

300 Studebaker - Response to Appeals

App. No. 1811-05

January 7, 2020

Page 1

The following tables (Tables A and B) consist of responses to the appeal letters filed by the Citizens About Responsible Planning (APL19-009) and Sierra Club Los Cerritos Wetlands Task Force (APL19-010) on the 300 Studebaker Road Industrial Park Project (Application No. 1811-05). The comments received in the two appeal letters are similar and have been organized by content and indexed with a number. The indexed comment number in the table below corresponds to the bracketed letter attached to this document.

Table A: Responses to Appeal Comments submitted by the Citizens About Responsible Planning (APL19-009)

Comment Number	Response to Comment
1-1	<p>The commenter references an Environmental Impact Report that was prepared for a previous project in 2006. The comment further adds that the preparation of a Negative Declaration, and inclusion of a Standards Variance, is inadequate.</p> <p>The previous (unbuilt) project included different land uses and a different project size than the proposed Project. A Mitigated Negative Declaration shall be prepared pursuant to Section 15070 of the CEQA Guidelines:</p> <p style="padding-left: 40px;">“A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:</p> <p style="padding-left: 40px;">(a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or</p> <p style="padding-left: 40px;">(b) The initial study identifies potentially significant effects, but:</p> <p style="padding-left: 80px;">(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and</p> <p style="padding-left: 80px;">(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.”</p> <p>With the incorporation of mitigation measures cited in the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH # 2019099005), no significant and unavoidable impacts would occur as a result of project construction and operation. Therefore, the preparation of an IS/MND is the appropriate environmental document for CEQA compliance.</p>
1-2	<p>The commenter states the draft document does not analyze the effect of possible truck and traffic head lights on the Los Cerritos wetlands. The commenter does not raise new environmental information or directly challenge information provided in the IS/MND. Nonetheless, the commenter is referred to page 27 of the Draft IS/MND which</p>

Comment Number	Response to Comment
	<p>discusses existing and proposed lighting at the project site. It should be noted there is existing lighting on and around the project site, including existing traffic traveling down Studebaker Road and Loynes Drive. Moreover, the project is anticipated to add an additional 24 trips during pm peak hour traffic times. Which is not expected to substantially increase light volume in the project area.</p> <p>Studebaker Road is recognized as an appropriate path of travel (Map 18 of the Mobility Element of the General Plan) and vehicle trips by trucks are anticipated.</p> <p>With regard to onsite light and glare, implementation of Mitigation Measure AES-1, Outdoor Lighting Plan, would be required to ensure that any exterior lighting would not result in excessive light spillage onto to the adjacent Los Cerritos Wetlands. With implementation of mitigation AES-1 and incorporation of regulatory code pursuant to the LBMC, the project would not generate substantial sources of light or glare and impacts would be reduced to a less than significant.</p>
1-3	<p>The commenter states the traffic study was prepared before the opening of 2nd and PCH, which will increase traffic on Studebaker. The commenter does not raise new environmental information or directly challenge information provided in the IS/MND. The commenter is referred to the IS/MND, Appendix J, the Traffic Impact Assessment at page 13 which specifically states and shows the 2nd and PCH project was considered in the cumulative project conditions analysis.</p>
1-4	<p>The commenter states the project does not consider the impacts of run-off from the project site parking lot to the cooling channel. The commenter does not raise new environmental information or directly challenge information provided in the IS/MND. The commenter is referred to the IS/MND, specifically Subsection 10(c) which specifically identifies project site run-off Best Management Practices (BMPs), the regulatory requirements for a Low Impact Development (LID) Plan and other measures that are part of the project that are designed to reduce and treat project runoff before entering any offsite conveyance facilities.</p>
1-5	<p>The commenter states that it does not appear that diesel particulate matter and other pollutants affecting air quality from the truck traffic was addressed. The commenter does not raise new environmental information or directly challenge information provided in the IS/MND. The commenter is referred to the IS/MND, Subsection 3(c), Toxic Air Contaminants, which specifically addresses project operations. As noted in the IS/MND, the toxic air contaminants (TACs) and emissions related to the operation of diesel engines associated with trucks, trailers, shipping in the form of diesel particulate (PM) and other diesel-related contaminants, would not result in health impacts at nearby residential, school, and off-site worker receptors in excess of applicable SCAQMD thresholds. Therefore, this impact would be less than significant.</p>
1-6	<p>The commenter asserts that both SEADIP and SEASP are referenced in the environmental document. The commenter also asserts that the uses for the project site are not in conformance with SEADIP.</p>

Comment Number	Response to Comment
	<p>The City of Long Beach (City) repealed the SEADIP and replaced it with the Southeast Area Specific Plan (SEASP) (SP-2) on May 1, 2016. However, the City continues to recognize the SEADIP as the existing, adopted Specific Plan, while the SEASP awaits approval from the California Coastal Commission (CCC).</p> <p>SEADIP Subarea 24 calls for the dedication of open space in the form of an overlook and interpretive center and a park and playground. As part of pending submittals to the CCC for the approval of the SEASP and Beach Oil Minerals Project (BOMP), the interpretive center has been proposed to be located at an alternate location.</p> <p>The Subarea 24 North area is not sized or suitable for a playground. The LCWA has the resources available to maintain, preserve, and restore this area consistent with the intent to provide a public open space resource.</p> <p>A discussion of SEASP was included to provide the decision-making body and public with an understanding of the project’s compliance with SEASP that is still under CCC consideration. Specifically, under the SEASP, the eastern project area of the project site is zoned Industrial and the western project area is zoned for Coastal Habitat/Wetlands/Recreation. The proposed use for the western open space parcels is consistent with the intent of SEADIP, SEASP, and the LCP.</p>
1-7	<p>The commenter asserts that the current owners of the parcels on the west side of Studebaker Road shall be required to clean up hazardous waste before the transfer of property.</p> <p>Condition of Approval No. 3 requires the following: “Prior to the transfer of property to the LCWA, the project applicant shall coordinate with the LCWA regarding further hazardous materials investigations on the western open space parcels.”</p>
1-8	<p>The commenter asserts that the transfer of off-site parcels cannot count towards open space requirements.</p> <p>The application for a standards variance intends to address this SEADIP development standard for 30 percent onsite open space. SEADIP does not require this onsite open space to be open to the public. The dedication of the open space areas to LCWA represents the transference of land to a joint powers authority (in conjunction with the State Coastal Conservancy) ensuring the preservation of open space for public access. Therefore, the transfer of private land on the west side of Studebaker Road to public agency ownership, for the preservation of public access, exceeds the intent for onsite open space while also furthering the goals of the LCP.</p> <p>The dedication of open space to the Los Cerritos Wetlands Authority will carry out the intent for SEADIP Subarea 24 as it will place the parcels for public use. In contrast to the provision of on-site open space, which can be closed to private access, the dedication, restoration, and preservation of these off-site areas will enhance access to these open</p>

Comment Number	Response to Comment
	space parcels consistent with the LCP and SEADIP.
1-9	<p>The commenter asserts that right-turn maneuvers in and out of the facility will cause traffic hazards. The commenter is referred to the IS/MND, Subsection 17(c), which summarizes the turning analyses included in Appendix J, the TIA. Access to the project site is proposed at two locations (via full-access driveway on Studebaker Road/Loynes Drive) and a secondary right in and right out driveway (via Studebaker Road north of the project site). As a project design feature, a southbound left-turn pocket and left-turn lane on Studebaker Road would be constructed to allow access to the site. In addition, the inside eastbound right-turn lane on Loynes Drive would be converted to an eastbound through lane for vehicles entering the project site from Loynes Drive. Therefore, there will be both left and right turning maneuvers to enter the site.</p> <p>As part of the TIA, a LOS analysis was conducted for each driveway. Based on the results of this analysis shown in Tables 26 and 27, all project driveways are forecast to operate at satisfactory LOS D or better for Existing Plus Project, Project Build-Out Year Plus Cumulative Projects, and Project Build- Out Year Plus Cumulative Projects Plus Project during both the a.m. and p.m. peak hours. Therefore, the project would not increase any hazards at these driveway intersections.</p> <p>In addition, a truck turning analysis and sight distance analysis were prepared for the IS/MND to document that both vehicles and trucks would be able to circulate on- and off-site without resulting in traffic impacts.</p>
1-10	The commenter asserts that “bird-safe” glazing should be applied to all glass components on the building. SEADIP does not include a requirement for bird-safe building treatments. Staff included Condition of Approval No. 5 to add a requirement: “The applicant shall provide for “bird-safe” glazing on all buildings as follows”. The inclusion of this condition of approval is more restrictive than current code requirements.
1-11	The commenter states the LED headlights will affect animals and plants at the Los Cerritos Wetlands across Studebaker Road. The commenter does not raise new environmental information or directly challenge information provided in the IS/MND. The commenter is referred to Response 1-2 above.
1-12	<p>The commenter states all affected tribal groups should have been consulted on the project. The commenter is referred to section 18(b) of the IS/MND which discusses the subdivision (c) of Public Resources Code Section 5024.1 and the consultation process that was conducted by the City following the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.</p> <p>On February 26, 2019, Native American consultation was initiated. Letters sent to eight Native American tribes via US Certified Mail and only one request for consultation was received within the period stipulated under. Mr. Andrew Salas of the Gabrieleno Band</p>

Comment Number	Response to Comment
	of Mission Indians – Kizh Nation requested consultation. The City held a consultation meeting with the Tribe on May 30, 2019 to answer questions about the project and to hear requests and recommendations for mitigation. The results of the City's consultation with the Tribe have been included in this IS-MND.

Table B: Responses to Appeal Comments submitted by the Sierra Club Los Cerritos Wetlands Task Force (APL19-010)

Comment Number	Response to Comment
2-1	This comment contains the same content as Response to Comment 1-1 (provided in Table A, above) regarding a previous environmental document and preparation of a IS/MND. Refer to Response to Comment 1-1.
2-2	This comment contains the same content as Response to Comment 1-2 (provided in Table A, above) regarding headlight impacts on the Los Cerritos Wetlands habitat. Refer to Response to Comment 1-2.
2-3	This comment contains the same content as Response to Comment 1-3 (provided in Table A, above) regarding the consideration of 2 nd and PCH traffic. Refer to Response to Comment 1-3.
2-4	This comment contains the same content as Response to Comment 1-4 (provided in Table A, above) regarding parking lot runoff. Refer to Response to Comment 1-4.
2-5	This comment contains the same content as Response to Comment 1-5 (provided in Table A, above) regarding air quality impacts. Refer to Response to Comment 1-5.
2-6	This comment contains the same content as Response to Comment 1-6 (provided in Table A, above) regarding consistency with SEADIP. Refer to Response to Comment 1-6.
2-7	This comment contains similar content as Response to Comment 1-7 (provided in Table A, above) regarding hazardous materials cleanup on the western open space parcels. Refer to Response to Comment 1-7.
2-8	This comment contains the same content as Response to Comment 1-8 (provided in Table A, above) regarding the consideration of offsite parcels as open space. Refer to Response to Comment 1-8.
2-9	This comment contains the same content as Response to Comment 1-9 (provided in Table A, above) regarding turning maneuvers and on- and off-site circulation. Refer to Response to Comment 1-9.
2-10	This comment contains the same content as Response to Comment 1-10 (provided in Table A, above) regarding bird-safe glazing. Refer to Response to Comment 1-10.
2-11	This comment contains the same content as Response to Comment 1-11 (provided in Table A, above) regarding impacts of headlights on habitat. Refer to Response to Comment 1-11.
2-12	This comment contains the same content as Response to Comment 1-12 (provided in Table A, above) regarding impacts to tribal cultural resources. Refer to Response to

300 Studebaker - Response to Appeals

App. No. 1811-05

January 7, 2020

Page 6

Comment Number	Response to Comment
	Comment 1-12.

Appeal Letter 1

Development Services

Planning Bureau

411 West Ocean Boulevard, 2nd Floor, Long Beach, CA 90802

562.570.6194

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, 20 19.

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: ML Case No.: APL 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.** 1-1
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. 1-2
1-3
1-4
1-5
3. The owners of the property must be required to do the clean up of any hazardous waste before the transfer of the property. 1-6
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. 1-7
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. 1-8
1-9

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.**

1-10

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

1-11

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.

1-12

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 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>{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			
JOB DESCRIPTION Appeal by 3rd Party				AREA 0			
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	

Appeal Letter 2



Development Services

Planning Bureau

411 West Ocean Boulevard, 2nd Floor, Long Beach, CA 90802

562.570.6194

Application For Appeal

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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

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- 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.: APL 19-00 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.
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 - 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.**

2-1

2-2

2-3

2-4

2-5

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.

2-6

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.**

2-7

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

2-8

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 is he no longer owns it.

↑
2-8

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.

2-9

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.**

2-10

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

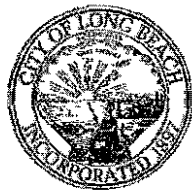
2-11

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.

2-12

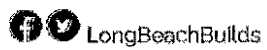
Sierra Club Los Cerritos Wetlands Task Force

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



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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>{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