyond the requirements of the 1970 building code, was required when the building was permitted in 1974. It said recent inspection confirmed that the building's structural system was built in conformance to plans and accepted construction methods, and the condition of the building "does not present any deterioration of the structure over the past 30 years." [May 15, 2007 Public Works Dir. presentation slide No. 8]

It offered two options: "Basic structural and limited interior work" for approximately \$78 million (without building code upgrades in other areas but included \$12.8 million to relocate during construction) or "full renovation" for approximately \$151 million (included building code upgrades, interior improvements and relocation during construction.)

It then inserted slides from an unrelated, Council-created "downtown visioning advisory committee," comprised of downtown interests, that had previously met and envisioned a new downtown that included a new Civic Center. City management's Power Point slides then ended with a recommendation to the Council to "[i]nclude consideration of New City Hall to address seismic deficiencies" and "[a]pprove Main

Library Roof project to allow full utilization of structure during planning, permitting, design and construction period for New Civic Center Complex. "

The item, agendaized as "a study session regarding the Civic Center" lasted about an hour. Video isn't available online, but there was no voted action of any kind, and no Council policy setting voted determination of any kind, at that meeting to pursue a tear down of the current City Hall or a costly replacement of the city's entire Civic Center.

In view of the totality of the foregoing, the undersigned believes the Supplemental draft EIR's section 6.0 on Alternatives is seriously flawed and urges that Section 6.0 on Alternatives (and any text related thereto) be revised to incorporate the matters above and recirculated prior to a decisional vote by the City Council.

Very truly yours,

s/ William Pearl