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CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

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ENVIRONMENTAL PLANNING

June 6, 2005

VIA FACSIMILE (650-589-5062) AND
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Kevin S. Golden, Esq.
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South San Francisco, California 94080-7059

RE: Response to Request for Extension of Comment Period
Long Beach Memorial Medical Center Expansion
Project Environmental Impact Report (SCH No. 2004081142)

Dear Mr. Golden:

The Department of Planning and Building ("Department") is in receipt of your letter dated May 25, 2005, written on behalf of the SEIU United Healthcare Workers – West ("SEIU") and requesting an extension of the public comment period for the Long Beach Memorial Medical Center Expansion Project Environmental Impact Report (EIR) (SCH No. 2004081142) (the "Project EIR"). The Department has carefully considered SEIU's request (i) in light of the facts and circumstances of this case, (ii) the purpose and content of the Project EIR, and (iii) the City of Long Beach's ("City's") obligations under the California Environmental Quality Act [Publ. Res. Code §§ 21000 *et seq.* ("CEQA")]. For the reasons identified below, the Department has concluded that extension of the public comment period for the Project EIR is neither warranted nor justified. Accordingly, the Department must deny SEIU's request for extension and recirculation.

I. Parking Demand Occupancy Information

As identified in your letter, page 13-34 of the Final Project EIR mistakenly declares that a copy of LLG's 2002 Parking Demand Occupancy Study ("PDO Study") is included in Appendix N of the Project EIR. Contrary to SEIU's assertion, the absence of the PDO Study from the Project EIR does not render the document incomplete or otherwise insufficient vis-à-vis the mandates of CEQA.

The primary purpose of the EIR process is to ensure that the public and its responsible officials are fully informed as to the potential significant effects that a

proposed project may have on the environment [CEQA § 21061; Citizens of Goleta Valley v. Board of Supervisors, 52 Cal.3d 553, 564 (1990)]. Furthermore, CEQA Section 21003(b) mandates that all CEQA documents, including EIRs, be written in a manner that will make them "meaningful and useful to decision-makers and to the public." In recognition of these principles, the Department concluded that the interests of the public and the City (*i.e.*, achieving a full understanding of the Project's potential impacts upon parking capacity) would best be served by (i) the preparation of a comprehensive, non-technical summary of the data and information expressed in the PDO Study and (ii) direct incorporation of the comprehensive summary into the text of the Project EIR. Consistent with this determination, the Department prepared a comprehensive summary and incorporated the same into the Draft Project EIR at pages 3.11-15 through 3.11-22.

The comprehensive summary fully and accurately reflects the data and conclusions set forth in the PDO Study. Indeed, all tabular information appearing in the comprehensive summary was derived directly from the PDO Study; the data was not changed or modified in any way. Thus, from a technical standpoint, the comprehensive summary is the functional equivalent of the PDO Study. From a CEQA standpoint, the comprehensive study actually represents a superior instrument insofar as the text ensures full understanding of the Project's potential parking capacity impacts. The absence of the PDO Study from Appendix N did not preclude informed public participation in the environmental review process or thwart the statutory goals of CEQA [*See* Kings County Farm Bureau v. City of Hanford, 221 Cal.App.3d 692, 712 (1990)]. To the contrary, provision of the comprehensive summary advanced the express goals of CEQA by providing clear and comprehensible information that facilitated full public participation in the EIR process.

Furthermore, the PDO Study does not include any information, data or conclusions that could be construed as new or significant such that recirculation of the Project EIR is warranted [14 Cal. Code Regs. § 15088.5 ("CEQA Guidelines"); Laurel Heights Improvement Ass'n v. Regents of Univ. of Calif., 6 Cal.4th 1112 (1993)]. Recirculation would not improve the informational purposes of CEQA or otherwise assist the City and/or the public in achieving a better understanding of the Project's potential parking capacity impacts. Rather, recirculation would simply compound the time and expense associated with the environmental review process and cause unnecessary delay.

Your letter confirms that SEIU received a copy of the PDO Study on May 19 and further indicates that SEIU promptly commenced its review of the document. By virtue of the manageable length of the document, we presume that SEIU has had an opportunity to complete its review and has determined, consistent with the analysis above, that the comprehensive summary set forth at pages 3.11-15 through 3.11-22 of the Project EIR accurately reflects the contents of the PDO Study. Accordingly, SEIU would not benefit from extension of the public comment period or recirculation of the

Project EIR and, as such, the request must be denied [*See* El Morro Community Ass'n v. California Dep't of Parks & Recreation, 122 Cal.App.4th 1341, 1356 (2004) (295 page traffic study completed on August 12 and incorporated into final, certified EIR on August 13 did not contain any new information such that recirculation was warranted)].

II. Appendix Materials

Your letter further requests recirculation based upon the Department's identification and inclusion of certain information in Appendices A, C and F of the Project EIR. For the reasons specified below, the information incorporated into the individual Appendices does not represent "new" or "significant" information such that recirculation is required pursuant to CEQA Guidelines Section 15088.5.

A. Appendix A. The revisions to the Project Master Plan (as incorporated into Appendix A) were made in response to comments received during the public review period. Specifically, and as identified on pages 12-29 and 12-30 of the Project Final EIR (Volume III), the revisions were made for the purpose of addressing and mitigating identified parking impacts associated with construction staging. The revisions did not result in the creation of new, significant environmental impacts or cause a substantial increase in the severity of previously identified impacts [CEQA Guidelines § 15088.5(b)]. Furthermore, the revisions did not result in a fundamental change of the Project description [County of Inyo v. City of Los Angeles, 71 Cal.App.3d 185, 199 (1977) (the CEQA process is not designed to freeze the ultimate proposal in the precise mold of the initial project)]. Accordingly, the revisions to Appendix A do not warrant recirculation of the Project EIR.

B. Appendix C. The URBEMIS air quality monitoring data added to Appendix C was provided in response to a request received from SCAQMD. The appended data does not represent new or significant information; rather, the data sheets are reflective of information that originally appeared, in summarized form, in the Draft Project EIR. By including the monitoring data in Appendix C, the Department has not changed or otherwise modified the content or conclusions of the Project EIR [CEQA Guidelines § 15088(c)]. Thus, recirculation of the Project EIR is not warranted.

C. Appendix F. The Site Characterization Report (formerly the Environmental Summary Report) was revised to reflect the results of two additional boring samples/tests requested by the Department of Toxic Substances Control ("DTSC"). Data collected from the supplemental samples/tests was consistent with data obtained during prior tests and analyses. Accordingly, the information added to the Site Characterization Report does not change or modify the results or conclusions of the original report; nor does the new data change the Project EIR in any significant way [*See* CEQA Guidelines §§ 15088(c) and 15088.5(a)]. As such, recirculation of the Project EIR based upon the Department's supplementation of Appendix F would be inappropriate.

III. Conclusion

We appreciate SEIU's continuing interest in the Project. However, the issues raised in your May 25 correspondence do not justify or warrant a change in the current Project EIR process. Accordingly, the Department respectfully denies your request for extension of the public comment period (with concurrent demand for recirculation of the
Project EIR) and declines SEIU's invitation to seek a continuance of the June 7 City Council hearing.

Should you have any questions concerning the information appearing in this letter, please contact the undersigned at your earliest convenience.

Very truly yours,

Suzanne Frick
Planning and Building Director

cc: Michael Mais, Assistant City Attorney
City Clerk
Angela Reynolds, Environmental Officer