

| RESPONSES TO APPEALS | | |
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| APPEAL LETTER #1 (Ann Cantrell/Anna Christiansen) | | |
| | Appeal Topic | Response to Appeal Topic |
| 1) | Premature and inadequate Mitigated Negative Declaration | According to Section 15070 of the State CEQA Guidelines, a public agency shall prepare or have prepared a proposed MND instead of an environmental impact report when the Initial Study shows there is no substantial evidence that the project would have a significant effect on the environment after revisions to the project would avoid or mitigate the effects to a point where clearly no significant impact would occur. Based on the lack of significant and unavoidable impacts identified in the Initial Study, the City elected to prepare an MND to evaluate impacts of the proposed Project. The MND was prepared in accordance with the State CEQA Guidelines, and specifically Section 15070 of the State CEQA Guidelines. Topics that were analyzed include, but are not limited to, hazards and hazardous materials (Section IX), greenhouse gases (Section VIII), transportation (Section XVII), public services (Section XV), biological resources (Section IV), cultural resources (Section V), aesthetics (Section I), and land use and planning (Section XI) in the MND. An MND is not required to identify or evaluate alternatives to the proposed Project. |
| 2) | No soil Sampling or surcharging results from DTSC | The soil surcharge work has commenced on the Artesia parcels to determine the feasibility and suitability of this location for the construction of the proposed project on this site, such as the type of foundations that may be needed. It is in the nature of a geotechnical study, and similar to other site investigations, such as environmental sampling, that are needed to evaluate the feasibility and suitability of a property for development. It does not reflect any commitment to or approval of the proposed project by the City, or any commitment to or approval of the draft Response Plan by DTSC. The Project Applicant obtained all necessary permits from the City to undertake the soil surcharge evaluation which included conditions for undertaking the work, including dust and vapor control measures to be implemented in accordance with the SCAQMD requirements. During this activity, real-time air monitoring was conducted in work areas and at the property boundary to ensure that dust and vapor levels were kept to a minimum and did not impact the surrounding neighborhood or school. |
| 3) | Illegal spot Zoning | The proposed zone change would rezone the project site to the Commercial Storage (CS). The rezoning would make the property's zoning consistent with that of properties directly to the south of the project site (and separated by the 405 Freeway) which are currently zoned for CS, and the site's Neo-Industrial General Plan PlaceType Designation. The proposed zone change represents rezoning to a less intense zone due to its more restrictive development standards and limited range of allowable uses, as compared to the current IL zoning district, which allows more noxious uses such as automobile repair, and the manufacture of products such as leather, furniture and fixtures, paper and allied products, rubber and plastics, lumber, miscellaneous chemicals, industrial and commercial machinery, asphalt paving, roofing materials, and transportation equipment. The Project Site has |

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| | | never been designated by the City of Long Beach as a park. An early version of the General Plan Land Use Element showed the area as private open space, reflective of the prior private driving range use, and the final versions show neo-industrial designation. This change was done in consultation with the adjacent neighborhood association and in recognition of the private property rights for the site. The zoning is and has been industrial. |
| 4) | Proposed use contradicts years of publicly touted maps and plans for LA River Revitalization and greenbelts. | The Project Site has never been designated by the City of Long Beach as a park. An early version of the General Plan Land Use Element showed the area as private open space, reflective of the prior private driving range use, and the final versions show neo-industrial designation. This change was done in consultation with the adjacent neighborhood association and in recognition of the private property rights for the site. The zoning is and has been industrial. |
| 5) | Height Variance of 28 to 43 feet 11 inches is not compatible with neighborhood. | Although the majority of the building's parapet line will be at 38'-4" in height, portions of the building that have heights of 42'-10" and 43'-11" are to accommodate architectural features that will provide an aesthetic change in the roof plane. The property's current IL zoning district allows a maximum height of 60'-0" and the Land Use Element of the General Plan allows a maximum height of 40'-0". However, the CS zoning district (predicated upon zone change approval) allows a maximum building height of 28'-0". Standards Variance approval allows the additional building height above the 28'-0" limit of the CS zoning district. As most of the proposed building height is set to 38'-4" (with the exterior polycarbonate panels reaching 42'-10" and 43'-11"), it is consistent with the height allowance set forth in the General Plan. Approval of a Standards Variance is not expected to cause substantial adverse effects on the community since the site is completely isolated by the various rights-of-way that it is bounded by and buffered from the neighboring school, park and residential community. Allowing a building height of 43'-11" on a site surrounded by freeways, a river and light rail tracks would not impact the surrounding character given its isolated location and distance from residential and other uses nor would it impede any significant views or create any issues related to shading and shadows. |
| APPEAL LETTER #2 (Corless Lee) | | |
| | Appeal Topic | Response |
| 1) | A mitigated negative declaration was used inappropriately at this location that was a dumping site | According to Section 15070 of the State CEQA Guidelines, a public agency shall prepare or have prepared a proposed MND instead of an environmental impact report when the Initial Study shows there is no substantial evidence that the project would have a significant effect on the environment after revisions to the project would avoid or mitigate the effects to a point where clearly no significant impact would occur. Based on the lack of significant and unavoidable impacts identified in the Initial Study, the City elected to prepare an MND to evaluate impacts of the proposed Project. The MND was prepared in accordance with the State CEQA Guidelines, and specifically Section 15070 of the |

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| | <p>for oil contaminants from the 1920's to 1950's.</p> | <p>State CEQA Guidelines. Topics that were analyzed include, but are not limited to, hazards and hazardous materials (Section IX), greenhouse gases (Section VIII), transportation (Section XVII), public services (Section XV), biological resources (Section IV), cultural resources (Section V), aesthetics (Section I), and land use and planning (Section XI) in the MND. An MND is not required to identify or evaluate alternatives to the proposed Project.</p> |
| <p>2)</p> | <p>a core sample was taken but was not tested and evaluated to determine that the hazardous materials and contaminants at the site that go down 50 feet.</p> | <p>A full geotechnical investigation was performed for the Project site and is summarized in Section VII. Geology and Soils and included as Appendix F1 of the MND (Geotechnical Exploration Proposed Self-Storage Facility 3701 North Pacific Place Long Beach, California). As detailed on pages 3 and 4 of the Geotechnical Exploration, subsurface exploration and laboratory testing was completed using a total of 15 cone penetrometer test soundings and 10 hollow-stem auger borings (also known as core samples), advanced to a target depth of 50 to 75 feet below the existing ground surface or deeper than 20 feet below the bottom of undocumented fill and sump materials. The samples were then evaluated for soil classification, moisture and density, particle size distribution, plasticity index, expansion index, direct shear, consolidation, compaction, R-value, and corrosivity.</p> |
| <p>3)</p> | <p>Height variance of 43'11" is not compatible with the neighborhood</p> | <p>Although the majority of the building's parapet line will be at 38'-4" in height, portions of the building that have heights of 42'-10" and 43'-11" are to accommodate architectural features that will provide an aesthetic change in the roof plane. The property's current IL zoning district allows a maximum height of 60'-0" and the Land Use Element of the General Plan allows a maximum height of 40'-0". However, the CS zoning district (predicated upon zone change approval) allows a maximum building height of 28'-0". Standards Variance approval allows the additional building height above the 28'-0" limit of the CS zoning district. As most of the proposed building height is set to 38'-4" (with the exterior polycarbonate panels reaching 42'-10" and 43'-11"), it is consistent with the height allowance set forth in the General Plan. Approval of a Standards Variance is not expected to cause substantial adverse effects on the community since the site is completely isolated by the various rights-of-way that it is bounded by and buffered from the neighboring school, park and residential community. Allowing a building height of 43'-11" on a site surrounded by freeways, a river and light rail tracks would not impact the surrounding character given its isolated location and distance from residential and other uses nor would it impede any significant views or create any issues related to shading and shadows.</p> |
| <p>4)</p> | <p>Spot zoning was approved by the Planning Commission which is illegal.</p> | <p>The proposed zone change would rezone the project site to the Commercial Storage (CS). The rezoning would make the property's zoning consistent with that of properties directly to the south of the project site (and separated by the 405 Freeway) which are currently zoned for CS, and the site's Neo-Industrial General Plan PlaceType Designation. The proposed zone change represents rezoning to a less intense zone due to its more restrictive development standards and limited range of allowable uses, as compared to the current IL zoning district, which allows more noxious uses such</p> |

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| | | <p>as automobile repair, and the manufacture of products such as leather, furniture and fixtures, paper and allied products, rubber and plastics, lumber, miscellaneous chemicals, industrial and commercial machinery, asphalt paving, roofing materials, and transportation equipment.</p> <p>The Project Site has never been designated by the City of Long Beach as a park. An early version of the General Plan Land Use Element showed the area as private open space, reflective of the prior private driving range use, and the final versions show neo-industrial designation. This change was done in consultation with the adjacent neighborhood association and in recognition of the private property rights for the site. The zoning is and has been industrial.</p> |
| 5) | The DTSC had not released their report before the PC approval. | <p>As discussed in the MND (Section 3.0 Project Description, and Section IX. Hazards and Hazardous Materials), the Project site has been subject to an extensive evaluation process involving the Department of Toxic Substances Control (DTSC), including preparation of a Phase I Environmental Site Assessment that meets the requirements of eligibility for the California Land Reuse and Revitalization Act (CLRRA) agreement, a Final Site Assessment, and Response Plan. The Project Applicant has not commenced any remediation or other response action, which will not occur unless and until DTSC approves the draft Response Plan. This Plan proposes various response actions that the Project Applicant would undertake on the proposed Project Site.</p> <p>DTSC circulated the draft Response Plan for public review and comment. They also hosted a publicly noticed community meeting on December 3, 2020 to obtain additional comments. Following the community meeting and the completion of the 30-day public review and comment period, DTSC is preparing written responses to each public comment received. If necessary or advisable, they will make changes to the draft Response Plan based on the comments received. They will then take action under CEQA and on the draft Response Plan. DTSC has concurrently conducted a review of the Response Plan under CEQA and will make a determination and appropriate findings before deciding whether to approve the draft Response Plan. After DTSC completes its CEQA review and if it approves the Response Plan, the Project Applicant would commence the Response Actions in accordance with the approved Response Plan.</p> |
| APPEAL LETTER #3 (Juan E. Ovalle) | | |
| | Appeal Topic | Response |
| 1) | Premature and inadequate mitigated negative declaration. | According to Section 15070 of the State CEQA Guidelines, a public agency shall prepare or have prepared a proposed MND instead of an environmental impact report when the Initial Study shows there is no substantial evidence that the project would have a significant effect on the environment after revisions to the project would avoid or mitigate the effects to a point where clearly no significant impact would occur. Based on the lack of significant and unavoidable impacts identified in the Initial Study, the City elected to prepare an MND to evaluate impacts of the proposed Project. The MND |

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| | | was prepared in accordance with the State CEQA Guidelines, and specifically Section 15070 of the State CEQA Guidelines. Topics that were analyzed include, but are not limited to, hazards and hazardous materials (Section IX), greenhouse gases (Section VIII), transportation (Section XVII), public services (Section XV), biological resources (Section IV), cultural resources (Section V), aesthetics (Section I), and land use and planning (Section XI) in the MND. An MND is not required to identify or evaluate alternatives to the proposed Project. |
| 2) | No soil sampling or surcharging results from DTSC | The soil surcharge work has commenced on the Artesia parcels to determine the feasibility and suitability of this location for the construction of the proposed project on this site, such as the type of foundations that may be needed. It is in the nature of a geotechnical study, and similar to other site investigations, such as environmental sampling, that are needed to evaluate the feasibility and suitability of a property for development. It does not reflect any commitment to or approval of the proposed project by the City, or any commitment to or approval of the draft Response Plan by DTSC. The Project Applicant obtained all necessary permits from the City to undertake the soil surcharge evaluation which included conditions for undertaking the work, including dust and vapor control measures to be implemented in accordance with the SCAQMD requirements. During this activity, real-time air monitoring was conducted in work areas and at the property boundary to ensure that dust and vapor levels were kept to a minimum and did not impact the surrounding neighborhood or school. |
| 3) | Illegal spot zoning. | <p>The proposed zone change would rezone the project site to the Commercial Storage (CS). The rezoning would make the property's zoning consistent with that of properties directly to the south of the project site (and separated by the 405 Freeway) which are currently zoned for CS, and the site's Neo-Industrial General Plan PlaceType Designation. The proposed zone change represents rezoning to a less intense zone due to its more restrictive development standards and limited range of allowable uses, as compared to the current IL zoning district, which allows more noxious uses such as automobile repair, and the manufacture of products such as leather, furniture and fixtures, paper and allied products, rubber and plastics, lumber, miscellaneous chemicals, industrial and commercial machinery, asphalt paving, roofing materials, and transportation equipment.</p> <p>The Project Site has never been designated by the City of Long Beach as a park. An early version of the General Plan Land Use Element showed the area as private open space, reflective of the prior private driving range use, and the final versions show neo-industrial designation. This change was done in consultation with the adjacent neighborhood association and in recognition of the private property rights for the site. The zoning is and has been industrial.</p> |
| 4) | height variance of 43 feet 11 inches is not compatible with | Although the majority of the building's parapet line will be at 38'-4" in height, portions of the building that have heights of 42'-10" and 43'-11" are to accommodate architectural features that will provide an aesthetic change in the roof plane. The property's current IL zoning district allows a maximum |

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| | <p>the surrounding neighborhood.</p> | <p>height of 60'-0" and the Land Use Element of the General Plan allows a maximum height of 40'-0". However, the CS zoning district (predicated upon zone change approval) allows a maximum building height of 28'-0". Standards Variance approval allows the additional building height above the 28'-0" limit of the CS zoning district. As most of the proposed building height is set to 38'-4" (with the exterior polycarbonate panels reaching 42'-10" and 43'-11"), it is consistent with the height allowance set forth in the General Plan. Approval of a Standards Variance is not expected to cause substantial adverse effects on the community since the site is completely isolated by the various rights-of-way that it is bounded by and buffered from the neighboring school, park and residential community. Allowing a building height of 43'-11" on a site surrounded by freeways, a river and light rail tracks would not impact the surrounding character given its isolated location and distance from residential and other uses nor would it impede any significant views or create any issues related to shading and shadows.</p> |
| <p>APPEAL LETTER #4 (Renee Lawler)</p> | | |
| | <p>Appeal Topic</p> | <p>Response</p> |
| <p>1)</p> | <p>MND does not address significant cumulative negative impacts: increased local and downstream flooding, known substandard storm drain infrastructure, insufficient drainage plans, overland toxins run-off</p> | <p>As detailed in Section X, Hydrology and Water Quality, of the MND, the Project would result in the majority of the site as impervious surfaces except for minor areas of landscaping. However, the Project would detain stormwater on-site. The Project would include construction of an on-site storm drain system, including proposed detention systems, storm drainpipes, and a biofiltration system. The locations and diameters of the storm drains, and the capacity of the detention system, would comply with requirements of the City of Long Beach Department of Public Works and the City's Low Impact Development (LID) Manual. All existing and proposed storm drainpipes would be subject to inspection, and lining if necessary, to ensure no leakage would occur, and that no water would be introduced into the capped waste material. As detailed in Section X. Hydrology and Water Quality, all runoff would be subject to treatment consistent with the City's LID Manual, Los Angeles Regional Water Quality Control Board (LARWQB) Order No. R4-2014-0024, Waste Discharge Requirement for Municipal Separate Storm Sewer System Discharges from the City of Long Beach (MS4 Permit), prior to discharge into the storm drain facilities. As discussed in the MND, the Project would develop and implement a Storm Water Pollution Prevention Plan (SWPPP), including best management practices, to be implemented during construction. Additionally, the Project would include biofiltration techniques and stormwater detention during Project operation to ensure compliance with the MS4 Permit.</p> |
| <p>2)</p> | <p>Omission of historic equestrian trail and associated culturally significant lands critical to</p> | <p>At the nearest point, the Project site is located over 200 feet from the top of the LA River bank and is separated from the river by an area designated as Open Space which exists as a berm and an asphalt paved walking/riding pathway. No formal riding trails or equestrian uses occur within or immediately adjacent to the Project site. As noted on page 11 of the 2007 Long Beach Riverlink (February 2007), except for a small portion along the northern-most edge, the Project site is located</p> |

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| | connectivity between Horse over zones for lifestyle preservation and animal health and safety, trail mergers & crossing hazards | outside of the Riverlink planning area, referenced as Destination 6: Wrigley Heights – North. LA-M-86 is an implementation strategy for updating and implementing the Long Beach Riverlink Plan to create a continuous greenway of pedestrian and bike paths. |
| 3) | Propane volatile risks | There is no propane dispensing on site. It is assumed that propane will only be associated with the recreational vehicles and used for heating and cooking. Recreational vehicles need to meet a variety of Federal Standards when being manufactured and this includes how the storage tanks for propane are installed and maintained. The Operators of the facility have requirements that each stored recreational vehicle be operational and maintained. If the Recreational Vehicles are not operational and maintained, the owner has mechanisms to evict the leasee. |
| 4) | Traffic | As noted in the MND, Section XVII. Transportation, the MND includes a trip generation analysis that shows the total peak hour average daily trips falling beneath the City of Long Beach VMT screening threshold. Thus, a Traffic Impact Analysis or TIS is not required. |
| 5) | 4 zoning changes | The current IL Zoning District designation is intended mainly for industrial, manufacturing, as well as small-scale office uses with some limited commercial uses. Pursuant to Section 21.33.080 of the Long Beach Municipal Code (LBMC), the IL Zoning District prohibits the operation of self-storage facilities and parking lots as a business use. The Commercial Storage (CS) Zoning District is the most appropriate zone to support the establishment of the self-storage facility and R.V. parking lot. The established purpose of the CS Zoning District is “to encourage storage uses in areas which are particularly difficult to use due to parcel shape, access, adverse environmental conditions, or in areas where parcels are needed to form a buffer from incompatible uses.” The subject lot meets the aforementioned characteristics as it has limited street frontage and access and has contamination that requires significant environmental remediation. |
| 6) | including building height variance to 43' 11" which starting at 65' from first floor base will tower 100' above the trail | <p>Although the majority of the building’s parapet line will be at 38’-4” in height, portions of the building that have heights of 42’-10” and 43’-11” are to accommodate architectural features that will provide an aesthetic change in the roof plane. The property’s current IL zoning district allows a maximum height of 60’-0” and the Land Use Element of the General Plan allows a maximum height of 40’-0”.</p> <p>However, the CS zoning district (predicated upon zone change approval) allows a maximum building height of 28’-0”. Standards Variance approval allows the additional building height above the 28’-0” limit of the CS zoning district. As most of the proposed building height is set to 38’-4” (with the</p> |

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| | | <p>exterior polycarbonate panels reaching 42'-10" and 43'-11"), it is consistent with the height allowance set forth in the General Plan.</p> <p>Approval of a Standards Variance is not expected to cause substantial adverse effects on the community since the site is completely isolated by the various rights-of-way that it is bounded by and buffered from the neighboring school, park and residential community. The proposed building is over 300 feet away from the riverfront and over 400 feet away from the A-Line Tracks; allowing a building height of 43'-11" on a site surrounded by freeways, the river and light rail tracks would not impact the surrounding properties given its isolated location and distance from residential and other uses (trail) nor would it impede any significant views or create any issues related to shading and shadows.</p> |
| <p>APPEAL LETTER #5 (Robert Gill--Los Cerritos Neighborhood Association)</p> | | |
| | <p>Appeal Topic</p> | <p>Response</p> |
| <p>1)</p> | <p>The Commission was informed by staff & Developer that the Los Cerritos neighborhood (LCNA) was in favor of this project. The LCNA's only action was to request a full EIR be required. This reliance on faulty information regarding the LCNA's position makes the decision to approve invalid.</p> | <p>According to Section 15070 of the State CEQA Guidelines, a public agency shall prepare or have prepared a proposed MND instead of an environmental impact report when the Initial Study shows there is no substantial evidence that the project would have a significant effect on the environment after revisions to the project would avoid or mitigate the effects to a point where clearly no significant impact would occur. Based on the lack of significant and unavoidable impacts identified in the Initial Study, the City elected to prepare an MND to evaluate impacts of the proposed Project. The MND was prepared in accordance with the State CEQA Guidelines, and specifically Section 15070 of the State CEQA Guidelines. Topics that were analyzed include, but are not limited to, hazards and hazardous materials (Section IX), greenhouse gases (Section VIII), transportation (Section XVII), public services (Section XV), biological resources (Section IV), cultural resources (Section V), aesthetics (Section I), and land use and planning (Section XI) in the MND. An MND is not required to identify or evaluate alternatives to the proposed Project.</p> |
| <p>2)</p> | <p>The Special conditions referenced in the Staff Presentation were not met as per the</p> | <p>The special conditions per section 21.52.219.7 of the City's' Zoning Code are generally included as conditions of approval. Special conditions attached to the Notice of Final Action are incorporated/printed on the construction drawings and reviewed during plan check by the Planning Bureau. After approval of the construction drawings, during the construction phase, periodic inspections by building inspectors and planners ensure that any applicable conditions of approval are constructed. Final inspections determine if project is constructed in accordance with the approved</p> |

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| | <p>presentation, including but not limited to no landscape buffering between the project site and the Los Cerritos neighborhood.</p> | <p>plans. If anything is missing, it shall be corrected prior to the project receiving a certificate of occupancy. Operational conditions of approval, such as hours of operation or noise, ensure that the business operated within the parameters of the approval and can be used as evidence in revoking the entitlement should the business fail to comply.</p> |
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