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August 3, 2023

By Email to SouthCoast@coastal.ca.gov

South Coast District Office
California Coastal Commission
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802
SouthCoast@coastal.ca.gov

Re: Comment in Support of Supporters Alliance for Environmental Responsibility's California Coastal Commission Appeal of the City of Long Beach's Local Coastal Development Permit Approval Decision for the Proposed Mixed-Use Development Project at 6700 East Pacific Coast Highway, Local Permit No. 2208-36 (SPR 22-093, LCDP 22-051)

Dear South Coast District Office of the California Coastal Commission:

PLEASE TAKE NOTICE THAT, on behalf of **Supporters Alliance for Environmental Responsibility ("SAFER"** or "Appellant")¹, a California nonprofit benefit corporation, this letter provides the grounds for SAFER's appeal to the Coastal Commission of the City of Long Beach's ("City") decision to approve the Local Coastal Development Permit ("LCDP" or "CDP") for the proposed mixed-use residential and commercial retail development at 6700 East Pacific Coast Highway (APNs: 7242-012-006 and 7242-012-007) in Long Beach, California ("Project"). SAFER has also identified and provided the names and contact information of all persons that Appellant knows to be interested in the local CDP decision and/or the approved development. (See Attachment 2).

I. INTRODUCTION AND PROJECT DESCRIPTION

The proposed Project involves the demolition of all structures on site to facilitate development of a new mixed-use project consisting of: 281 residential dwelling units, 3,100 square feet of commercial retail space in a building with 592,100 square feet of total area, including parking and an overall building height of 85 feet 6 inches (6 levels over 2 levels of parking). The project includes 507 parking spaces, 143 bicycle parking spaces and approximately 27,534 square feet of common and private open space areas on the property within the Mixed-Use Community Core Zoning District.

¹ Jon P. Preciado, President and Member of Appellant Supporters Alliance for Responsibility (SAFER), has completed and signed the Disclosure of Representatives form attached to this Appeal of the Local Government Coastal Development, authorizing Richard Drury and Victoria Yundt of Lozeau Drury LLP to submit written comments and provide testimony and act as a representative on behalf SAFER.

The Project would be located in the Coastal Zone, and therefore requires a Local Coastal Development Permit. It is adjacent to the open space area known as the “Pumpkin Patch,” and the San Gabriel River, very close to whether the river empties into San Pedro Bay. The Project is immediately adjacent to the sensitive Los Cerritos Wetlands Complex (LCWC). The San Gabriel River contains Environmentally Sensitive Habitat Areas (ESHA). The Project would be located on the scenic Pacific Coast Highway (“PCH”). The Project would replace an existing 2-story building with a 6-story, 85-foot tall building. The Project site is also contaminated with several toxic chemicals.

On April 27, 2023, SAFER appealed the City Planning Commission’s April 20, 2023 decision to recommend that the City Council approve the Project (Local Permit No. 2208-36), including the Site Plan Review (SPR 22-093) and Local Coastal Development Permit (LCDP 22-051). SAFER also appealed the Planning Commission’s determination that the Project was exempt from the requirement for preparation of environmental documents pursuant to Sections 15162, 15168, and 15183 of the California Environmental Quality Act (“CEQA”) and that the Project was adequately analyzed in the environmental impact report prepared for the Southeast Area Specific Plan (SCH No. 2015101075), certified in 2017 (“SEASP EIR”).

On July 18, 2023, the City Council denied SAFER’s appeals and thereby approved the Project, Local Permit No. 2208-36, including SPR 22-093 and LCDP 22-051, and the CEQA determination. SAFER submitted written comments, along with expert comments by wildlife biologist Shawn Smallwood, Ph.D., opposing Applicant Holland Partner Group’s request for approvals of the Project, SPR, LCDP, and CEQA determination to the City Planning Commission on April 20, 2023 and the City Council on July 17, 2023, and testified at the City Council appeal hearing for the Project on July 18, 2023. At the City Council hearing, many community groups and organizations also filed written or oral comments opposing the approval of the Project, SPR, LCDP, and/or CEQA determination. SAFER and Dr. Smallwood’s written comments that were submitted to the City Council in support of its appeal on July 17, 2023 are also included as Attachment 3.

After reviewing the Project, the LCDP Findings prepared for the Project, the Local Coastal Program Amendment including SEASP (“LCPA SEASP” or “LCP”), and the Coastal Act, SAFER concludes that the proposed mixed-use development at 6700 E. Pacific Coast Highway (“6700 PCH”) is inconsistent with the certified LCP and Coastal Act public access and cumulative effects provisions. Specifically, the proposed development does not meet the LCP and Coastal Act provisions because the Project exceeds the building height limits, building story requirements, and maximum floor area ratio, fails to include coastal policies required by the LCPA SEASP, and does not conform with the Coastal Act’s public access and cumulative effects provisions by failing to include overnight visitor-serving accommodations, as discussed below.

In addition, after reviewing the CEQA Section 15183 Compliance Checklist that the City prepared for the Project, and the SEASP EIR that the Project relied upon, SAFER also concluded

that the Project did not meet the requirements for an exemption under CEQA Section 15183, nor did it satisfy CEQA Sections 15162 or 15168(c)(2). The Project fails to comply with the SEASP because it exceeds height and density limits. The Project fails to implement numerous mitigation measures required by the SEASP. The Project has significant impacts not analyzed in the SEASP. (*See Attachment 3*).

Notably, on July 13, 2023, wildlife biologist, Noriko Smallwood, M.S., conducted a site visit. Ms. Smallwood positively identified at least five special status species on the Project site. None of these species are identified in the SEASP EIR and there are no mitigation measures for the Project's impacts on these species. Dr. Shawn Smallwood concluded in his expert comments, which were included as Exhibit A to SAFER's July 17, 2023 comments to the City Council (at Attachment 3), that the Project will have significant adverse impacts on these and other species. Also, the City failed entirely to analyze the cumulative impacts of the 6700 PCH project with the 6615 Pacific Coast Highway (6615 PCH) project which is proposed almost directly across the street. Dr. Smallwood concluded that the two projects will have significant cumulative impacts on sensitive species. Therefore, we urged the City Council on appeal to City to require preparation of a CEQA environmental review document to analyze and mitigate the Project's environmental impacts prior to issuing any Project approvals. Regardless, the City Council denied our appeal, thereby issuing SPR and LCDP approvals for the Project and exempting the Project from subsequent CEQA review.

SAFER therefore respectfully requests that the Coastal Commission: (1) review this appeal; (2) find that the City's approval of the LCDP and/or development at 6700 PCH poses a substantial issue that is significant enough to warrant the Commission taking jurisdiction over the LCDP application; (3) determine that the proposed development is inconsistent with the applicable LCP and the Coastal Act's public access and cumulative effects provisions during the de novo review phase of the appeal; and as a result, (4) ultimately deny the LCDP until the Project complies with the certified LCP and Coastal Act provisions as well as perform subsequent environmental review, whether it be a supplemental mitigated negative declaration or environmental impact report, as required by CEQA prior to CDP certification.

II. THE MIXED-USE DEVELOPMENT PROJECT AT 6700 PCH IS INCONSISTENT WITH SEVERAL PROVISIONS IN THE CITY'S CERTIFIED LCP.

The proposed Project site is located within the coastal zone, which is under the permitting authority of the City of Long Beach through the City's LCP. The Project site is also located within the SEASP area, which is subject to policies from the LCP and Coastal Act incorporated into the SEASP. The California Coastal Commission certified the SEASP on September 28, 2021; accordingly, development consistent with SEASP may be approved by the City of Long Beach without further input from the Coastal Commission.

The Project site is located entirely within an area designated by the SEASP as Mixed-Use Community Core (“MU-CC”). Specifically, the 2020 LCP amendment incorporating the SEASP by reference (i.e., the “LCPA SEASP”) states:

This area is envisioned as the primary activity center in the SEASP area and provides for a mix of uses including residential, regional retail, hotel, and office uses. The focus of this designation is on creating a pedestrian scale environment, including increased connectivity, gathering spaces, and linkages to the marina and wetlands.

(LCPA SEASP, p. III – S – 9).

According to the LCP, the San Gabriel River flood control channel adjacent to the Project site abuts residential and commercial development and public roadways. The San Gabriel River flood control channel is designated by SEASP as an Open Water Local Sensitive Habitat Area. Additionally, the LCP notes that eelgrass, a National Marine Fisheries Service “Habitat of Particular Concern,” and green sea turtles, which forage on eelgrass, have been observed along the San Gabriel River. The Open Water portion of the San Gabriel River flood control channel is recognized as an Environmentally Sensitive Habitat Area (ESHA). Because the Project, is within 100 feet of the San Gabriel River flood control channel, which is designated ESHA, the City’s approval of the LCDP and development at 6700 PCH triggered the Coastal Commission appeal process.

A. The Project Fails to Conform with the Height Limits and Building Story Requirements in the LCP.

1. The Project violates the LCP provision that new buildings located in the Mixed-Use Community Core (MU-CC) shall not exceed 80 feet in height.

The LCPA SEASP states, “No building or projection shall exceed a maximum of 80 feet in height (including non-habitable spaces such as architectural features or spaces required for mechanical equipment). (SEASP, p. 93). Because the proposed Project includes construction of an 85-foot 6-inch building, which exceeds the 80-foot height limit for buildings located within the SEASP’s MU-CC, the Project fails to conform with the provisions of the LCP.

2. The Project is inconsistent with the LCP provision that new buildings located adjacent to the PCH shall not exceed five stories.

The proposed Project fails to conform with the building story requirements for development projects located within the SEASP’s MU-CC. As such, the Project violates the provisions of the City’s LCP.

The Project site is bordered by the PCH to the northeast; San Gabriel River channel and a paved path to the southeast; two undeveloped parcels, Marina Drive to the southwest; and Studebaker Road to the northwest. The Project is for a mixed-use residential and commercial

development (including 281 residential units and approximately 3,100-sf of ground-floor retail), which will include the construction of a new 6-story building in violation of the building story requirements of the LCPA SEASP. As illustrated in Table 6-4 Building Story Requirements (MU-CC) included in the SEASP and below, because the Project is adjacent to the PCH, the proposed development may have no more than five stories unless it satisfies one of the exceptions at footnote (c) included in Table 6-4. (*See* SEASP, p. 92 (Table 6-4)). Since the Project does not include “overnight visitor-serving accommodations” or “a mix of overnight visitor-serving accommodations, residential, and other uses, if it is demonstrated that significant community amenities are provided, above and beyond those that are required under the maximum height of 5-stories,” the new proposed building may not exceed the LCP’s 5-story limit for developments adjacent to the PCH. (*Id.*, Table 6-4, fn. (c)). Therefore, the Project’s proposed construction of a 6-story mixed-use residential and commercial building with ground-floor retail does not conform with the City’s LCP.

Table 6-4 Building Story Requirements (MU-CC)			
Adjacent to	Min.	Max.	Other
Pacific Coast Highway (PCH)	3-stories	5-stories ^{a,b}	Buildings shall stepback a minimum of 10 feet at their top floor (lower floors can also be stepped back, but at a minimum, the top floor must demonstrate it meets the 10-foot stepback requirement). Minimum story requirement shall not apply to buildings at the corners of PCH and Studebaker Road. The intent of the minimum building height is to provide a cohesive form to PCH and promote an appropriate density along the SEASP’s most important multimodal street. Architectural features up to an additional 10 feet may be approved by the Site Plan Review Committee.
PCH and Studebaker Road (South Gateway)	N/A	3-stories, for the first 30 feet of building frontage	The street corners of PCH and Studebaker Road make up the South Gateway of the City. The maximum building height at this intersection is 3-stories with the top floor stepback minimum of 10 feet at the top floor. This differentiation in height with the rest of the buildings along Pacific Coast Highway will provide a gradual transition of height westward from the South Gateway, making it a recognizable entrance and exit for the City.
Shopkeeper Road and 2nd Street	N/A	5-stories	Buildings at the corner of Shopkeeper Road and 2nd Street shall stepback 10 feet at the 3rd floor and above.
Shopkeeper Road Fronting Wetlands	N/A	3-stories	Also applicable to properties adjacent to wetlands not separated by a road.
Architectural Features	N/A	N/A	May add up to an additional 10 feet subject to approval by the Site Plan Review Committee.
<p>NOTE: Heights are measured as defined in Section 21.15.1330 - Height of Building in the Zoning Code.</p> <p>(a) The northeast corner of PCH and 2nd Street shall be limited to 1-story.</p> <p>(b) The southeast corner of PCH and 2nd Street shall be limited to a maximum of 5-stories and is not eligible for additional height incentives as identified in Section 5.7.a, Mixed-Use Community Core Height and FAR Incentives.</p> <p>(c) Additional height may be considered up to a maximum of 7-stories for the following:</p> <p>Overnight visitor-serving accommodations or projects including a mix of overnight visitor-serving accommodations, residential, and other uses, if it is demonstrated that significant community amenities are provided, above and beyond those that are required under the maximum height of 5-stories. Amenities can include plaza spaces, enhanced landscaping, public artwork, and public parking (see Section 5.7.a, Mixed-Use Community Core Height and FAR Incentives).</p> <p>Seven-story buildings are intended to be an exception to the building massing for all structures within project. The majority of the buildings within the Mixed-Use Community Core designation are intended to be constructed at or near the maximum base height. Building footprint of all buildings using 7-stories cannot exceed 20 percent of the total acres in the MU-CC.</p>			

(SEASP, Table 6-4, p. 92).

3. The Project's inconsistency with the LCP's height limits and story building requirements is a substantial issue that will result in significant adverse impacts to birds and special-status species found on and near the Project site.

On July 13, 2023, wildlife biologist Noriko Smallwood, MS, conducted a site visit at 6700 PCH. She positively identified five special status species: Monarch Butterfly, Allen's Hummingbird, Western Gull, Double-Breasted Cormorant, and California Brown Pelican. (Attachment 3, Ex. A, p. 3). Dr. Shawn Smallwood analyzed these results and concluded that at least 135 species of vertebrate wildlife make use of the site and at least 25 of them are special-status species. (Attachment 3, Ex. A, p. 10). Dr. Smallwood concludes that the Project will adversely affect these species by placing a 6-story building in their flight-path, which will result in 558 bird-window collision fatalities per year. (Attachment 3, Ex. A, p. 23). Vehicle collisions from the Project will cause additional collision fatalities of special status species. (*Id.*) Dr. Smallwood proposes feasible mitigation measures such as bird-safe window treatments, compensatory mitigation, and landscaping measures. (*Id.* pp. 23-25).

None of these impacts were analyzed in the SEASP EIR. In fact, the SEASP EIR incorrectly stated "the Pacific Coast Highway commercial corridor within the proposed Mixed Use Community Core" is an "area[] of change...entirely developed and do not include native habitat or other suitable habitat for sensitive species." (SEASP EIR, p. 5.4-36). Thus, the SEASP EIR concluded that there were no sensitive species on the Project site. Also, the SEASP EIR did not analyze the impacts of this 85-foot 6-inch, 6-story building on avian flight collisions since the LCPA SEASP assumed that buildings would not exceed 5-stories in height. Furthermore, the SEASP EIR did not analyze impacts of bird-window collisions, or traffic collisions at all.

Additionally, Dr. Smallwood noted that Noriko Smallwood made the following observations related to wildlife movement in the area; in particular, the avian flight activity over the Project site:

During her survey of the project site, Noriko also recorded flight attributes of 115 birds of 17 species engaged in 64 flights. The species she observed flying over the project site included Allen's hummingbird, American crow, barn swallow, black phoebe, Cassin's kingbird, cliff swallow, double-crested cormorant, Eurasian collared-dove, European starling, great blue heron, great egret, house finch, hooded oriole, house sparrow, mourning dove, snowy egret, and western gull. Of the flights, 25% headed south, 23% headed west, 27% headed north, 16% headed east, and another 6 flew back and forth or were of short distances. Flight heights ranged from 2 m to 90 m above ground. About 47% of the flights were within the height domain of the proposed building, and would be vulnerable to ending in collision fatalities should the building be constructed.

(Attachment 3, Ex. A, p. 8).

Based on Noriko's observations, Dr. Smallwood made the following assessment of the impacts to wildlife movement from the construction of the proposed 85-foot 6-inch, 6-story, which was neither analyzed in the LCP or SEASP nor the Compliance Checklist nor the SEASP EIR:

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. No analysis has been completed to address this concern. Ample evidence is available that the site is important to wildlife movement in the region, such as Noriko Smallwood's detection of 22 vertebrate species of wildlife on and adjacent to the project site. These animals would not have occurred there had they been incapable of moving there on their own volition. Noriko also recorded flight attributes of 64 flight paths by 115 birds of 17 species within only 1.87 hours of survey. On average, she saw more than one bird per minute flying through the airspace of the project site. The project would impose a barrier to the movement of volant wildlife. Considering the level of flight activity Noriko saw on site, the project's impact to wildlife movement would be significant, and as the project is currently proposed, it would be unmitigated.

(Attachment 3, Ex. A, p. 17). As such, the 6700 PCH project's inconsistency with the building height limits and building story requirements will raise a substantial issue due to the adverse impacts on special and non-special status bird species in the project area.

In conclusion, because the Project proposes to construct an 85-foot 6-inch, 6-story, mixed-use residential and commercial retail building without overnight visitor-serving accommodations located adjacent to the Pacific Coast Highway, it is in violation of the City of Long Beach's LCPA SEASP. Furthermore, the Project's inconsistency with the LCP and the Coastal Act is a substantial issue because it will adversely impact special-status species and birds on and nearby the Project site and therefore the Commission should reject LCDP for the Project until a proper CEQA analysis is performed and adequate mitigation is put in place.

B. The Project Does Not Conform with the Maximum 2.0 Floor Area Ratio (FAR) in the LCP, and as a Result, the Project Is Inconsistent with the LCP and Coastal Act.

The Project's FAR does not conform with the certified LCP's provision that a new development project has a "Maximum 2.0 [FAR]". (SEASP, p. 90). SEASP provides for a maximum FAR of 2.0, or 227,748 square feet of development. Furthermore, the Project fails to comply with section 30251 of the Coastal Act, which requires:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the

character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (PRC § 30251).

Here, the Applicant will be receiving a (40%) increase, which translates to an overall floor area of 318,847 square feet. The City attempts to justify this increase, stating: “The additional floor area and story of the building do not conflict with the policies and parameters set forth in the LCP as the project implemented with the concessions/waivers does not impede the view shed northward on Pacific Coast Highway from the Long Beach/Seal Beach border toward the Los Cerritos Wetlands.” (LCDP Findings, p. 2). However, because the Project is one-story over the 5-story height limit, the City cannot rely on the argument that the increase in FAR would limit the impact of the buildings height and its potential to obstruct views. Thus, the increase in FAR will obstruct coastal views in violation of the LCP and Coastal Act.

C. The Project Fails to Incorporate the LCP’s Requirement to Provide a Public Open Space such as a Corner Plaza, Public Art, or Architectural Landmark Form at the Intersection of PCH and Studebaker Road.

Because the 6700 PCH project is located at the intersection of PCH and Studebaker Road, the LCP requires that the project applicant provide “[a] public open space such as a corner plaza, public art, or architectural landmark form... at the intersection...to enhance the attractiveness of the South Gateway.” (SEASP, p. 92). No such feature is mentioned or include in any of the staff reports or plans. Instead, the City states in the SPR Findings that the development only plans to include “common public spaces” such as “[p]ublic open spaces feature[ing] landscaping, raised planters, trees, seating, tables and chairs, a dog run area, water feature and public walkway access to the San Gabriel River trail.” (SPR Findings, p. 1) Thus, the development is inconsistent with the LCP and the Coastal Act’s public access and cumulative effects provisions.

III. THE PROJECT IS INCONSISTENT WITH SEVERAL OF THE COASTAL ACT’S PROVISIONS.

A. The Project Does Not Conform with the Coastal Act’s Public Access Provisions.

The Project is inconsistent with the public access provisions of the Coastal Act, which require low-cost places for visitors to stay overnight. (*See* PRC §§ 30213; 30212.5). The City incorrectly relies on the fact that the Project will incorporate limited affordable housing (13 very low-income units) as well as the density bonus law to bypass the Coastal Act’s requirement that new development projects include low-cost places for visitors to stay within the SEASP. However, affordable housing is irrelevant under the Coastal Act and the density bonus law does

not apply to or trump the Coastal Commission determinations. Govt. Code § 65915(m), providing for density bonus, states:

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.

Therefore, the City's claims that the Project's 5% affordable units does not meet the public access requirement of the Coastal Act or the LCP.

B. The Project Does Not Conform with the Coastal Act's Cumulative Effects Provisions.

The City failure to review the cumulative effects of the new development project at 6700 PCH is inconsistent with the following provisions of the Coastal Act:

Coastal Act Section 30105.5: "Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Coastal Act Section 30250(a): New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The City did not make findings regarding cumulative effects. As per Coastal Act sections 30105.5 and 30250(a), the cumulative effect needs to be analyzed with respect to how an individual project would impact an existing neighborhood in consideration of past projects, other current projects, and probable future projects. Specifically, in considering this definition, it should have been determined that the Project's development at 6700 PCH would result in a significant adverse impacts to this sensitive area of the coastal zone. An analysis of past projects, other current projects (as discussed below, there is a new development application for a similar mixed-use residential project at 6615 PCH that is across the street from this project), and

probable future projects should have been a finding in the City's LCDP. The cumulative effects analysis required by Coastal Act Section 30250 must be considered when deciding on individual residential projects (this is separate from CEQA regulations regarding cumulative impacts). Because the City failed to address the cumulative effects of past, current, and future new developments in its LCDP Findings, the Project is inconsistent with the Coastal Act.

In addition, the City's CEQA Section 15183 Compliance Checklist and the SEASP EIR failed to analyze or mitigate the cumulative effects of the 6700 PCH project. For example, at the same time as this Project is being considered, the City is considering another Project almost immediately across the street, at 6615 E. Pacific Coast Highway ("6615 PCH"). Indeed, the Project was approved by City Council only two days before the Planning Commission voted to recommend the approval of 6615 PCH on July 20, 2023. The two projects will clearly have cumulative impacts. Yet, the environmental review for each project fails to adequately discuss the other (despite the fact that the environmental review documents were prepared by the same consulting firm, Placeworks). 6615 PCH proposes 390 residential dwelling units in a six-story building with 351 square feet of commercial space, 576 vehicular parking spaces in an above-grade parking structure. 6615 PCH similarly sought to avoid CEQA review by relying on the SEASP EIR. The staff report and CEQA compliance checklist for 6615 PCH are available on the City's website at:

<https://longbeach.legistar.com/LegislationDetail.aspx?ID=6291159&GUID=9ECA8957-8AEE-46A8-ACC5-63E0C29DFAB9>.

By failing to consider the cumulative impacts of these two projects, the City has violated a fundamental requirement of CEQA, that a CEQA document must discuss significant cumulative impacts. (CEQA Guidelines section 15130(a); CEQA section 21083).

Section 15183(j) states:

This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

The City's CEQA Compliance Checklist fails even to mention the similar Project across the street at 6615 PCH, which was considered at almost the same time as 6700 PCH and heard by the Planning Commission only two days after the City Council approved this Project. 6700 PCH and 6615 PCH will clearly have significant cumulative impacts.

1. 6700 PCH and 6615 PCH will have significant cumulative biological impacts.

Dr. Smallwood concludes that the projects at 6615 PCH and 6700 PCH will have cumulatively significant impacts on wildlife, including special status species. Dr. Smallwood states:

The project would insert a six-story building into the airspace that has been used by volant wildlife for many thousands of years to travel along the coast, and very likely to enter or leave from the nearby wetlands or to fly the shortest distance between Santa Monica Bay and San Pedro Bay. The project would further fragment aerial habitat of volant wildlife, and this would contribute cumulatively to other similar impacts caused by other mid-rise and high-rise buildings in the area. The project would also cause a predicted 558 (95% CI: 331–735) bird-window collision fatalities per year, and would generate a predicted additional 21,481,388 annual VMT, which would contribute cumulatively to the wildlife-automobile collision mortality that is ongoing in the region. A cumulative impacts analysis needs to be completed. (Attachment 3, Ex. A, p. 23).

These significant cumulative biological impacts were not analyzed in the SEASP EIR or LCDP Findings because the SEASP EIR and LCP assumed that buildings would not exceed 5-stories in height and that buildings would have a less dense floor area ratio. Therefore, subsequent CEQA and LCDP review is required to analyze and mitigate these impacts.

2. 6700 PCH and 6615 PCH will have significant cumulative air quality impacts.

The Project will have significant cumulative air quality impacts. The CEQA Compliance Checklist for 6700 PCH states that the Project will have construction air quality NO_x emissions of 41 pounds per day (ppd), which is below the CEQA significance threshold of 100 ppd. (6700 PCH Checklist, p. 51). However, the CEQA Compliance Checklist for 6615 states that this project will have NO_x construction emissions of 96 ppd. (6615 PCH Checklist, p. 53). The cumulative emissions of the two projects is 137 ppd, which will obviously exceed the CEQA significance threshold.

Similarly, 6700 PCH will have operational daily CO emissions of 47 ppd, which is slightly less than the CEQA significance threshold of 55 ppd. (6700 PCH Checklist, p. 52). The 6615 PCH CEQA checklist does not quantify operational CO emissions, but it is reasonable to assume that they will be more than 8 ppd, which would make the cumulative CO emissions exceed the CEQA significance threshold of 55 ppd.

Cumulative impacts analysis is critical to CEQA review. A CEQA document must discuss significant cumulative impacts. (CEQA Guidelines § 15130(a)). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if “the possible effects of a project are individually limited but cumulatively considerable. . . . ‘Cumulatively considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” “Cumulative impacts” are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines § 15355(a)).

“[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” (CEQA Guidelines section 15355(a)).

The point is that the City’s CEQA and LCDP documentation entirely ignore the cumulative impacts of the two projects and does not even attempt to analyze those impacts. As such, the City has failed to comply with CEQA section 15183 as well Coastal Act sections 30105.5 and 30250(a), and may not rely on the SEASP EIR and LCDP Findings to approve the 6700 PCH project. Since the CEQA and LCDP documentation is devoid of any mention of the 6615 PCH project, there is no substantial evidence to support a finding that the 6700 PCH project does not have significant cumulative effects.

IV. CONCLUSION

In conclusion, the City of Long Beach, City Council, and Planning Commission all erred by approving the project at 6700 PCH. SAFER respectfully asks that the Coastal Commission find Substantial Issue for the proposed project at 6700 PCH and require that the City perform the appropriate subsequent CEQA review prior to approving the LCDP for the Project. Thank you for considering these comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Victoria Yundt", written in a cursive style.

Victoria Yundt
LOZEAU | DRURY LLP

CALIFORNIA COASTAL COMMISSION

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**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision

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1. Appellant information¹

Name: Lozeau Drury LLP on behalf of Supporters Alliance for Environmental Responsibility (SAFER)

Mailing address: Richard Drury & Victoria Yundt, Lozeau Drury LLP, 1939 Harrison St., Suite 150, Oakland, CA 94612

Phone number: 510-836-4200

Email address: richard@lozeaudrury.com / victoria@lozeaudrury.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: SAFER appealed City of Long Beach Planning Commission's April 20, 2023 decision recommending that City Council approve Local Permit No. 2208-36,

including the Site Plan Review (SPR 22-093), Local Coastal Development Permit (LCDP 22-051), and CEQA determination for the proposed

mixed-use development at 6700 E. Pacific Coast Highway in Long Beach, CA. SAFER submitted comments, along with expert wildlife biologist comments,

in opposition to the Planning Commission on April 20, 2023, City Council on July 17, 2023, and testified at the City Council appeal hearing on July 18, 2023.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: SAFER appealed City of Long Beach Planning Commission's April 20, 2023 decision recommending that City Council approve

Local Permit No. 2208-36, including Site Plan Review (SPR 22-093), Local Coastal Development Permit (LCDP 2208-36), and CEQA review determination

for the 6700 PCH Project. SAFER submitted written comments to the Planning Commission on April 20, 2023 and to the City Council

on July 17, 2023 in opposition to the Project and testified at the City Council appeal hearing on July 18, 2023.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

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2. Local CDP decision being appealed²

Local government name: City of Long Beach

Local government approval body: City of Long Beach City Council

Local government CDP application number: 2208-36 (SPR 22-093, LCDP 22-051)

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: July 18, 2023

Please identify the location and description of the development that was approved or denied by the local government.

Describe: CCC Post-Cert Number: 5-LOB-23-0726

Local Permit #: 2208-36 (SPR 22-093, LCDP 22-051)

Applicant(s): Holland Partner Group, Attn: George Elum

Location: 6700 E Pacific Coast Hwy, Long Beach, CA 90803, Los Angeles County (APN(s): 06037-7242012006)

Description: City of Long Beach City Council approved the

demolition of all existing structures on the site, and construction of a

new six story, mixed-use project consisting of 281 residential dwelling

units (thirteen of which are affordable (very low income), 3,100

square feet of commercial/retail space in a building with 592,100

square feet of area including a minimum of 507 vehicular parking

spaces, 142 bicycle parking spaces and 27,534 square feet of

common and private open space area.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

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3. Applicant information

Applicant name(s):

Holland Partner Group, Attn: George Elum

Applicant Address:

5000 E Spring Street, Suite #500, Long Beach, CA 90815

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See Attachment 1 for written comments by Appellant SAFER's representatives Richard Drury and Victoria Yundt of Lozeau Drury LLP for a detailed description of the specific provisions of the LCP and Coastal Act's public access and cumulative effects provisions that the Long Beach City Council's approval of the proposed mixed-use development project at 6700 E. Pacific Coast Highway, including approval of Local Permit No. 2208-36 (SPR 22-093, LCDP 22-051), violated and how the proposed development project's approval fails to conform with the identified LCP provisions and Coastal Act public access and cumulative effects provisions.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

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5. Identification of interested persons


On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Jon P. Preciado, President & Member, Supporters Alliance for Environmental Responsibility



Signature

Date of Signature 08/01/2023

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Jon P. Preciado, President & Member, Supporters Alliance for Environmental Responsibility

CDP Application or Appeal Number 2208-36 (SPR 22-093, LCDP 22-051) / CCC Post-Cert No. 5-LOB-23-0726

Lead Representative

Name Richard Drury, Lozeau Drury LLP

Title Partner

Street Address. 1939 Harrison Street, Ste. 150

City Oakland

State, Zip CA, 94612

Email Address richard@lozeaudrury.com

Daytime Phone 510-836-4200

Your Signature

A handwritten signature in blue ink, appearing to be "Jon P. Preciado", written over a horizontal line.

Date of Signature

08/01/2023

Additional Representatives (as necessary)

Name Victoria Yundt, Lozeau Drury LLP
Title Associate
Street Address. 1939 Harrison Street, Ste. 150
City Oakland
State, Zip CA, 94612
Email Address victoria@lozeaudrury.com
Daytime Phone 510-836-4200

Name Shawn Smallwood, PhD
Title Expert Wildlife Biologist
Street Address. 3108 Finch Street
City Davis
State, Zip 95616
Email Address puma@dcn.org
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature  _____

Date of Signature 08/01/2023