LETTER 6

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VIA E-MAIL

March 11, 2025

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RE: Supplemental Comment on the Draft Environmental Impact Report of Park Tower Student Housing Project of the City of Long Beach (5150 E. Pacific Coast Highway, Long Beach, California; APN 7220-018-009; SCH Number 2024080441)

Dear Ms. Casillas:

On behalf of the Western States Regional Council of Carpenters ("**Western Carpenters**" or "**WSRCC**"), my Office is submitting these *Supplemental* comments on the Draft Environmental Impact Report ("**Draft EIR**") of the Park Tower Student Housing Project ("**Project**") of the City of Long Beach ("**City**"), proposed at 5150 E. Pacific Coast Highway, Long Beach, CA ("**Project Site**").

The Western Carpenters is a labor union representing almost 90,000 union carpenters in 12 states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects.

According to the Notice of Availability ("**NOA**") of the Project's Draft EIR:

> "The Project will adaptively **reuse** an **existing seven**-story **office** building with **three levels** of subterranean **parking** located at 5150 Pacific Coast Highway in the City of Long Beach (City), California. The existing office building is approximately **120,000 square feet** (sf), of which **109,600 sf** is **currently leased**. The Project would involve the **adaptive reuse** of the existing building into a **private dormitory** (**housing** for **students**) with **149 student** residential **suites** (**593 beds**). The Project is proposing a **General Plan Amendment** from the current **Community Commercial**

> (CC) **Placetype** to the **Neighborhood Serving Center** (NSC-Moderate) Placetype, which would **permit residential** uses. The Project would also require a **Zoning Code Amendment/Map Change** to change the existing zone **from Community Commercial Automobile Oriented** (CCA) to **Mixed-Use** (MU 3) to allow for the Project's **student** residential uses and to **enable** the Project to take advantage of the adaptive **reuse development** standards. The Project would also require the **approval** of a **Conditional Use Permit** (CUP) to allow the "**Special Group Residence**" and **Site Plan review** of adaptive reuse."

(NOA, emph. added.)

The Project's above-mentioned description, as well as state agency comments confirm that the Project may have significant impacts, including transportation, related air quality, greenhouse gas emissions, noise, and hazards impacts on highways and freeways, which need to be addressed. Hence, it is of utmost importance that the Project be implemented by *skilled contractors* to minimize the construction impacts and hazards to the surrounding environment from the Project.

Individual members of the Western Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

The Western Carpenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. (Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see also, *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.)

The Western Carpenters incorporates by reference all comments raising issues regarding the Environmental Impact Report (EIR) submitted prior to certification of the EIR for the Project and approval of the Project. See *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project's environmental documentation may assert any issue timely raised by other parties).

Moreover, the Western Carpenters requests that the City **provide advance notice** for any and all notices referring or related to the Project issued under the California Environmental Quality Act (**CEQA**) (Pub. Res. Code, § 21000 *et seq.*), and the

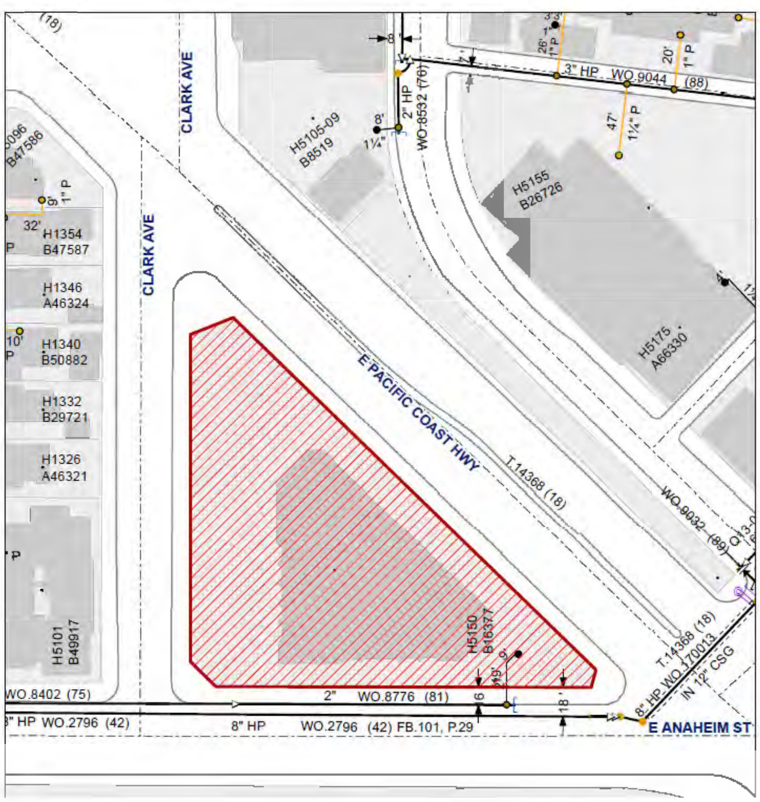
California Planning and Zoning Law ("**Planning and Zoning Law**") (Gov. Code, §§ 65000–65010). California Public Resources Code Sections 21092.2, and 21167(f) and California Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

I. THE CITY'S EXTENSION OF THE COMMENT PERIOD AS REQUESTED BY WSRCC IS MUCH APPRECIATED

As an initial matter, WSRCC appreciates the City's extending of the comment period to comply with CEQA, as previously requested by the Western Carpenters on January 23, 2025. This extension provided us – and we believe others as well – an opportunity to have a meaningful review of the EIR and all of its later uploaded studies and materials supporting the EIR and to provide an informed and meaningful input.

II. THE DEIR FAILS TO CONSIDER THE AIR QUALITY AND HUMAN HEALTH AND SAFETY IMPACTS OF THE PROJECT IN LIGHT OF ITS PROXIMITY TO PACIFIC COAST HIGHWAY

The Project is located next to the Pacific Coast Highway and it is also bordered by other streets, as shown below:



According to the California Environmental Agency's Air Resources Board ("CARB")'s Technical Advisory:

> **Street**, **highway**, and **freeway ramp intersections** have been found to be **pollution hot spots**. This is mainly due to frequent deceleration and acceleration and the increased frequency and duration of idling at intersections. As a result, intersection **alternatives** that **reduce** the **frequency** of **stops**, **acceleration**, and **idling** can generally **benefit air quality** at and around intersections.

(**Exhibit 1,** p. 20, emph. added [CARB's Technical Advisory re "Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways"].)[1]

CARB's Technical Advisory further reminds and provides its related findings and recommendations from 2005 on impacts of siting residential structures within 500 feet of freeways, urban roads, or rural roads, as follows:

> The 2005 Land Use Handbook recommends that health protective distances (**500 feet at minimum**, if there is no site-specific information available) be implemented to **separate sensitive** uses from **freeways**, **urban roads** with **100,000 vehicles/day**, or **rural roads** with **50,000** vehicles/day.*19 This recommendation is based on research showing that pollutant concentrations decline significantly as you move farther away from pollution sources, including freeways and **other busy traffic corridors** [13-15] and epidemiological studies that indicate that **spending time** in **proximity** to **traffic emissions sources** may lead to **adverse health** effects **beyond** those associated with **regional air** pollution in **urban areas** [16-21].

(**Exhibit 1**, p. 12, emph. added.)

And CARB's Technical Advisory informs of *additional* research that has occurred since 2005 and found that the previously suggested 500 feet buffer was understated and needs to increase to 1,000 feet to duly protect people. (**Exhibit 1,** pp. 12-14.) As part of the new findings and recommendations, therefore, CARB suggests other means to address the air pollution issues and reduce impacts on human beings, as follows:

> These recent studies highlight the importance of protecting at-risk populations/communities from traffic emissions and indicate that **exposure reduction strategies** may be needed to protect people that live and spend time in environments that are more than 500 feet from high

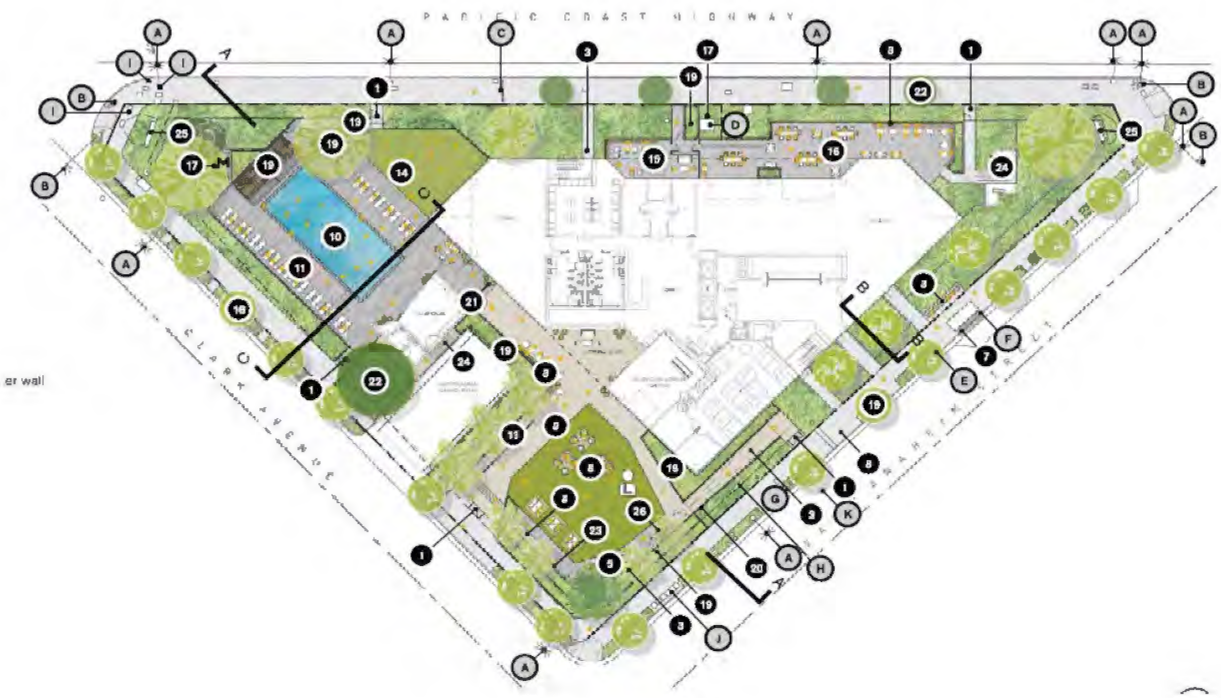
[1] Also available at: https://ww2.arb.ca.gov/sites/default/files/2017-10/rd_technical_advisory_final.pdf

> volume roadways. This does **not mean** that **nothing** should be **developed within this distance**. In fact, as previously discussed, a compact development pattern is a key strategy in reducing **GHG** emissions and improving **public health** through physical activity and it has many other benefits. Instead, **planners** and **developers** may want to consider **siting non-sensitive uses** and **developments** that will be **primarily used** and **occupied** during the **daytime**—such as **commercial uses** and **offices**. In addition to optimizing land use when near-roadway pollution concentrations drop off more sharply with distance, **commercial** and **office buildings** are often equipped with **indoor filtration systems** that can remove particulates from the air inhaled by building occupants, and these buildings are more likely to have **permanently closed** or **sealed windows**. This means that, when these buildings are sited close to roads, people that spend time in them are less likely to breathe harmful pollutants and experience negative health impacts. Plus, people typically spend less time at work than at home, meaning that the duration of exposure at work is shorter. These approaches, along with strategies to reduce traffic emissions, disperse pollution and clean indoor air—all discussed in this Technical Advisory—will reduce exposure.
>
> (**Exhibit 1,** p. 14, emph. added.)

CARB's advisory is precisely on point here. The Project here borders Pacific Coast Highway, which statistically sees on average 100,000 cars in the City of Long Beach, CA. (**Exhibit 4** [7th & PCH intersection; 2nd & PCH intersection].)

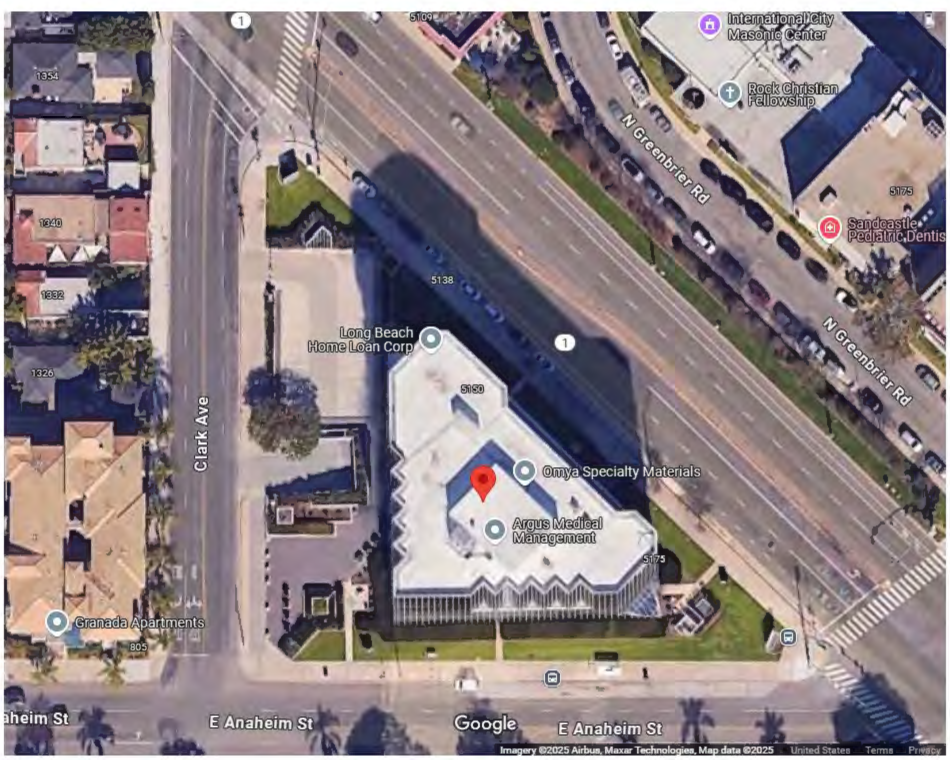
Further, the Project site is currently occupied by *commercial* uses where people do not live but attend for business purposes during the day and for short periods of time. (DEIR, p. 6-8.) In contrast, the Project proposes to bring 593 students who will reside at the Project site during school year.

Moreover, the Project proposes a pool (#10), outdoor daybeds (#12), and other outdoor amenities (as #11) that are directly adjacent to the Pacific Coast Highway, as shown in the screenshot of the Project's conceptual plan from the DEIR below:



(DEIR, p. 2-16.)

In contrast, the Project Site's Google bird view image shows *no outdoor* amenities at the Project site, including adjacent to the Pacific Coast Highway, as shown below:



(Google Image of the Project site as of 3/3/2025.)

As such, the Project Site's present commercial uses are compatible with CARB's guidance whereas its proposed residential uses will continuously expose the Project's own occupants to air quality pollution, especially near the Pacific Coast Highway.

Moreover, since the Project will significantly increase the amount of traffic in the area and on the Pacific Coast Highway by bringing about 593 cars of students and more cars from employees, as well as by suggesting that students may use bicycles which may further slow down the traffic and cause car idling on the Pacific Coast Highway for various safety reasons, the Project will necessarily increase air pollution impacts not only for the Project's own occupants, but also for people residing within 500 to 1000 feet of the Pacific Coast Highway. Per the DEIR, there are sensitive residential uses within as close as 55-290 feet of the Project and hence Pacific Coast Highway:

Table 4.10-7: Sensitive Receptors

Receptor Description	Distance[1] and Direction from the Property Line of Project Site
Multi-Family Residential Dwellings	55 feet to the west
Single-Family Residential Dwellings	55 feet to the west
Rock Christian Fellowship	175 feet to the east
Cambrian Homecare	290 feet to the east
1. Distances are measured from the Project Site boundary to the property line. Source: Google Earth, 2024	

(DEIR, p. 4.10-13.)

Further, the noted impacts will be even more severe and serious in light of the fact that the sensitive receptors and the Project's own occupants represent the *most vulnerable* population groups – students, children, elderlies and people with various diseases. (**Exhibit 1,** p. 2.) As CARB's Technical Report mentions:

> **Need for this Technical Advisory**
>
> The primary public health concern regarding roadways near existing and future developments is the possibility that at-risk populations/communities—like **children**, **pregnant** women, the **elderly**, and those with **serious health** problems affected by air pollution—will be exposed to traffic emissions. In California, there are several instances of **schools** and **other sensitive** locations such as **daycare** facilities located near **major roadways**, particularly in non-white and economically disadvantaged neighborhoods [6, 7]. Studies show that these populations can experience serious health impacts, including worsening of asthma and cardiovascular disease and adverse birth outcomes because of exposure to traffic-related air pollution. Additionally, studies show that poor and minority communities are more likely to live near busy roadways, and

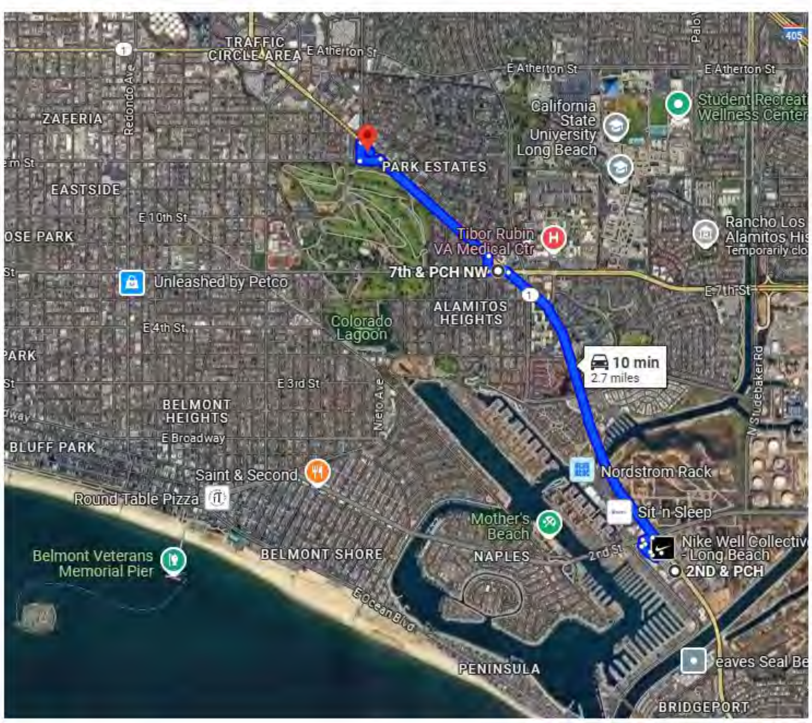
> therefore may be more at-risk for the health effects related to exposure to traffic emissions [8, 9].

(**Exhibit 1,** p. 3, emph. added.)

Notably, the DEIR's reliance on bicycles or other alternative transportation means is misplaced as it fails to consider that the Project's occupants and others will be *more severely* exposed to the air pollution impacts of the busy Pacific Coast Highway when walking or riding near the Project. These air pollution impacts are *in addition to* the risk of fatalities in Long Beach, which does not appear to be declining and which will reasonably foreseeably deter public reliance on alternative transportation means as compared with the use of cars. (**Exhibit 3** [Articles re Pedestrian Fatalities in Long Beach on PCH, one of the Long Beach's deadliest streets].)

Compounding the risk of traffic-related air quality, GHG, and health and safety risks of the Project is statistical data that the number of cars that travel on Pacific Coast Highway in Long Beach, California varies by location, with some areas seeing over 100,000 cars per day. (See **Exhibit 4** [Intersection of 7th and PCH is at 142,000 cars (close to the State University where the students would be traveling from to the Project Site); Intersection of the 2nd and PCH is at about 100,000 cars per day].)

The Project Site is close to the 7th and PCH, as shown in the Google map below, with the Project site marked with a red bubble:



The fact that the Pacific Coast Highway has on average 100,000 cars per day in the City of Long Beach squarely mandates the City planners and elected decisionmakers to disapprove the Project in light of the CARB's guidance to *not* site residential projects near high-volume roadways, i.e., urban roads with 100,000 cars per day, such as the Pacific Coast Highway. (Cal. Pub. Res. Code § 21151.8; **Exhibit 1,** p. 2).

The above-noted reasons and evidence show that bringing a 593-bed student housing at the Project site within 500 feet of a Pacific Coast Highway – which has on average 100,000 cars per day in the City of Long Beach, CA and which traffic load will significantly increase by the Project's more intensive residential uses by students driving to/from the State University on a daily basis as well as to other shopping areas that are not closely located – will have significant air quality impacts and significantly increase health and safety impacts on both the Project's own occupants and nearby residents and sensitive receptors.

For these reasons, the DEIR's air quality analysis is inaccurate as it fails to accurately disclose and fully account for the Project's impacts on air quality and human beings by siting a student housing residential Project next to the Pacific Coast Highway.

III. THE DEIR UNDERSTATES THE PROJECT'S AESTHETIC IMPACTS, INCLUDING ON THE ELIGIBLE SCENIC HIGHWAY

Another reason the DEIR is inaccurate and incomplete to be certified is because it provides a misleading analysis on the Project's impacts on Scenic Highways. To wit, the DEIR concludes that the Project will have no impacts on the scenic highways only because the Pacific Coast Highway is not yet "designated" as a scenic highway by Caltrans and the "nearest eligible" scenic highway is *18.04 miles* away:

> **AES-2 Would the Project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway?**
>
> **No Impact.** The Project Site faces Pacific Coast Highway to the north and east. Pacific Coast Highway is currently **not designated** as a scenic highway by **Caltrans**.4 However, according to the Urban Design Element, the **entire stretch** of the Pacific Coast Highway will become a scenic highway by **2030**.5 The **nearest eligible** State Scenic Highway is a segment of California State Route 91 that is located **approximately 18.04** miles east of the Project Site.6 As discussed above, the Project involves the adaptive reuse of the existing office building into *new* student *housing*

> and *minor changes* to the building *façade* would not substantially add to the existing building's massing or scale, nor would increase the building's height. Accordingly, the Project would have no impact on scenic resources within a State Scenic Highway.

(DEIR, p. 6-8, emph. added.)

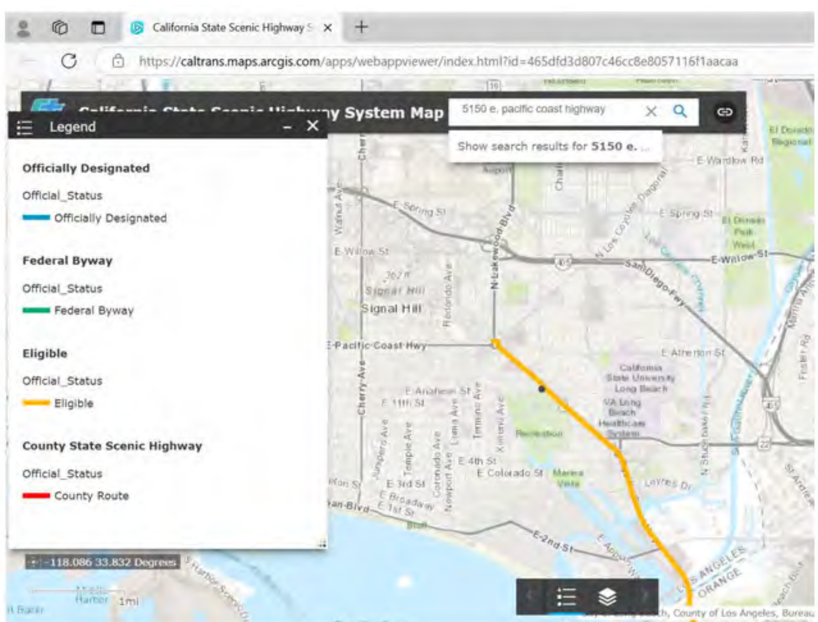
The analysis is inaccurate. First, CEQA Guidelines, Appendix G does not ask to evaluate the Project's impacts on scenic highways that are "designated" by "Caltrans"; it simply asks "would the Project:

> a) Have a substantial adverse effect on a scenic vista?
>
> b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?"

(CEQA Guidelines, Appendix G, Section I [Aesthetics].)

As such, the EIR's reliance on Caltrans designation for purposes of answering the question on impacts is misplaced.

Second, the nearest eligible Scenic Highway is not 18.04 miles away but within a few feet from the Project Site. The *link* the DEIR provides in support of its statement that Caltrans has not designated it shows that the Pacific Coast Highway – especially in the portion adjacent to the Project site – is marked in yellow, signifying that it is "eligible" as a scenic highway, as shown in the screenshot below (the black dot marking the Project site and the orange line indicating the Pacific Coast Highway):



Caltrans' web page further explains the difference between an *eligible* and a *designated* scenic highway, suggesting that *designation* is just a matter of procedure that needs to take place after the highway's *eligibility* is confirmed:

> *What is the difference between an "eligible" and an "officially designated" scenic highway?*
>
> An eligible State highway becomes officially designated through a process in which the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a State Scenic Highway by the Caltrans Director.

(**Exhibit 2** [Caltrans Official Page printout].)

As such, the fact that the Pacific Scenic Highway is not yet designated by Caltrans should be of no significance where it is clear that the highway *is* deemed eligible for such designation.

Third, the DEIR appears to suggest that, because the Project is only about *adaptive reuse,* then it may not have any impact on the scenic highway. It provides:

> As discussed above, the Project involves the adaptive reuse of the existing office building into new student housing and minor changes to the building façade would not substantially add to the existing building's massing or scale, nor would increase the building's height. Accordingly, the Project would have no impact on scenic resources within a State Scenic Highway.

(DEIR, p. 6-8.)

However, the Project – along with its road improvements, utility upsizing and undergrounding, as well as encroachment into the highway described in our prior comment letter – may significantly damage the trees and rock outcroppings. The Project's intensive 24-hour residential uses may also indirectly substantially damage the trees and outcroppings of the Pacific Coast Highway by bringing more traffic into the Project area and leading to the deterioration of the nearby streets and adjacent trees and scenic vista.

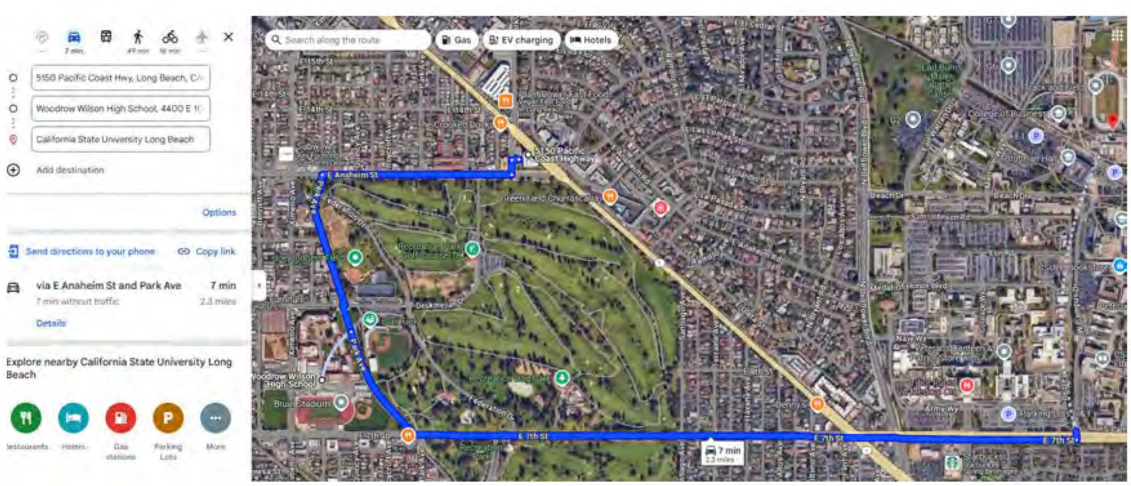
Moreover, the DEIR summarily mentions about "minor" changes to the "façade" of the building without explaining what those changes are and why those are deemed minor.

As such, the Project may have significant impacts on the eligible State Scenic Highway and also detract from its scenic views and significance, requiring adequate mitigation measures, contrary to the EIR's findings. For this reason too the EIR is incomplete and inaccurate and cannot be certified.

IV. THE DEIR'S TRAFFIC IMPACT ANALYSIS IS BASED ON FLAWED AND INCORRECT ASSUMPTIONS AND IS ALSO INADEQUATE.

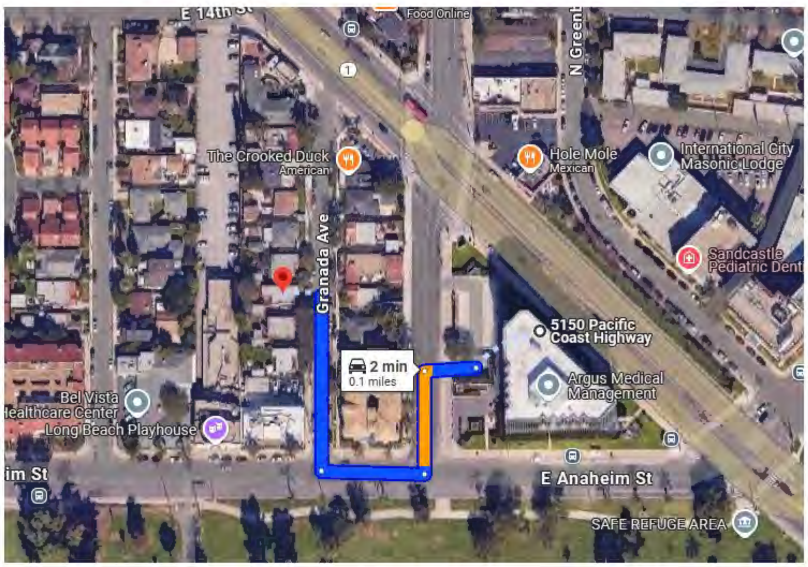
As we have previously noted in our January 23, 2025 letter, the EIR provided no assurance that the California State University, Long Beach ("CSULB") Beachside Shuttle Service could be used or relied upon to transport students from/to the Project site. This concern is further validated by the comment from CSULB, as well as cease and desist letters to the Project Applicant, showing that the Project is not affiliated with CSULB in any way, shape or form, and that the CSULB Beachside Shuttle cannot be relied upon for the Project's transit use. (**Exhibit 5** [CSULB comments and others' emails re CSULB shuttle service and traffic impacts of the Project].) As such, the EIR's traffic impact analysis is fatally flawed as it relies, in part, on the "potential" and yet illusory and erroneous assumptions to support its finding of no traffic impacts.

The noted traffic impacts are also critical and necessary to thoroughly account in light of the nearby schools, as pointed out by the School District's comment. (**Exhibit 6** [School district comment].) Based on the Draft EIR, the closest school is the Woodrow Wilson School at 4400 E. 10th Street, Long Beach, located southwest of the Project. (DEIR, pp. 5-12—5-13.) While the school is located 0.45 miles away (as reported by the EIR), Google map image of locations of the Project Site and the CSULB shows that the School is on the way and on the street the Project's occupants may use to reach the University, as shown in the screenshot below:



As such, the EIR's traffic studies should duly account for the Project's impacts on the nearby school students, school hours and school zones.

Moreover, based on public comments and *personal observations* of residents in the Project's vicinity, the Project's vicinity is already suffering from high traffic congestion and parking issues, and adding potentially 593 students in the Project site will necessarily increase traffic congestion and parking shortage. (**Exhibit 7** [Resident's comment on traffic].) The commenter's address (1331 Granada Avenue Long Beach, CA 90804) shows the commenter is in the immediate vicinity of the Project at 5150 E. Pacific Coast Highway, Long Beach, as shown in the Google map screenshot below:



Residents' personal observations of traffic conditions in the Project area amount to substantial evidence of traffic impacts due to the Project's exacerbation of impacts.

As the commenter noted, there is already a congestion on Clark street and there would be a need to add a "No Left Turn" sign to eliminate the bottlenecks that would further exacerbate with the Project. Similarly, as the commenter suggested, there is no sufficient parking for even *permitted* parking on the street and the Project should make sure that students cannot get permits to park on the streets.

For all the above-noted reasons, the Project will have significant traffic impacts and requires both an accurate disclosure and mitigation thereof in the EIR, including recirculation of the EIR to correct both the Project description, its baseline assumptions, and its analyses of traffic impacts.

V. THE DEIR'S RECREATION AND PUBLIC SERVICES IMPACT ANALYSES ARE BASED ON FLAWED ASSUMPTIONS.

As also pointed out by CSULB, the EIR improperly relies on the University's own park and library to conclude that the Project's impacts on public services and park/recreation will be less than significant. (**Exhibit 5.**) However, since the Project is not affiliated with the CSULB, such assumption is flawed. Hence, the Project may have – and should mitigate – impacts on public services, libraries, parks, and recreation.

The Draft EIR, therefore, should be revised and recirculated to address these impacts.

VI. THE DEIR FAILS TO DULY ACCOUNT FOR THE PROJECT'S BIOLOGICAL AND ENERGY IMPACTS.

As further pointed out by Sierra Club, the Draft EIR fails to account for the Project's potential significant impacts on biological resources and also energy impacts, in light of the fact that the Project site's building is all glass and will be lit up during night hours.

First, while bird mortality may not have been a problem with the Project site's less intensive *commercial* uses (dark at nights), bird mortality may become a significant impact to biological resources especially on nocturnal migratory birds, which are attracted to the light and do not see the glass. (**Exhibit 8** [Duke University Research and Supporting Scientific Evidence].) Thus, per Duke University student research:

> Every year, up to **one billion** birds die from hitting windows. Windows kill more birds than almost any other cause of human-related bird mortality, second only to feral and domestic cats. Both the transparency and reflectiveness of glass can confuse flying birds. They either don't see the glass at all and try to fly through it, or they're fooled by reflections of safe habitat or open sky. And **at night,** birds may be disoriented by **lit-up buildings** and end **uphitting windows** by mistake. In all cases, the result is usually the same. The majority of window collision victims die on impact. Even the survivors may die soon after from internal bleeding,concussions, broken bones, or other injuries.
>
> (**Exhibit 8,** pp. 1-2, emph. added.)

As ways to reduce such bird mortality, researchers propose various techniques, such as etching, fritting, frosting the windows, using window decals, or even *"lights out"* initiative, i.e., keeping all non-essential lights off:

> Lights Out initiatives are gaining ground in U.S. cities including Dallas, Houston, Philadelphia, and New York. The all-night glow of office buildings and streetlights in cities is especially dangerous for drawing migrating birds off course, delaying their migrations and making them vulnerable to window collisions.
>
> Turning off nonessential lights and installing downward-facing lighting are relatively simple ways to reduce the problem of artificial light at night. It's still wise to take precautions against window collisions using any of the above methods, especially for homeowners.

(**Exhibit 8.**)

While the "all lights out" initiative *may* arguably work for an office building occupied with *office* uses that are typically dark at nights, it cannot be necessarily accomplished with the Project's proposed *residential* uses.

Similarly, the Project's glass building and its proposed *residential* use will have more *energy impacts*. Notably:

> Flat glass, commonly used in skyscrapers, has its disadvantages. It easily transfers heat from the inside to the outside because it conducts heat quickly. This can lead to higher energy consumption for heating and cooling. Also, its high light transmittance can result in too much sunlight inside and temperature swings.

(**Exhibit 9** [Articles re Glass Buildings and Energy Efficiency Issues].)

As The Guardian noted:

> The gas use for heating was about 40% more for tall buildings, and the total carbon emissions from these buildings was twice as high.
>
> Glass skyscrapers are the worst offenders. Large windows may provide magnificent views but they leak heat in cold weather; even triple glazed windows lose far more heat than a well-insulated brick wall.
>
> In hot weather, glass windows turn building interiors into ovens, and temperatures rise even further with the heat from people and computers in an office.

(**Exhibit 9.**)

And again, while the Project site already had energy efficiency impacts due to its glass building, those energy impact will be much more severe in light of the proposed residential uses and the need to adjust the room temperature in the building not only during the *office* hours but also at nights.

The Draft EIR must account for the noted increased energy impacts and provide adequate mitigation measures and changes in the building, including modern air conditioning systems to ensure that the Project mitigates such energy impacts.

In sum, the Draft EIR fails to duly account for the Project's biological and energy impacts due to the all-glass construction and the proposed change of use from commercial to residential and should be recirculated to make adequate disclosures and provide mitigation for such reasonably foreseeable impacts.

VII. THE PROJECT MAY HAVE NOISE IMPACTS FROM THE NEARBY AIRPORT

The Draft EIR provides:

> As discussed in Section 4.7, Hazards and Hazardous Materials, of this Draft EIR, the nearest airport to the Project Site is the Long Beach Municipal Airport, located 1.60 miles to the north of the Project Site. Nevertheless, as explained in Section 4.10, Noise of the Draft EIR, review of the Project's **Airport Influence Area (AIA) map** indicates that the Project is located outside the AIA boundaries. Additionally, there are no other airports or airstrips within 2.0 miles of the Project Site.
>
> As such, **although** the Project is located **within two miles** of a **public** airport, the Project would not result in a safety hazard or **excessive noise** for people residing or working in the Project area.

(DEIR, p. 5-13, emph. added.)

CEQA Guidelines Appendix G, Noise Section requires to inquire whether:

> e) For a project located within an **airport land use** plan or, where such a plan has **not been** adopted, **within two miles** of a **public airport** or public use airport, would the project **expose** people **residing** or **working** in the project area to **excessive noise** levels?
>
> f) For a project within the **vicinity** of a **private** airstrip, would the project expose people **residing** or **working** in the project area to **excessive noise** levels?

(Emph. added.)

As such, while the Draft EIR *admits* that the Project *is* within 2 miles of a public airport, it concludes that, since the Project area is not included in the Airport Influence Area Plan, the Project will not have significant noise impacts on the Project occupants. This conclusion is unsupported. Specifically, the CEQA inquiry provides a 2-mile distance for projects *not included* in the airport land use plan. Also, the Draft EIR does not explain whether the Airport Influence Area map is co-terminous with the airport land use plan. Instead, the Draft EIR conflates the AIA with the airport land use plan and based solely on the fact that the Project is not included in the AIA map, it will necessarily not expose students to excessive noises. There is also no evidence that the AIA map conclusively shows or was designed to conclusively show that projects outside of the AIA map area will have no excessive noise.

To wit:

> State law requires sellers of real property to disclose "any fact materially affecting the value and desirability of the property". Assembly Bill 2776, which went into effect January 1, 2004, requires such disclosure when the property is *either* within two miles of an airport *or* if it is within an "airport influence area." The disclosure notice must state that the property may be subject to noise, vibration, odors or other annoyances or inconveniences "associated with proximity to airport operations." This law defines the "airport influence area" as the area where airport-related factors "may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission." The California Public Utilities Code establishes airport land use commissions in every county to provide for the orderly development of air transportation and ensure compatible land uses around airports which are open to public use. According to the State Division of Aeronautics, the "airport influence area" is usually the planning area designated by an airport land use commission for each airport.

(**Exhibit 10** [Information on AIA from the County of LA].)

The above-quoted passage confirms that the 2-mile distance is not co-terminous with the AIA influence map but is an *alternative* way to check if the Project may have excessive noise impacts, in *addition* to the project being included in the AIA area.

Also, notably, the Project proposes *residential* uses and also *outdoor* uses, whereas the Project's occupants will be students who need to concentrate on studies and may be significantly impacted by airplane noise, including through the night.

Second, the EIR appears to use the 2-mile distance also to the private airstrip, whereas CEQA Appendix G does not have such distance limitation and only asks about any private airstrip in the Project's vicinity.

The noted noise impacts may be even more severe in light of the fact that the Project building is *all glass* and arguably has no proper noise insulation necessary for the proposed residential uses.

For these reasons, the Project may expose its student residents to excessive noise impacts but improperly discounts those impacts relying on legally erroneous interpretations of CEQA requirements. The Draft EIR should be revised to duly account for the Project's noise impacts in light of the nearby municipal airport and the Project's glass building, in light of the proposed change of use from commercial to residential student dormitory.

VIII. CONCLUSION

In view of the above-noted concerns and those raised in our January 23, 2025 comment letter, we respectfully request that the EIR be recirculated to correct and include the omitted information and to provide meaningful analysis, identification, and mitigation of impacts as CEQA requires. We also request that a Phase II ESA be conducted to resolve and investigate issues that Phase I skipped or understated, including but not limited to soil sampling, methane testing, and asbestos and other hazards evaluation of the Project site. "CEQA contemplates *serious* and not superficial or pro forma consideration of the potential environmental consequences of a project." (*Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d 1337, 1347, 272 Cal.Rptr. 372; emphasis added*; Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 593, fn. 3.)

If the City has any questions or concerns, please feel free to contact my Office.

Sincerely,

Naira Soghbatyan
Attorneys for Western States Regional Council of Carpenters

Attached:

CARB's Technical Advisory of April 2017 re "Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways" (**Exhibit 1**);

Printout from Caltrans' Web Page re Scenic Highways (**Exhibit 2**);

Articles re Pacific Coast Highway and its car crashes and fatalities (**Exhibit 3**);

Data on the volume of cars on the Pacific Coast Highway in Long Beach at the 7th and 2nd street intersections with PCH (**Exhibit 4**);

Long Beach State University, Applicant, and Others' emails re no affiliation with the Project (**Exhibit 5**);

Long Beach School District's Comment on the EIR (**Exhibit 6**);

Public Comment on the Project's traffic impacts (**Exhibit 7**);

Article and Research re Bird Mortality caused by Glass Buildings (**Exhibit 8**);

Articles re Energy Efficiency and Impacts of Glass Buildings (**Exhibit 9**); and

Information re Airport Influence Area Map of Los Angeles County (**Exhibit 10**).