

January 3, 2020

VIA E-MAIL

Honorable Mayor and City Council
City of Long Beach
411 W. Ocean Boulevard
Long Beach, CA

Re: January 7, 2020 City Council Meeting - Agenda Item No. 17 -- Studebaker Road
Industrial Park

Dear Honorable Mayor and Councilmembers:

This letter is submitted on behalf of the applicant for the 300 Studebaker Road Industrial Park Project (“Project”), consisting of the demolition of existing structures and development of two concrete tilt-up industrial buildings. As you may be aware, this law firm has one of the most extensive land use and California Environmental Quality Act (“CEQA”) practices in the State and have worked with the applicant to meet the stringent requirements imposed by your staff to bring this application to public hearing. We provide this letter to respond to several recently submitted communications in opposition to the Project.

After independent consideration of all the documents in the administrative record, the Planning Commission properly approved the Project, along with a Mitigated Negative Declaration (ND13-19) that fully analyzes all of the Project’s potential impacts on the environment pursuant to CEQA. The approved MND properly concludes that all such impacts would be less than significant after mitigation.

The tables below (Tables A and B) respond to the identical appeal letters filed by the Citizens About Responsible Planning (APL19-009) and Sierra Club Los Cerritos Wetlands Task Force (APL19-010) (collectively, the “Appeal Letters”) on the Planning Commission’s approval of the Project. The indexed comment number in the tables below correspond to the bracketed letters attached to this document to ease review of the comments and responses.

In addition to the specific responses below, it is important to note the Appeal Letters completely fail to present substantial evidence, or actually any evidence, of a fair argument that any of the Project’s impacts would be significant such that a preparation of an environmental impact report (“EIR”) would be required. The key to any analysis under the applicable “fair argument standard is whether there is “substantial evidence” – meaning evidence that is **relevant legally significant, credible, and of solid value** – that a project may have a significant effect on the environment. (Pub. Res. Code § 21080(c)(1); CEQA Guidelines § 15384(a).) “The operative words in the so-called fair argument standard are ‘substantial evidence.’” (*Citizens*

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 562/596-7288
 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.: 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
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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. 1-6
3. The owners of the property must be required to do the clean up of any hazardous waste before the transfer of the property. 1-7
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 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. 1-8
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, creating a traffic hazard. 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 lazing to less than 35% of the building facade”. **All of the glass should be bird safe.**

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

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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.

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Citizens About Responsible Planning

Appeal Letter 2



Development Services

Planning Bureau

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

562.570.6194

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- Zoning Administrator
- Planning Commission
- Cultural Heritage Commission

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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

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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.
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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.**

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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.

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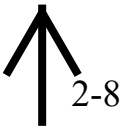
3. The Neg. Dec. originally stated that the two parcels would be deeded to the Los Cerritos Wetlands Authority; however, when the LCWA discovered there may be hazardous materials cleanup required, they requested that another government entity be added as possible owners. CARP and Sierra Club Los Cerritos 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.**

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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

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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.



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.

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Sierra Club Los Cerritos Wetlands Task Force

Sierra Club Los Cerritos Wetlands Task Force