

ATTACHMENT B – RESPONSE TO APPEAL COMMENTS

The following tables (Tables A through D) consist of responses to the third-party appeals by Jeff Miller (APL19-012), Melinda Cotton (APL19-013), Susan Miller (APL19-014), and James Hines (APL19-015) on the Planning Commission’s recommendation to the City Council for approval of the redesigned Belmont Beach and Aquatics Center Complex Project (Application No. 1910-05). The comments received in the four appeal letters 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 Jeff Miller (APL19-012)

Comment Number	Response to Comment
1-1	<p>The commenter asserts that the proposed redesigned project has substantial changes and requires a new EIR rather than an EIR Addendum. The commenter further requests denial of the project.</p> <p>In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, an Environmental Impact Report (the Belmont Pool Revitalization Project EIR (BPRP EIR), EIR 01-16, State Clearinghouse No. 2013041063) previously was prepared and certified for the prior version of the project (Attachment H). An EIR Addendum (Attachment I) was prepared for the redesign of the BBAC project.</p> <p>Section 15164 of the CEQA Guidelines states, “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”</p> <p>The EIR Addendum reviews changes to the project and to existing conditions that have occurred since the 2016 EIR was certified and compares environmental effects of the construction and operation of the Modified Project with those of the Approved Project previously disclosed. It also reviews new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time the 2016 EIR was certified and evaluates whether there are new or more severe significant environmental effects associated with changes in circumstances.</p> <p>Based upon review of the facts as presented in the analysis contained in the EIR Addendum, the City finds that an Addendum to the previous 2016</p>

Comment Number	Response to Comment
	<p>Certified EIR is the appropriate document to comply with CEQA. The rationale and the facts for this finding are provided in the body of the Addendum. Section 2.3 of the EIR Addendum provides a description of the Modified Project. While the redesigned project contains a larger site area than previously analyzed, the project description and analysis included in the EIR Addendum demonstrate that the Modified Project is smaller in scale than the 2016 Approved Project, and there are no new or increased environmental impacts from those analyzed in the previously certified EIR.</p> <p>The analysis comparing the 2016 Approved Project and Modified Project demonstrates that there are no major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.</p> <p>The revised project remains subject to the original Mitigation Monitoring and Reporting Program (MMRP) from the BPRP EIR, which established 18 mitigation measures pertaining to Aesthetics, Biology, Cultural Resources, Geology and Soils, Hazards and Hazardous Resources, Hydrology and Water Quality, Noise, and Transportation and Traffic.</p> <p>Therefore, the City finds that an Addendum to the previous 2016 Certified EIR is the appropriate documentation to comply with CEQA.</p>

Table B: Responses to Appeal Comments submitted by Melinda Cotton (APL19-013)

Comment Number	Response to Comment
2-1	<p>This comment is introductory in nature and does not provide substantive comments on the project or the analysis included in the EIR Addendum. No further response is necessary.</p>
2-2	<p>This comment notes the timing of the required Planning Commission noticing and the Notice of Incomplete Application issued by the California Coastal Commission.</p> <p>A total of 1,844 Public hearing notices were distributed on November 26, 2019 in advance of the December 19, 2019 Planning Commission hearing, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. Additionally, appellants, the California Coastal Commission (CCC), and interested parties were notified within the required timelines</p>

Comment Number	Response to Comment
	<p>outlined in the Municipal Code.</p> <p>The referenced Notice of Incomplete Application was issued by the CCC in response to the resubmittal of the Modified Project for the Coastal Development Permit (CDP) application. The local approval process is required to be completed before the CCC will consider the application complete and take action upon it. The City has deemed the entitlement application as complete and has scheduled and held required local hearings in accordance with the Municipal Code requirements. The CCC's request for additional project information related to the Modified Project does not have bearing on the local (City) approval process, as the local process precedes the CCC process.</p>
2-3	<p>This comment asserts that there are concerns with moving forward with an application in light of an Incomplete Application Notice issued by the CCC. The comment raises specific concerns related to sea level rise impacts.</p> <p>This comment contains similar content as Comment 2-2 provided in Table B, above, related to the CCC Notice of Incomplete Application. Refer to Response to Comment 2-2, above. The environmental impact analysis was conducted in accordance with the CEQA Guidelines. In addition, sea level rise has been reassessed through models using the most recent sea level rise projections. The Modified Project includes the relocation of all structures northward out of the predicted sea level rise-impacted zones.</p>
2-4	<p>This comment asserts that additional information will need to be resubmitted and questions the project timing. The comment further requests that the Planning Commission delay the decision for the project.</p> <p>This comment contains similar content as Response to Comment 2-2 provided in Table B, above, related to the CCC Notice of Incomplete Application. Refer to Response to Comment 2-2, above. The City has deemed the entitlement application as complete and has scheduled and held required local hearings in accordance with the Municipal Code requirements. The local approval process is required to be completed before the CCC will consider the City's application complete and take action on it.</p>
2-5	<p>This comment cites an attached letter that was sent by the commenter to the California Coastal Commission in November 2019. See responses to comments 2-6 through 2-14.</p>

Comment Number	Response to Comment
2-6	<p>This comment letter raises concerns that the appellants of the 2016 BBAC Project were not notified of the plans for the Modified Project.</p> <p>This comment contains similar content related to noticing requirements raised in Comment 2-2 provided in Table B, above. Refer to Response to Comment 2-2.</p> <p>All interested parties, including appellants, from the cases listed below were notified of the December 19, 2019 Planning Commission hearing, and January 21, 2020 City Council hearing.</p> <ul style="list-style-type: none"> • 1705-09 (LCDP for temporary pool) • 1609-18 (LCDP for height variance story poles) • 1405-01 (main Belmont Pool entitlement application for prior version of the project) • Plus five parties that appealed these approvals to the Coastal Commission.
2-7	<p>This comment cites issues raised in a 2017 appeal related to the proposed pool project as a coastal dependent use. The commenter further recommends that the new pools should be located in an area such as the “Elephant Lot” (area between Shoreline Drive and Seaside Way, west of Alamitos Ave. and east of the Convention Center) for cited reasons such as access to transportation and underserved communities.</p> <p>This comment refers to an appeal received on the 2016 Approval. The Modified Project represents a revised submittal to address CCC concerns. An analysis of project alternatives, including the Elephant Lot, is included in the approved EIR (2016). As presented in the EIR Addendum, there is no new information, mitigation, or alternatives to the project that would substantially reduce one or more significant impacts identified and considered in the 2016 Certified EIR.</p>
2-8	<p>This comment raises concerns for the impacts of sea level rise on the proposed project.</p> <p>Sea level rise has been reassessed through models using the most recent sea level rise projections. The Modified Project includes the relocation of all structures northward out of the predicted sea level rise-impacted zones.</p>
2-9	<p>This comment asserts that the rebuilding of the Belmont Pier and Olympic</p>

Comment Number	Response to Comment
	<p>venue discussions have been omitted from the project application. The comment further includes a rendering of the Belmont Pier area and asserts that the Olympic Committee does not include the proposed project in the rendering.</p> <p>The rebuilding of the Belmont Pier and nearby Olympic venues are not part of this entitlement application. Because no formal application for these projects have been received, no analysis is required as part of the project analysis. Further, these separate projects have independent utility from the Modified Project. If the rebuilding of Belmont Pier becomes a project for consideration, the proposed project would be subject to City, CCC, and environmental (CEQA) review that would include the analysis of project impacts based on existing conditions and cumulative projects (unbuilt, proposed, and future conditions) to ensure potential impacts are identified in accordance with CEQA.</p> <p>The referenced Olympic Committee rendering does not represent a substantive comment on the project as this rendering is conceptual in nature and was not generated as part of this project application. No further response is necessary.</p>
2-10	<p>This comment asserts that the rebuilding of the Belmont Pier and its impacts should be evaluated with the proposed Belmont Pool project.</p> <p>This comment contains similar content related to the inclusion of the Belmont Pier as a related project raised in Comment 2-9 provided in Table B, above. Refer to Response to Comment 2-9.</p>
2-11	<p>This comment cites a November 28, 2018 news article's reference to the condition of the Belmont Pier.</p> <p>The rebuilding of the Belmont Pier is not part of this entitlement application. Because no formal application for this project has been received, no analysis is required as part of the project analysis. Further, this separate project has independent utility from the Modified Project. This comment does not provide substantive comments on the project or the analysis included in the EIR Addendum. No further response is necessary.</p>
2-12	<p>This comment cites a November 8, 2018 news article's reference to the 2028 Olympic activities planned for the proposed pool complex.</p>

Comment Number	Response to Comment
	<p>The referenced news article notes the status of the Belmont Pool project as of the publication of the news article (November 2018). This comment does not provide substantive comments on the project or the analysis included in the EIR Addendum. A Modified Project is the subject of this entitlement. No further response is necessary.</p>
<p>2-13</p>	<p>This comment cites an August 19, 2018 news article’s reference to the “8 by 2028” Olympic projects planned for the City of Long Beach.</p> <p>The referenced news article includes the Belmont Pool project as one of the 8 by 2028 projects. This comment does not provide substantive comments on the project or the analysis included in the EIR Addendum. A Modified Project is the subject of this entitlement. No further response is necessary.</p>
<p>2-14</p>	<p>This comment asserts that traffic and parking impacts would occur during construction of the Belmont Pier Project and the Belmont Pool project. The commenter further states that traffic conditions and the usage of the beach have increased since 2016, when the original EIR was submitted.</p> <p>This comment contains similar content related to the inclusion of the Belmont Pier as a related project raised in Comment 2-9 provided in Table B, above. Refer to Response to Comment 2-9.</p> <p>This comment contains similar content as Response to Comment 1-1 provided in Table A, above, related to the adequacy of the environmental analysis. Refer to Response to Comment 1-1.</p>
<p>2-15</p>	<p>This comment includes a copy of the California Coastal Commission Notice of Incomplete Application for the redesigned project dated December 31, 2019.</p> <p>This comment contains similar content as Response to Comment 2-2 provided in Table B, above, related to the CCC Notice of Incomplete Application. Refer to Response to Comment 2-2, above.</p>
<p>2-16</p>	<p>This comment includes a copy of a Corrected Coastal Commission Notification of Appeal of the Belmont Beach and Aquatic Center Project dated June 22, 2017.</p> <p>This entitlement application is for a Modified Project from the 2016 BBAC Project, which was the subject of this attached and referenced 2017 appeal. This attachment does not provide substantive comments on the project or</p>

Comment Number	Response to Comment
	the analysis included in the EIR Addendum. No further response is necessary.
2-17	<p>This comment includes a copy of a 2017 appeal of the Belmont Beach and Aquatic Center Project by the Coastal Commissioners (Bochco).</p> <p>This entitlement application is for a Modified Project from the 2016 BBAC Project, which was the subject of this attached and referenced 2017 appeal. This attachment does not provide substantive comments on the project or the analysis included in the EIR Addendum. No further response is necessary.</p>

Table C: Responses to Appeal Comments submitted by Susan Miller (APL19-014)

Comment Number	Response to Comment
3-1	<p>The commenter asserts that the proposed redesigned project has substantial changes and requires a new EIR rather than an EIR Addendum.</p> <p>This comment contains similar content as Response to Comment 1-1 provided in Table A, above. Refer to Response to Comment 1-1.</p>
3-2	<p>This comment states that the Project has a Notice of Incomplete Application from the California Coastal Commission. This comment contains similar content as Response to Comment 2-2 provided in Table B, above. Refer to Response to Comment 2-2.</p>
3-3	<p>This comment asserts that the project has negative impacts to the coast, environment, and neighborhoods. The comment further asserts that there was a lack of public outreach on the revised plans.</p> <p>In compliance with CEQA, an EIR Addendum was prepared for the project. Refer to Response to Comment 1-1 in Table A for a discussion of the appropriateness of the use of an EIR Addendum. The previously certified EIR did not result in significant and unavoidable impacts on the environment. While the redesigned project contains a larger site area than previously analyzed, the project description and analysis included in the EIR Addendum demonstrate that the Modified Project is smaller in scale than the 2016 Approved Project, and there are no new or increased environmental impacts from those analyzed in the previously certified EIR.</p> <p>This comment contains similar content related to public outreach related to</p>

Comment Number	Response to Comment
	<p>the Modified Project that was raised in Comment 2-6 provided in Table B, above. Refer to Response to Comment 2-6. Additionally, refer to the staff report for the Modified Project, which discusses how changes to the project were made in response to the needs of the community in response to concerns expressed by the City Council, Coastal Commission, and public.</p> <p>This comment contains similar content related to noticing requirements raised in Comment 2-2 provided in Table B, above. Refer to Response to Comment 2-2.</p>
3-4	<p>The commenter states that the change of P (Park) zoning must include park replacement double the original plan.</p> <p>The project area subject to the proposed zone change would remain in use for public recreational purposes consistent with the previous Park (P) zone. The area subject to the zone change is designated to remain as parkland in perpetuity through deed restriction and ordinance, independent of zoning. No parkland would be removed as a result of the zone change, therefore, no park replacement is required.</p>
3-5	<p>The commenter raises questions about the cancellation/reinstating of the December 19, 2019 Planning Commission hearing.</p> <p>This comment contains similar content related to noticing requirements raised in Comment 2-2 provided in Table B, above. Refer to Response to Comment 2-2.</p>

Table D: Responses to Appeal Comments submitted by James Hines (APL19-015)

Comment Number	Response to Comment
4-1	<p>The commenter asserts that supplemental financial and budget analyses should be considered prior to approval of the proposed project.</p> <p>This commenter requests financial analyses for the project. The financial feasibility of the project is not a required finding for approval under the Zoning Regulations, or an environmental topic of consideration under CEQA. The Long Beach City Council will consider all comments on the proposed project and will determine the disbursement of the City's budgetary resources. No further response is necessary.</p>

Appeal Letter No. 1

CITY OF
LONG BEACH

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 19 day of December, 20 19.

Project Address: 4200 E. Ocean Blvd.

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: RE application number 1910-05: This BBAC project is, because of the substantial changes from the earlier version, a new project, not merely a revision. There would be significant new impacts. A new EIR is required to address these impacts. All of the approvals requested should be denied.

1-1

Appellant Name(s): Jeff Miller

Organization (if representing) _____

Address: PO Box 3310

City Long Beach State CA ZIP 90803 Phone 562.433.2795

Signature(s) Jeff Miller Date 2019.12.21

- 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: SB Case No.: 1912-17/APLH-02 Appeal Filing Date: 12/27/19

Fee: 105.00 Fee Paid Project (receipt) No.: PLNG 47212

LICENSED CONTRACTORS DECLARATION				WORKER'S COMPENSATION DECLARATION			
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 License _____ License _____ Dat _____ Contract _____				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: Carrier: _____ Policy _____ (This Section need not be completed if the permit is for one hundred dollars (\$100) or less)			
OWNER-BUILDER DECLARATION 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.7031.6 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00). 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 _____ Owner _____				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 Dat _____ Apploa _____ 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 I hereby state that there is a construction lending agency for the performance of the work for which this permit is issued (Sec.3907, Ch. C.). Lender's _____ Lender's _____			
- IMPORANT - 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 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. 2. Any permit issued as a result of this application becomes null and void if work is				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 Signature of Owner or Contractor _____ Date _____			
JOB ADDRESS 4200 OCEAN BLVD		RECEIPT NO. 03653455	DATE 12/27/19	PROJECT NO. PLNB47212		AREA 0	
JOB DESCRIPTION Appeal of Case No. 1910-05 of the Belmont Pool proejct							
OWNER		OCCUPANCY PLANNING OPEN SPACE/PARKS					
ADDRESS		ASSESSOR NO.		ZONE P			
CITY	STATE	ZIP CODE	FSB	S	RSB	CENSUS TRACT 577300	
APPLICANT JEFF MILLER							
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 0.00	PRESENT BLDG USE	PROPOSED BLDG USE	BLDG HEIGHT 0	TYPE OF CONSTRUCTION APPTHPTY			
LEGAL DESCRIPTION							

Paid by: JEFF MILLER CK195

\$105.00 Check (CK)

Appeal Letter No. 2

CITY OF
LONG BEACH

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 19 day of December, 20 19.

Project Address: 4200 E. Ocean Blvd.

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 attached letter to Planning Commissioners.

Appellant Name(s): Melinda Cotton

Organization (if representing) _____

Address: PO Box 3310

City Long Be

90803 Phone 562.433.2795

Signature(s) Melinda Cotton

Date 12/21/19

- 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: 56

Case No.: 1412-18/RPL19-013 Appeal Filing Date: 12/27/19

Fee: \$ 105.00

Fee Paid

Project (receipt) No.: PLNB 47213

15294296

105.00 Appeal by Third Party
~~105.00~~

CHECK

Dionne Bearden

To: Melinda Cotton
Subject: RE: Concerns re Planning Commission Dec. 19th Agenda re the Belmont Beach & Aquatic Center

From: Melinda Cotton [REDACTED] >
Sent: Monday, December 09, 2019 4:59 PM
To: Dionne Bearden <Dionne.Bearden@longbeach.gov>
Subject: Concerns re Planning Commission Dec. 19th Agenda re the Belmont Beach & Aquatic Center

Hello Dionne,

Since we will be out of town and unable to attend or prepare for the Dec. 19th Planning Commission Meeting regarding Application Number 1910-05 (GPA19-001, ZCA 19-010, ZCHG19-005, SPR19-027, LCPA 19-5005, LCDP19-023, EIRA-03-19, I am submitting my comments early. Please send this e-mail on to the Planning Commissioners when you receive it, as this time of year just before Christmas is very busy.

2-1

Dear Planning Commission Chair Richard Lewis, Vice-Chair Mark Christoffels, and Commissioners Verduzco-Vega, Cruz, La Farga, Perez and Templin,

I'm concerned that the Planning Commission doesn't have all the information it needs to consider this important matter, as the Notice of this Dec 19th hearing regarding the BBAC was issued several days prior to the California Coastal Commission Staff letter with its "Notice of Incomplete Application" (attached). Please read this Coastal Commission Notice, as it contains more than four pages of needed details before Coastal Staff will be able to determine if the BBAC Application is complete.

2-2

Unfortunately, you are being asked to approve seven (7) complex documents without having the benefit of the BBAC's Complete Application to Coastal, and without the City's responses needed for this newly redesigned, environmentally sensitive, \$85 million dollar project. The last time the City received an Incomplete Application Notice for the BBAC (September of 2018), it took the City until November 6, 2019 (14 months) to reply (with what is now also considered an Incomplete Application). Among the many critical concerns, Sea Level rise and Climate Change are moving faster than expected, according to experts who spoke at the Aquarium of the Pacific's "Coping with Sea Level Rise With a Focus on Long Beach's Peninsula and Belmont Shore". The October 7, 2019 event, with more such seminars to follow, is cosponsored by the Aquarium (CEO Dr. Jerry Schubel) and The Nature Conservancy.

2-3

Surely the Planning Commission will want all the latest information about the scope and impacts of the proposed project. Since it will likely be some months before the City resubmits its Application to the City, and the City says it's at least \$25 million sort of the funds needed to begin the project, one has to ask: What's the rush?

2-4

I respectfully ask the Planning Commission to request the above items be delayed, and brought back after the City fully answers Coastal's many important questions.

The letter below I submitted to Coastal Staff in late November. I believe it contains additional information that is pertinent to the decisions before you.

2-5

Sincerest thanks for your attention, Melinda Cotton

From: Melinda Cotton <[REDACTED]>
Sent: Friday, November 29, 2019 6:07 PM
To: Ziff, Danl@Coastal <dani.ziff@coastal.ca.gov>; zach.rehm@coastal.ca.gov <zach.rehm@coastal.ca.gov>
Subject: Concerns re latest Belmont Pool Application

Dear Danl and Zach,

I find it troubling that the City of Long Beach (and/or Coastal Commission) has not notified the many appellants of the original Belmont Pool Application of the filing of a much revised/new Application on Nov. 6th. Several of us contacted Long Beach Coastal Commission staff regularly, asking the status of the City's Application, and as a courtesy Danl Ziff notified several of us of the Nov. 6th submission. But there has been no official Public Notice so far, or official notice to the 17 Appellants - which include Coastal Commission Chair Dayna Bochco and Commissioner Effie Turnbull-Sanders. All of the appellants (see attached City document listing appellants) had numerous concerns about the original design, and surely would wish to be aware of and make comments on the much revised/new project plan, as well as the public at large.

2-6

Chair Dayne Bochco, in her 6/8/2017 Appeal Submission (see attached) noted that this "...constitutes a new development that is not coastal dependent and would result in potential adverse impacts to existing public access and recreation opportunities in conflict with the public access and recreation policies of both the certified LCP and the Coastal Act." Certainly open air swimming pools are not 'coastal dependent' as the open ocean and sandy beach are just a couple of hundred feet away. The City's existing 'temporary' Olympic size pool has ably served the area for six years for recreational swimming, lessons, water polo, etc. Since the City plans to retain the 'temporary pool', additional new pools should be located in an area such as the downtown "Elephant Lot" which has close access and easy transportation to under-served communities.

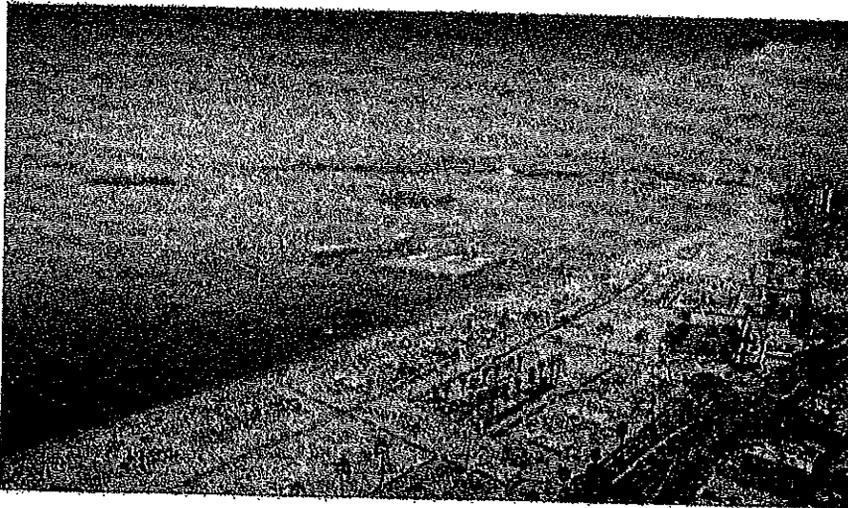
2-7

Chair Bochco also noted that "...the City should more fully evaluate relocating the facility to an area that would not be affected by sea level rise/wave action for the expected life of the development..." The new Application states that the new design is expected to have a life of 75 years (as noted in the Moffitt & Nichol document). However Climate Change and Sea Level Rise are increasing at an advanced rate, according to experts who spoke at the Aquarium of the Pacific's "Coping with Sea Level Rise With a Focus on Long Beach's Peninsula and Belmont Shore". The October 7, 2019 event, with more such seminars to follow, is cosponsored by the Aquarium (CEO Dr. Jerry Schubel) and The Nature Conservancy. We've seen that sea level rise combined with King Tides and heavy rainfall already affect coastal beaches, vehicle access, parking lots, homes and businesses, etc. Putting a new eighty million dollar open pool structure on the coast seems foolhardy.

2-8

What seems a major omission from the Application are plans to rebuild the Belmont Pier for the 2028 Olympic Games, which the Olympic Committee has designated as a "centerpiece and viewing area" for the Olympic Sailing Events. Since the Belmont Pier is in very poor shape, the Mayor, City Management and Council have focused on rebuilding the Belmont Pier. At the Feb. 6, 2018 Long Beach City Council Meeting, the Council approved moving forward with what was called the "8 by 28 Plan" (see attached City Memo, additional details are available in the Minutes and Video of the Council's Feb. 6, 2018 meeting Item R-13). At the top of that list was rebuilding the Belmont Pier. The Belmont Pool was listed, **not as a venue** but to "... showcase Olympic history" ...and "...used for city exhibitions and events."

(Interestingly - the Olympic Committee's artist conception of the Belmont Pier area showed the existing, tree covered Olympic Plaza Park - not a new Belmont Pool structure (see below):



2-9

Certainly the vital project of rebuilding the Belmont Pier for the Olympics (only a hundred yards or so from the Belmont Pool) will have to go through an extensive planning process, including Coastal Commission approval. And coastal access, traffic and parking needs, sea level rise, all the impacts and issues raised in the Belmont Pool EIR will need to be worked out. These two projects are interdependent, and should be evaluated together. The Application before you should not go forward without these issues sorted out, and should be addressed by a new EIR.

2-10

The Long Beach 'Beachcomber' news article below dated Nov. 28, 2018 stated:

"The city's first major infrastructure project on the list is rebuilding the Belmont Veterans Memorial Pier, Garcia said, noting that the existing pier is "nearing the end of its life" and is in "terrible shape." He said the

2-11



2-11

new pier will be rebuilt in its "original location" where Belmont Brewing Co. (BBC) is currently located and will become the "centerpiece of the sailing competition."

"Another major project is building the new Belmont Beach and Aquatic Center pool facility, which, if completed in time for the Olympics, will be used for exhibitions and activities but not for swimming or diving competitions."

2-12

<https://beachcomber.news/content/mayor-gives-update-2028-olympic-projects>

And the Belmont Shore based 'Grunion Gazette' also addressed the Belmont Pier.

http://www.gazettes.com/news/business/first-look-at-by-olympic-projects-in-long-beach/article_fc2cc366-9f55-11e8-b99a-0705a6fb4fdd.html

2-13

[First Look At 8 by '28 Olympic Projects in Long Beach | Business | gazettes.com](#)

Last February, after it had been announced that Long Beach is a large part of plans for Los Angeles to host the 2028 Olympic Games, Mayor Robert Garcia unveiled his "8 by 28" plan for capital ...

www.gazettes.com

Traffic and parking problems for coastal visitors near the Belmont Pier area will be heavily impacted by construction of either of these projects, much less both of them. And long-term impacts will be intense, as prior studies are totally out of date. The original EIR was submitted in April 2016. It includes an undated Traffic Study and 'Traffic volume' data for a few intersections that were collected in February 2016. Since then, for example, Ocean Blvd. from Termino to Bayshore was narrowed from two lanes to one in each direction starting in 2017. And the large Olympix Health Club has opened (February 2017) increasing traffic and utilizing street and beach parking lots as Olympix has no parking of its own. And of course usage of the beach and ocean has increased immeasurably, due to hotter weather, climate change, bike riding and pedestrian usage, dog beach, volley ball and kite surfers, etc. etc.

2-14

We ask your attention to these many complications and concerns, and ask the City of Long Beach to respond.

Sincerely, Melinda Cotton

35 year Belmont Shore resident

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071

December 6, 2019

City of Long Beach
Attn: Eric Lopez
411 West Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Re: NOTICE OF INCOMPLETE APPLICATION
City of Long Beach; Applicant
Coastal Development Permit Application No. 5-18-0788

Mr. Lopez,

Thank you for the information provided November 26, 2019 in response to the September 7, 2018 Notice of Incomplete Application. However, as discussed in our coordination meeting with City of Long Beach staff on November 19, 2019, additional information is required to identify the scope of the proposed project—construction of the Belmont Beach and Aquatics Center—and potential impacts to coastal resources. Coastal Commission staff have determined that the following information is required in order to file the GDP application pursuant to the Commission's regulations (14 CCR Section 13056):

- I. **100' Radius and Interested Parties.** The revised project plans include a new transformer, trash enclosure, and public restrooms that extend beyond the project limit shown in Revised Attachments 3 and 4. Please update the 100' radius to encompass the additional parcel and expand the project noticing radius accordingly. In addition, the 100-foot radius should not include roads. Thus, please adjust the northwest corner of the delineated project limit and 100' radius at the terminus of Termino Avenue and Allin Street. Any additional stamped and addressed envelopes required as a result of these revisions and the submitted revised interested parties list should be submitted. Please also note that the City should continue to update this Interested Parties list as additional interested parties are identified.
- II. **Project Description.** Please clarify the proportion of time that the proposed aquatic center would be available for public use versus unavailable for public use due to events, swim meets, and other exclusive activities. As proposed, would private businesses such as private swim, diving, or SCUBA instruction organizations, be allowed to operate at the aquatic swim center? Please also provide more specificity regarding the proposed fee schedule. Please provide a comparison of current fee schedules for regional, state, and national aquatic facilities of the same size and scope. How much will the existing Long Beach fee schedule described change, compared to the pre-existing Belmont Pool or the temporary pool?
- III. **Project Plans.**

2-15

- 
- a. *Architectural Plans.* We note that the CDP for the temporary Belmont Pool facility will expire December 19, 2022 (with two possible one-year time extensions). The temporary pool was not designed to be a permanent facility. Are there any required measures to address potential leaking or other structural issues that may arise as the temporary pool nears its anticipated end-of-life? If so, please provide a list of such measures and/or best management practices to ensure the temporary pool may operate on a permanent basis without adversely impacting coastal resources. Please also provide site plans and a clear description of any changes to the temporary pool and associated accessory structures, including, but not limited to, the fencing, ticket booth, showers, and restrooms.
- b. *Landscaping Plan.* Please clarify the Open Space and Green Space calculations identified in the revised project description and plans, which appear to be different than the calculations included in the provided CEQA documents (page 3-25 of the Draft EIR).
- c. *Drainage Plan.* Was the drainage plan (Sheet 28 of the revised project plans) developed taking into consideration potential flooding, pool over-topping, and potential leakage that might result from large storm events and/or seismic activity? If so, please describe the function of the drainage system in such circumstances. If not, please provide a drainage plan that protects water quality in the event of such occurrences.
- d. *Detailed Foundation Plan.* Revised plan Sheets 23 and 24 include some details regarding the proposed foundations. Please clarify the total number of piles proposed and the depth to which they will extend, and provide elevations of each foundation element called out on Sheet 23 that is not included in Sheet 24. Please also depict or describe current groundwater levels and anticipated changes to the water table as sea levels rise during the life of the development. Has an updated geotechnical evaluation been conducted for the revised project? Are there alternatives that would lessen the amount of landform alteration? Please submit a copy of each relevant geotechnical report and foundation plan.
- e. *Lighting Plan.* Please provide elevations of the proposed lighting pole with the maximum height of each structure. Please call out the extent of proposed light output in lumens, foot candles, other standard that can be compared to lights of a similar type (e.g. stadium lights, parking lot lights, street lights, house lights). The Commission has generally required that lighting adjacent to beaches and habitat areas minimize impacts to wildlife and habitat, and avoid light spillover effects. Please describe how the proposed lighting plan minimizes impacts to coastal resources.

2-15

IV. **Parking and Traffic Details.**

- a. *Non-automobile transportation elements.* Please clarify any temporary and/or permanent changes to each existing and proposed bike path, and the number and location of new bike parking spaces proposed. Are there new Electric Vehicle charging stations and designated parking spaces proposed? Are new bus routes proposed to be created?
- b. *Parking analysis.* Please provide calculations showing the net gain in parking availability described by City staff during the November 19, 2019 coordination meeting. Please ensure that the elimination of the parking along Olympic Plaza is taken into consideration along with the identified gain in public parking spaces as a result of parking lot restriping and addition of spaces along Ocean Boulevard, and loss of

parking for the conversion of the temporary pool to a permanent pool. Was the parking analysis that was provided based on a parking utilization study or other data source(s)? If so, please provide the data used.

- c. **Construction impacts.** Will the proposed construction impact access along Ocean Boulevard, at Olympic Plaza, to Belmont Pier, to available public parking areas, or along the existing bike paths? How are such impacts minimized? Please provide a description of any proposed traffic mitigation measures and plans with any proposed signage to ensure that public access to the beach and along the regional bike and pedestrian route remains open, to the greatest extent feasible, during construction.
- V. **Updated Sea Level Rise Analysis.** As depicted in the updated sea level rise analysis, portions of the proposed development, including the open green space areas, the vehicle turnaround area, and the existing temporary pool, would be inundated under the medium-high risk scenario which the consultant analyzed and mapped. Please describe the feasibility of removal of threatened structures and any adaptation measures that would be implemented if/when wave uprush, sea levels, and/or significant flooding approaches the project site. Please also describe how the pool facilities will be accessed if the nearby roads, parking lots, and beach pedestrian and bike path are temporarily or permanently inundated.
- VI. **Updated Alternatives Analysis.** Please provide a more detailed alternatives analysis that, at a minimum, includes an in-depth discussion of the feasibility of alternative project locations including, but not limited to, the Elephant Lot and a location outside the coastal zone closer to the communities that are intended to benefit from the proposed City-wide and Underserved Programming.
- VII. **Updated Biological Surveys.** The biological survey submitted on November 6, 2019 is inadequate because it was conducted outside of nesting season. Please submit a report prepared by a qualified biologist that anticipates potential impacts to bird breeding and nesting in the areas immediately adjacent to the proposed aquatics center based on the trends in the nesting data (sourced from previous biological surveys and reports conducted by the City and local bird monitoring groups) over a time period that includes the construction and operation of the existing temporary pool.
- VIII. **Visual Analysis.** Please compile and submit a visual analysis that includes views of the proposed development from the beach and water and along Ocean Boulevard. Ocean Boulevard is designated as a scenic route in the City's certified LCP, which also requires buildings in this area be located and designed to provide a maximum amount of unobstructed views through their sites to the beach and recreational facilities. As proposed, the transformer, trash enclosure, and restrooms are located in an area that currently contains beach and blue water views. Please address the view impacts of these structures from Ocean Boulevard and Termino Avenue in the visual analysis.

In addition, in response to elements included in the revised plans provided November 6, 2019, which were not included in the plans submitted with the original City-approved CDP/appeal, please respond to the following:

1. Please describe how the proposed vehicle entrance and turnaround area is designed to accommodate larger vehicles including buses, firetrucks, and construction equipment. Please clarify whether the area will be used for parking of large vehicles or storage only.

2. Please expand on the ADA access site plan and provide a description of ADA accessibility to and use of the pool facilities.
3. Please depict and describe the proposed function and mechanics of the proposed moveable floor.
4. During the November coordination meeting, the curved retaining wall was described as crossing stairs. Please clarify the function of the sunset lawn and retaining wall/crossing stairs. Please describe how deep below grade the retaining wall will be constructed.
5. Please provide a written description of the Utilities Plan. Please highlight new utilities or utility extensions, any changes to sewer system capacity, and proposed placement of any new utility-related structures (like the proposed fire hydrant).
6. General Recommendation 4 of the City's certified General Strand Policies requires a definite priority listing of capital improvements be made for long-term capital development of beach facilities. Please describe how the proposed project affects the City's capital improvement priorities. Please also provide the priority list.

Finally, we understand a hearing notice has been sent out for Planning Commission action on a number of items relating to the proposed project including a new LCDP and LCP amendment.

- Please clarify whether the proposed LCDP, if approved, would replace the previously approved LCDP (1405-01) or would be supplemental to the City-approved 2017 LCDP for the newly proposed project elements?
- Please also describe any public outreach efforts conducted by the City in visioning the revised project design, preparing the proposed LCP amendment, and involving the public in local processes. Please include any outreach to communities expected to benefit from the proposed City-wide and Underserved Programs.

Upon receipt of the requested materials we will proceed with determining the completeness of your application. Please do not limit your submittal to the above mentioned items. You may submit any information which you feel may help Commission staff gain a clear understanding of the scope of your project.

If you have additional questions, feel free to contact me at (562) 590-5071.

Sincerely,



Dani Ziff
Coastal Program Analyst

2-15

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIFORNIA 90802-4416
(562) 596-5071 FAX (562) 590-5084

WWW.COASTAL.CA.GOV



CORRECTED
COMMISSION NOTIFICATION OF APPEAL

June 22, 2017

To: Mark Hungerford
City of Long Beach, Dept. of Development Services
333 W. Ocean Blvd.
Long Beach, CA 90802

From: Charles Posner

Re: **Commission Appeal No. A-5-LOB-17-0032**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

LOCAL PERMIT #: **1405-01**

APPLICANT: **City of Long Beach**

DESCRIPTION: Appeal of Local Coastal Development Permit for construction and operation of an indoor/outdoor pool facility with adjacent café and restroom buildings (Belmont Beach and Aquatic Center)

LOCATION: 4000 E. Olympic Plaza, Long Beach, CA 90803

LOCAL DECISION: Approval with Special Conditions

APPELLANTS: CA Coastal Commissioners: Bochco and Turnbull-Sanders, CARP: Ann Cantrell, Corliss Lee, Joe Weinstein, Laurie Angel, Melinda Cotton, Rae Gabelich, Renee Lawler, Susan Miller, Channel Law Group, LLP: Jamie Hall, El Dorado Audubon Society, Long Beach Area Peace Network: Anna Christensen, Long Beach Citizens for Fair Development, Inc.: Warren Blesofsky, Gordana Kajer, James Hines, Jeff Miller, Melinda Cotton, and Susan K. Miller

DATE APPEAL FILED: 06/06/2017, 06/07/2017, 06/08/2017, and 06/09/2017

2-16

The Commission appeal number assigned to this appeal is A-5-LOB-17-0032. The Commission hearing date has not been scheduled at this time. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Long Beach's consideration of this coastal development permit must be delivered to the South Coast District Office of the Coastal Commission (California Administrative Code Section 13112).

COMMISSION NOTIFICATION OF APPEAL

Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Charles Posner at the South Coast District Office.

cc: City of Long Beach

Melvin L. Nutter, Attorney At Law

CA Coastal Commission, Effie Turnbull-Sanders

CA Coastal Commission, Dayna Boheco

CARP, Attn: Ann Cantrell

CARP, Attn: Corliss Lee

CARP, Attn: Joe Weinstein

CARP, Attn: Laurie Angel

CARP, Attn: Melinda Cotton

CARP, Attn: Rae Gabelich

CARP, Attn: Renee S. Lawler

CARP, Attn: Susan Miller

Channel Law Group, LLP, Attn: Jamie T. Hall

El Dorado Audubon Society

Long Beach Area Peace Network, Attn: Anna Christensen

Long Beach Citizens for Fair Development, Inc., Attn: Warren Blesofsky

Gordana Kajer

Jeff Miller

James Hines

Susan K. Miller

Aquatic Capital of America, Attn: Lucy Johnson

Long Beach Aquatic Capitol Foundation

Surfrider Foundation, Long Beach Chapter

Joe Geever

2-16

CALL
202-541-5000

COMMISSION



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Received by Commission
Meals
JUN 08 2017

SECTION I. Appellants

Name, mailing address and telephone number of appellant(s)

Coastal Commissioners, Board
400 OceanGate, Suite 1000
Long Beach, CA 90802 (562) 490-5071

SECTION II. Decision Being Appealed

1. Name of local government: CITY OF LONG BEACH
2. Brief description of development being appealed: Construction and operation of the Belmont Beach and Aquatic Center, and also an outdoor pool facility with adjacent cafe and retail combination.
3. Development's location (single address, address range, parcel number, etc.): 40001 Olympic Plaza, City of Long Beach, Long Beach, CA
4. Description of decision being appealed:
 - a. Approval, no special conditions
 - b. Approval with special conditions
 - c. Denial

NOTE: For applications with a final local government decision, a local government may not appeal unless the development is a major agency or health, safety, or public utility decision by a governmental agency.

TO BE COMPLETED BY COMMISSION

APPEAL NO. A-5408-17-009

DATE FILED June 7, 2017

DISTRICT South Coast



Decision being appealed was made by (check one)

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other

6. Date of local government's decision: May 16, 2017

7. Local government's file number: 1403016

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties.
(Use additional paper as necessary.)

1. Name and mailing address of permit applicant:
City of Long Beach
333 West Ocean Boulevard 3rd Floor
Long Beach, CA 90802
2. Names and mailing addresses as available of those who, to the best of your knowledge, or in writing at the city/zoning commission, include other parties whom you know to be interested and should receive notice of this appeal.

SECTION IV Reasons Supporting This Appeal

The proposed project, as approved by the City, raises several substantial issues in regards to consistency with the certified LCP and the public access and recreation policies of the Coastal Act.

The approved 426,500 sq ft swimming pool complex, some 25,743 sq ft more than the existing beachfront site in the Belmont Shore area of Long Beach, constitutes new development that is not coastal dependent and would result in potential adverse impacts to existing public access and recreation opportunities in conflict with the public access and recreation policies of both the certified LCP and the Coastal Act. In addition, the project does not conform with the height regulations for new development in the area and would result in potential adverse impacts to public views and visual resources in conflict with the policies and provisions of the LCP and Act.

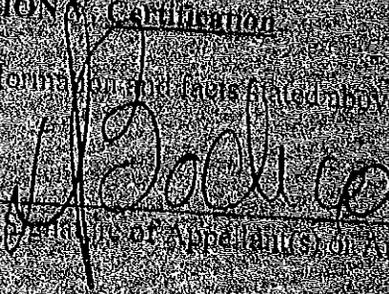
The primary issue raised by the project is that although the beach is currently wide enough that the structure would most likely be safe from wave action in the immediate future, given sea level rise, the new pool facility is expected to be directly subjected to wave action and storm surge during the structure's expected life. The project appears to be designed to likely ensure the structure's stability (from an engineering perspective), once the area of the beach where the seaward portion of the structure is located becomes inundated due to sea level rise, the wave action would be achieved by utilizing a substantial foundation that would both extend not only below the expected storm level of the beach but would also be built at a relatively high elevation. This foundation itself would act effectively as a seawall in that it would sit at the back of the beach, and landward migration of the sandy beach would be possible because the structure walls sit at the back of the beach and thus the seaward portion of the structure would eventually be exposed and be located in the water with little or no sand beach seaward of the pool facility, which in the long run, could adversely impact public access along the beach inconsistent with the public access/recreation policies of the City's certified LCP, as well as the Coastal Act.

Commission staff has previously notified the City in multiple meetings, phone calls and letters that the City should more fully evaluate potential impacts to the beach, not only those that would be affected by sea level rise/wave action to the expected life of the development, consistent with the public access/recreation policies of the City's LCP and the Coastal Act, but also Commission Sea Level Rise Guidance Document and with Section 30205 of the Coastal Act, which the Commission interprets to mean that new development should be sited and designed to minimize shoreline erosion, not only in the case where the structure itself has a seaward portion, but also in the manner that the structure itself would effectively function as a shoreline protection device with the same potential impacts to the beach and public access.

In addition, the height of the 426,500 sq ft structure significantly exceeds the 25 ft height limit for development on a site that is not a coastal dependent use. As approved by the City, the project would be the largest development in the area and would result in potential adverse impacts to visual resources along the coast, inconsistent with the visual resource policies of the City's certified LCP.

SECTION A - Certification

The information and facts stated above are correct to the best of my/our knowledge.

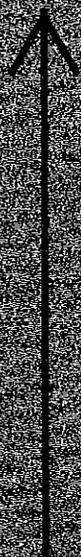


Signature of Appellant(s) or Authorized Agent

Date

Signature of Appellant(s) or Authorized Agent

Date



LICENSED CONTRACTORS DECLARATION				WORKER'S COMPENSATION DECLARATION			
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 License _____ License _____ Dat _____ Contract _____				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: Carrier: _____ Policy _____ (This Section need not be completed if the permit is for one hundred dollars (\$100) or less) 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 Dat _____ Applica _____			
OWNER-BUILDER DECLARATION 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). • 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 _____ Owner _____				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 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.). Lender's _____ Lender's _____ 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 Signature of Owner or Contractor _____ Date _____			
JOB ADDRESS 4200 OCEAN BLVD		RECEIPT NO. 03653464		DATE 12/27/19		PROJECT NO. PLNB47213	
JOB DESCRIPTION Appeal of Case No. 1910-05 of the Belmont Pool project						AREA 0	
OWNER ADDRESS CITY STATE ZIP CODE				OCCUPANCY ASSESSOR NO.		PLANNING OPEN SPACE/PARKS ZONE P CENSUS TRACT 577300	
APPLICANT MELINDA COTTON				CONTRACTOR ADDRESS CITY STATE ZIP CODE PHONE NO.			
STATE LICENSE NO.				CITY LICENSE NO.			
ARCHITECT/ENGINEER ADDRESS CITY STATE ZIP CODE PHONE NO.				LICENSE NO.			
VALUATION 0.00		PRESENT BLDG USE		PROPOSED BLDG USE		BLDG HEIGHT 0	
LEGAL DESCRIPTION						TYPE OF CONSTRUCTION APPTHPTY	

Paid by: MELINDA COTTON CK3331

\$105.00 Check (CK)

15294335

105.00 Appeal by Third Party

105.00

CHECK

Appeal Letter No. 3

CITY OF
LONG BEACH

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 19 day of December, 20 19.

Project Address: 4200 E. Ocean Blvd.

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: BBAC project Application 1910-05 has substantial changes. Needs a new EIR not an EIR Addendum. 3-1

Project has a Notice of Incomplete from Coastal Commission staff. 3-2

Plans have substantial negative impact to coastal, environment and neighborhood. Lack of Public outreach on new plans. Change of park zoning must include naming park replacement at double original plan. 3-3

Also question bungled Cancellation/reinstated Planning Commission meeting of Dec. 19, 2019. 3-4

3-5

Appellant Name(s): Susan Miller

Organization (if representing) _____

Address: 4217 East Ocean Blvd.

City Long Beach State ca ZIP 90803 Phone 562-434-2109

Signature(s) Susan K. Miller Date 12/21/2019

- 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: SG

Case No.: 1912-19/1919-04 Appeal Filing Date: 12/27/19

Fee: 105.00

Fee Paid Project (receipt) No.: PLNB 47214

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 Professions 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 Professions 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> <p>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</p> <p>• I am exempt under _____, B. & P. C. for this Dat _____ Owner _____</p> <p style="text-align:center;">IMPORTANT</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>																																																												
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Paid by: SUSAN MILLER CK3280

\$105.00 Check (CK)

15294346

105.00 Appeal by Third Party
~~105.00~~

CHECK

Appeal Letter No. 4

CITY OF
LONG BEACH

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 19 day of December, 20 19.

Project Address: 4200 East Olympic Plaza

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: New Outdoor Belmont Beach and Aquatic Center lacks sufficient life cycle financial analysis to make informed decision. Analysis should not only examine initial acquisition costs but importantly probable operating, maintaining, supporting costs against potential revenue and stakeholders' monetary commitments. Cash flow and net subsidies should be determined and assessed relative to future city budgets with detailed basis of estimates, assumptions, groundrules documented. Careful consideration must be given to taxpayer financial realities. Pool application number 1910-05

4-1

Appellant Name(s): James Hines *(Seaman & Susan Miller)*

Organization (if representing) self

Address: 386 Los Altos Avenue

City Long Beach State CA ZIP 90814 Phone 562-985-3207

Signature(s) [Signature] Date 12/28/2019

- 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: MC Case No.: 1910-05 (APL 19-015) Appeal Filing Date: 12/30/19

Fee: \$105.00 Fee Paid Project (receipt) No.: PLNB47217

1912-21 (Appeal App No)

Statutory Provisions for Appeal, from LBMC Chapter 21.21 (Administrative Procedures)

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 conclusionary 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.



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 562.570.3807.

For an electronic version of this document, visit our website at longbeach.gov/lbds.

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JOB DESCRIPTION Appeal of Belmont Pool Project				AREA 0	
OWNER		OCCUPANCY		PLANNING OPEN SPACE/PARKS	
ADDRESS		ASSESSOR NO.		ZONE P	
CITY	STATE	ZIP CODE	FSB	S	R&B
			CENSUS TRACT 577300		
APPLICANT JAMES HINES					
CONTRACTOR					
ADDRESS					
CITY		STATE	ZIP CODE	PHONE NO.	
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LEGAL DESCRIPTION					

Paid by: JAMES E. HINES CK 209

\$105.00 Check (CK)

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105.00 Appeal by Third Party

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