

Citizens About Responsible Planning (CARP)

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[For the public record, and e-submitted with an attached MS-Word-format copy]

To: Long Beach Planning Commission

PlanningCommissioners@longbeach.gov

411 W. Ocean Blvd, 3d floor, Long Beach CA 90802

Subject: Appeals vs. proposed thoroughfare encroachments:

Case no. 2301-16 : 25 39th Place, item 1 on 20 July 2023 agenda

Case no. 2302-02: 5236 E 2nd Street, on 3 August 2023 agenda

Dear Planning Commissioners:

Since our founding in 2015, Citizens About Responsible Planning (CARP) has worked to 'promote the quality of life in the City of Long Beach'. Toward this mission, we have focused on the duty of city government to practice and uphold responsible land use and planning.

We now are appealing to the Commission the May 8 Zoning Administrator hearing decisions on the two above-noted cases, decisions which would enable long-term encroachments on public thoroughfares.

Our appeals are in support of neighbors concerned by adverse impacts of the proposed encroachments.

For that reason, we request postponement or continuance of the hearing on the first case, scheduled now as item 1 on the Commission's agenda for July 20.

Our concern is that the general public and impacted neighborhood – and maybe Commissioners too! - have not had time to digest and respond to copious relevant background information documents that were first made evident and available on this item via agenda attachments provided just this past Monday July 17.

In particular, attachment (F) alone includes 600 pages of relevant materials. These include parking studies long sought by concerned public, supporting and opposing letters not provided residents during the two Zoning Administrator hearings despite multiple requests, and several decades of relevant Coastal Commission findings and decisions.

Moreover, the Zoning Administrator's Conditions of Use for Belmont Brewing Company were modified several times between the April and May hearings. As was noted during both hearings, the public had scant or no chance to view, let alone assess and comment on, the evolving and then-final conditions.

Our appeals also are in support of an essential principle: public thoroughfares must be kept free of all long-term obstructions.

CARP is dismayed that: (1) City staff and resources have been diverted to reviewing and facilitating many proposals which violate this principle; (2) the two appealed decisions, which would dramatically change past practice, were treated as low-level matters in scantily advertised zoning administrator hearings; and (3) the crucial encroachment issues have come for your consideration only via an indirect and costly appeal process.

We realize that in your work as Planning Commissioners you may well get greatest satisfaction from opportunities to contribute affirmatively to the utility and quality of new and remodeled buildings and facilities. However, the city's charter also calls for your critical scrutiny of land use policies.

Very temporary 'encroachments' on public thoroughfares are normal. After all, every moment that we drive or walk or bike on a part of a public thoroughfare, we could be said to temporarily 'encroach' on it. Such encroachment is tolerable, even desirable, so long as we do not obstruct others' similar mobility. Thanks to dramatically reduced traffic, some temporary so-called 'parklets' were tolerable during the COVID emergency.

Although temporary encroachments can make sense, that fact does not call for haste to 'experiment' with permanent encroachments. Careful consideration shows that ***long-term and permanent encroachments on public thoroughfares are very different from temporary encroachments***.

Public thoroughfares exist to enable **mobility**: to allow many people very temporarily to 'encroach' in order pursue their respective agendas and timely get to intended destinations. *It is the public mobility network which permits us all to function in a well-connected and unified city. So it is a basic responsibility of the Planning Commission, and indeed all organs of city government, to protect and enhance the integrity, usability, efficiency and public value of the mobility network.*

We don't blame private enterprises, such as Belmont Brewing Co. or Legends, for seeking privilege at the expense of public mobility. But as public officials, *your* duty is to fully uphold the public mobility interest no matter what pleas are made for privilege. It is *not* your duty to approve 'compromises' which give away public convenience and necessity in 'return' for reduction of the initially proposed degree of private privilege!

Even if many reasonable-sounding conditions of use are attached to an encroachment permit, it is *not* your duty to approve it. In fact, *approval of an encroachment, no matter how conditioned, is a recipe for creating adversity and lose-lose conflict.* After all, the City does not plan – and is not being funded - to monitor hourly on-site, to proactively ensure adherence to the conditions. Enforcement (if any) will be reactive, triggered by adversarial complaints of persons aggrieved by obstruction or actions within the encroachments.

(Of course many aggrieved people lack temperament, time or resources to make and pursue open complaints. Instead, after temporarily enduring unfair extra costs and inconveniences, many will ever after quietly go elsewhere – maybe even far away - to reside or do business or recreate.)

It's bad enough to give away a non-thoroughfare public parcel to private parties without compensatory public benefits. That's what notoriously happened in Britain when privileged parties were allowed to lock the public out of what had been public common lands. ***But the proposed encroachments on thoroughfares are even more scandalous.***

Each encroachment would injure the mobility network which everyone needs and counts on to be available. It would rob time and energy from all who need or benefit from use of the thoroughfare – whether by motor vehicle, bike or foot. It would obstruct traffic to and from enterprises that are as deserving as those

which encroach. And it would obstruct or block the timely passage of emergency vehicles and services!

Belmont Brewing's encroachment would obstruct or block beach-bound access by pedestrians and bikers, and by small emergency vehicles, at a key chokepoint along the city's beach front. The encroachment would contradict and devalue the significant public investments made to enhance beach recreation.

Legends' encroachment would obstruct or block traffic on a thoroughfare which hundreds, even thousands, of people count on for routine use to reach their intended destinations, including nearby businesses. Approval of Legends' application would establish a strong precedent for approval of each of the many similar active applications by neighboring enterprises, thereby clogging Second Street, and notably impacting the city's mobility network. Such a significant change should instead first be explicitly planned in a process which has participation and approval of the neighborhood and general public.

In conclusion: The city's mobility network is what enables a well-functioning, well-connected and unified city. City government and public officials must uphold the integrity of this network.

Cordially,

Joe Weinstein, President
Citizens About Responsible Planning (CARP)