

May 16, 2017

The Belmont Beach and Aquatic Center Appeal

Dear Decision Makers:

The board of Citizens About Responsible Planning (CARP) urges you to reject Planning Commission March 2, 2017 approvals of the Certification of Environmental Impact Report 01-16, Site Plan Review, Conditional Use Permit, Standards Variance and Local Coastal Development Permit for the Belmont Pool for the following reasons:

**STORY POLE**

**THE EIR SHOULD BE RECIRCULATED AFTER INSTALLATION OF AN ADEQUATE STORY POLE DISPLAY.**

Section 21.21.302 (B)(5) of the municipal code, states in part:

"Building height variance applicants shall erect story poles which accurately represent the full extent of the proposed structure to the satisfaction of the Director of Development Services . . ."

We believe the Director of Development Services was too easily satisfied. One pole does not represent the full extent of the proposed structure, with a footprint that will extend from present Olympic Plaza to the Pedestrian/bike path. The proposed height was shown by one flag at the top of the 80 foot pole. There was also a flag showing the old pool's height, but none showing the ~~CURRENT~~ <sup>Current</sup> Coastal Act requirement of 25-30 feet.

Even the one Story Pole requires a recirculation of the Final EIR so the public can comment after seeing the proposed 78 foot height. This is especially necessary as the draft EIR states the height as 71 feet and only corrected this in the Errata of the Final EIR.

The former pool was built in 1968 before the CA Coastal Act put restrictions on height and views for buildings on the coast. No matter how the building is positioned on the site, its height and size will block views

of not only surrounding neighbors, but motorists and pedestrians. Besides blocking views, the height and reflective material will be a danger to birds. This height variance was not mitigated and is a significant adverse effect, which because of inadequate story poles, most of the public is not aware of.

Granting this variance for a 78 foot building is in violation of the Local Coastal Plan and will cause substantial adverse effects on the views for visitors and residents.

#### TRAFFIC

The study seemed to assume all traffic would be coming from downtown. There was no study done for traffic coming off the 405 Freeway or from Second Street or Ocean from the east. There were no traffic studies done on the effect of traffic on Belmont Shore or impacted intersections such as PCH and Second and Studebaker and Westminster.

The February 2016 traffic study of the temporary pool was done before Ocean Blvd. was made a single lane street. In addition to one lane not being adequate to handle large event crowds, the Construction Traffic Management Plan states, in part:

"The plan shall also require that a minimum of one travel lane in each direction on Ocean Boulevard be kept open during construction activities. Access to Belmont Veterans' Memorial Pier, the Shoreline Beach Bike Path, and the beach shall be maintained at all times. The Construction Traffic Management Plan shall also require that access to the pier, the bike path, and the beach be kept open during construction activities." How will this be accomplished with one lane to start with?

None of the traffic studies were done on the weekend in the summer, when the highest number of beach goers are present, nor during any beach or pool events.

The mitigation for events with more than 450 spectators is: "Create a traffic mitigation plan", but no plan is given. It is suggested that shuttles might be used, but no mention of where the public would park to use the shuttles.

Thus we also request recirculation of the Traffic Study for the pool EIR.

## GEOLOGICAL, SEISMIC AND SEA LEVEL RISE

This the wrong LOCATION for the pools because of increased geological problems connected with building on sand in a liquefaction and earthquake zone with rising sea level, which can double construction and maintenance costs. In 2014, council was told by staff that building on this site was like building on a bowl of jello. However, according to the information given the Planning Commission on Geology & Soils, "There are No geological hazards and the Project is feasible."

The following is a direct quote from the EIR:

**According to the *Wave Uprush Study* for the proposed Project, wave run-up for the high 2060 and 2100 sea level rise scenarios (2.6 ft and 5.5 ft increase in sea level, respectively), would reach up to 8.2 ft and 10.CITY4 ft (or greater) at the Project site. However, because the main pool deck would be elevated 17 ft amsl, the pool deck would be set 8.8 ft and 6.6 ft above the projected high water level in 2060 and 2100, respectively. The lower level of the building (pool equipment and storage) and associated parking areas would be below the projected water line under both scenarios; however, these areas would not be open for public use, and therefore, would not subject visitors to the Project site to significant cumulative impacts related to sea level rise. Therefore, the proposed Project would not be adversely impacted by sea level rise due to climate change.**

### 4.6.8 Mitigation Measures NO MITIGATION IS REQUIRED.

No Mitigation is required to protect the very expensive moveable floor, air conditioning, air machines necessary for the ETFE Plastic Bubble Roof and other necessary machinery to maintain the pool! New studies are showing the sea level rise is occurring much faster than previously believed, so this very expensive building could be unusable in much less than 43 years. The Belmont Beach location is obviously the wrong place to build this facility.

The Army Corps is in the process of studying a lowering of the breakwater. It would seem that sea level rise effects on the pool area should be studied with two scenarios: with and without the breakwater.

## ALTERNATIVE LOCATIONS

The ALTERNATIVES were rejected for frivolous reasons. The plan and goals for the pool were decided by an appointed Stakeholders Advisory Committee made up almost entirely of Competitive Swimming, Diving and Water Polo interests. There is no good reason to rebuild the pool in the same location and many good reasons not to.

The EIR considered three alternative locations within the Tidelands. All were dismissed without environmental study because of trivial reasons.

The Queen Mary site (Pier J) was rejected because of a lease with a private operator. However, this operator is currently searching for recreational uses for this area. What better use than an world class aquatic center? And we have an iconic, bird safe structure already in place—the Spruce Goose Dome! It is certainly large enough to hold multiple pools, spas, diving well and even a banquet room and sit down restaurant, which fulfills Coast Commission requirements. I would suggest this as an ideal location for the Aquatic Facility.

In this same area is the Harry Bridges Memorial Park/ Queen Mary Event Park which has frequently been used as a parking lot for large events. The EIR states it can't be a pool location because this is parkland mitigation for the Aquarium and Rainbow Harbor and must be used for outdoor recreation. However, the conceptional plan for the Queen Mary, shows the park is slated to have an amphitheater for live concerts. Surely, an outdoor swimming pool would serve more of the public, especially children, than an amphitheater or a parking lot.

The third location is the parking lot/"Elephant Lot" at the LB Convention Center. The main EIR objection to this site was it is currently leased until 2030. However, this lease did not stop Mayor Garcia from offering the site to George Lucas for his Star Wars museum. When Lucas choose an LA site, the Mayor was then quoted as saying,

"LB is ready to host multiple events as part of the LA 2024 Olympic bid. Sailing, Water Polo, BMX Racing and other great events will be hosted right here at our waterfront Olympic Sports Park".

What is included in this proposed Olympic Sports Park? A swimming pool! The Aquatic Center could be built on the Convention Parking Lot in downtown, with hotels, restaurants, freeways, in the Tidelands with better availability for a large

number of visitors and residents. And, it would be as much as \$50,000,000 cheaper to build the facility on solid ground, instead of on sand.

Take another look at these locations as although none is perfect, any of them has less problems than the one in Belmont Shore.

## BIOLOGICAL CONCERNS

There needs to be a new or revised EIR which includes recent bird surveys. The EIR shows two bird surveys in April 2013 and August 2013, before the demolition of the old pool in December, 2014. The EIR is supposed to evaluate current conditions. Proper surveys to show current nesting and migration activity were not done. These surveys do not even list the Snowy Egret, which was one of the most prevalent nesting birds in the survey area in 2015 and 2016.

All the trees in the current park space are to be removed and replaced with 15 gallon trees and drought tolerant plants. It will be years, if ever, before birds can nest or roost in this park again. These trees have been in the nesting area for Black-crowned Night Herons, Snowy Egrets, Anna's Hummingbirds, Warblers, Red-Crowned Parrots and Allen's Hummingbirds. Allen's Hummingbird has a status as a United States Fish and Wildlife Service (USFWS) Bird of Conservation Concern as a California Special Animal. Allen's (and Anna's) Hummingbirds are known to nest year around in Southern California.

There was no required mitigation for the destruction of the nesting trees except that the trees be removed in non-nesting season. There is no non-nesting season for Hummingbirds. Herons and Egrets use these trees not only for nesting, but for roosting so can be found in them year around. There are few suitable trees along the coast for them to use. This is a significant adverse effect that has not been mitigated.

The 78 foot high ETFE Plastic structure can cause bird strikes. Noise, pool chemicals and lights emitting from the structure and outdoor pools are dangers for the habitat area. There was no study done on the effect a 78 foot high building with a plastic roof will have on birds.

## ETFE PLASTIC

No study was done on the problems with the chosen bubble material, ETFE plastic, and there are many.

Just a little Googling on the Internet shows that even the Manufacturers of ETFE do not recommend its use as a roof on or near the beach.

Manufacturers of ETFE recommend these roofs for cold climates, as they retain heat and can warm large structures such as greenhouses and football stadiums. In Southern California, as a cover for heated pools, the heat will be unbearable for those not in the water and requires a lot of air conditioning. (The building manager at the ETFE Roof Anaheim Train Station says that because heat rises to the top of the building, their air conditioning vents were placed on the second level and run constantly.)

Another problem in our climate is condensation. Airsculpt, a manufacturer of ETFE says, "Locations which have cool nights and hot days and a general high level of humidity are particularly susceptible." What could be more humid than a heated pool? Maybe two heated pools and spas.

The Design Study describes the ETFE Bubble as being like Teflon, shedding dirt and being cleaned by rain. What happens when there is no rain? Especially trained rock climbers are needed for cleaning and repairing the roof. Plastic can be damaged and corroded by blowing sand, sun, chlorine, salt air, port and bird pollution.

The ETFE reflection confuses birds and they crash into structures such as happened at Vikings Stadium, headlined as the "bird killing stadium".

Birds are killed daily by into high rise buildings. Will a 78 plastic structure on the beach in LB have the same results? We don't know as there was no study done nor any effort to mitigate.

ETFE buildings can damage birds and birds also damage plastic buildings.

Here is another quote from ETFE manufacturer Airsculpt:

*"Birds love to land on rooftops and peck at their food to break it up. The bigger the bird - more powerful their pecking action. It is widely known that ETFE roofs installed nearby or close to the sea suffer the worst of this. This*

*is because Seagulls use the ETFE Roof membranes as an ideal platform to peck at shellfish, crabs and the occasional stolen chip.”*

*Another manufacturer, Tensinet, states:*

*“We discovered that many ETFE roofs were damaged by birds. They create holes by picking it with their beak. It is a very serious problem and a strong argument against the use of ETFE for roofs.”*

The EIR rejected all 3 Alternate Locations citing Project Objective 12: there must be a view of the ocean from the inside of the facility. However, this building will also not provide a view of the ocean as it will not be transparent.

Because of a CA Energy Code requirement to block 91% of sun light penetration, the ETFE must be solar dot imprinted. Thus, the view of the ocean from inside the facility will be like looking through a cataract.

The ETFE is formed into pillows, much like those used for as packing cushions. These pillows are individually filled with air and require a machine to constantly be keep inflated. Holes in too many pillows can cause the roof to collapse.

The ETFE Plastic roof on the train station in Manchester, England collapsed during a rain storm in October, 2016 and two people were injured. A six month study determined the plastic roof had a number of holes were caused by Gulls drawn by the smell of MacDonald’s inside the station. It would seem an ETFE plastic roof would be an extremely poor choice for a pool on the beach with our many gulls.

On May 11, 2017, the CA Coastal Commission sent a letter to the city, strongly urging that another location be chosen for this facility. There are a number of CCC REQUIREMENTS which have not been met with this plan.

1. **MUST BE 64% RECREATIONAL AND 30% COMPETITIVE.** In order to achieve the projected economic benefits, the pool must be used more than 30% of the time for competitions. Now, Assistant City Manager Modica is saying that Municipal Pools are not for profit, so this one will have to be supplemented with city funds if it is used by the public the allotted amount of time. Competitions are often held on the weekends when the public would also like to use the pool. There must be an

equitable amount of weekend, day and evening time available for the public.

2. CCC REQUIRES RESTAURANT AND MEETING SPACES In order to put in a separate diving well and spa, the banquet room and meeting rooms have been eliminated and the restaurant is now out of the building footprint and has no indoor seating. The current design will not pass CCC requirements.

3. OPEN PUBLIC SPACE In 2014, the pool design preserved Olympic Plaza. Present building footprint has increased, eliminating beach and public space up to the pedestrian/bike path. Eliminating open space on the beach is another violation.

4. PUBLIC ACCESS TO THE BEACH which includes traffic and parking. The EIR did not include a traffic study based on the recently installed Road Diet or the elimination of Olympic Plaza. Competitive events will limit parking for beach visitors, especially during the summer.

5. MAXIMUM VIEWS Major view corridor on Termino. As the ETFE Plastic is not transparent, view of the ocean is blocked almost everywhere on Ocean Blvd. from Termino to Bennett. View corridor on Bennett will be blocked by the 'Fast Casual Restaurant'. When I was a child in the 1940's, one could drive or walk along Ocean Blvd. and enjoy the view of the ocean from Belmont Shore all the way to what is now Golden Shore. This pool building will be another taking from the now limited view.

6. SEA LEVEL RISE The EIR predicted 8.2 feet by 2100. New studies are predicting 10 feet by 2087. Either way, the EIR admits the parking lots and all of the expensive pool equipment will be under water.

## EIR 6.0 LONG-TERM IMPLICATIONS

### 6.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Mentioned in this section are key resources which would be degraded or destroyed in such a way there would be little possibility of restoring them. The list includes lumber, steel, fossil fuels, petrochemical

construction materials such as plastic, petroleum-based construction materials and water.

There is concern about use of all unrenewable resources, however, in drought impacted Southern California, this is a big concern. The EIR states:

**"Operation of the proposed Project would also result in an increase in water demand. The annual Project demand for water is estimated to be 39.37af/year. Sufficient water supplies are available to service the Project, and Project impacts would be less than significant. As required of all new development in California, the proposed Project would comply with California State law regarding water conservation measures, including pertinent provisions of Title 24 of the California Government**

Code (Title 24) regarding the use of water-efficient appliances. In addition to complying with applicable Title 24 provisions, the proposed Project would incorporate additional water conservation measures. The increase in water demand generated by operations associated by the proposed project would be partially offset by the reduction in water consumption resulting from adherence to Leadership in Energy and Environmental Design (LEED) Gold standards, which includes features that would greatly enhance water conservation (see Section 3.0, Project Description). Therefore, with implementation of water conservation measures and incorporation of conservation features as part of LEED design, impacts associated with the increase in water demand as a result of the proposed Project would be further reduced. **However, the increase in water use would continue to represent a long-term commitment of this essentially nonrenewable resource."**

When the public in this city has been on a rationing schedule for watering their yards for several years and are seeing increased cost on their utility bills, it would seem that providing a water for a competitive pool, dive well and spa is an unnecessary environmental impact.

I would also point out that there is no mention of the additional cost for electricity involved with the ETFE Plastic Roof. The construction requires a machine to keep the plastic pillows filled with air at all times. The heat generated by the plastic requires high levels of air conditioning.

There is also no mention of using solar energy, which on the roof of this large structure would be profitable and energy saving.

In conclusion, I urge you to deny the Planning Commissions approvals; to recirculate the FEIR with the direction that adequate study be made of Aesthetics, Height, Traffic, Geological, Sea Level Rise, Biological, Alternative Locations and defects of the EFTE Plastic.

Please do not waste time and money waiting for the Coastal Commission or a judge to order this. Use the money to build this pool in the right location to serve all of the public.

Sincerely,  
Ann Cantrell Citizens About Responsible Planning

**SLIDE 1.**

Good evening, Mayor and Councilmembers. Ann Cantrell, one of the directors of CARP, Citizens About Responsible Planning

**SLIDE 2**

CARP is appealing the Mar. 2 Planning Commission approvals for the Belmont Beach and Aquatic Center. Namely, EIR 01-16, Site Review Standards Variances, Conditional Use Permit and Local Coastal Development Permit.

**SLIDE 3**

Our original appeal issues include inadequacies pertaining to Story Poles, Height Variance, Traffic Studies, Alternate Locations, Geological, Biological, Sea-level Rise, and study of ETFE Plastic.

We also agree with and support the issues of the other applicants of this appeal. Because of time restraints, I will touch on only a few of our concerns in this power point.

**SLIDE 4**

**EIR TRAFFIC STUDIES MUST BE REDONE AND RECIRCULATED**

After the traffic studies for this EIR were done in Feb. 2016, East Ocean Blvd. was put on a diet and reduced to one lane of traffic in both directions. EIR mitigation requires that during construction, traffic be limited to one lane to allow for construction vehicles—that leaves no lane for motorists! There must be a new traffic study done, taking into consideration the current one lane effect on construction, public safety vehicles, motorists and bike uses.

The study seemed to assume all traffic would be coming from downtown. There were no studies done for traffic coming off the 405 Freeway or from Second Street or Ocean from the east.

None of the traffic studies were done on the weekend in the summer, when the highest number of beach goers are present, nor during any beach or pool events.

The mitigation for events with more than 450 spectators is: "Create a traffic mitigation plan", but no plan is given. It was

suggested that shuttles might be used, but no mention of where the public would park to use the shuttles.

New traffic studies must be done including all of these issues.

## **SLIDE 5 ALTERNATIVE LOCATIONS**

The EIR considered three Alternative Locations within the Tidelands. All were dismissed without environmental study for trivial reasons. The Queen Mary site (Pier J) REJECTED because of a lease with a private operator. However, this operator is currently searching for recreational uses for this area. What better use than an world class aquatic center? And you can see we have an iconic, bird-safe structure already in place—the Spruce Goose Dome! It is certainly large enough to hold multiple pools, spas, diving well and even a banquet room and sit down restaurant!

In this same area is the Harry Bridges Memorial Park/ Queen Mary Event Park which has frequently been used as a parking lot for large events. The EIR states it can't be a pool location because this is parkland mitigation and must be used for outdoor recreation. However, the conceptional plan for the Queen Mary, shows the park is slated to have an amphitheater for live concerts. Surely, an outdoor swimming pool would serve more of the public, especially children, than an amphitheater or a parking lot.

The third location is the “Elephant Lot” at the LB Convention Center. The main EIR objection to this site was it is currently leased until 2030.

## **SLIDE 6**

However, this lease did not stop Mayor Garcia from offering this site to George Lucas for his Star Wars museum. When Lucas choose an LA site, the Mayor was then quoted as saying,

## **SLIDE 7**

“LB is ready to host multiple events as part of the LA 2024 Olympic bid. Sailing, Water Polo, BMX Racing and other great

events will be hosted right here at our waterfront Olympic Sports Park".

And in the middle of this proposed Olympic Sports Park is a swimming pool! The Aquatic Center could be built here in downtown, with hotels, restaurants, freeways, and better availability for a larger number of visitors and residents. And, it would cost as much as fifty million dollars cheaper to build the facility on solid ground, instead of on sand.

Which brings us to another concern: THE CURRENT LOCATION HAS SEISMIC, GEOLOGICAL AND SEA-LEVEL DANGERS.

### **SLIDE 8**

In 2014, council was told by staff that building on the beach was like building on a bowl of jello, as the site is on sand, in a liquefaction and earthquake zone, with rising sea levels. However, according to staff information given the Planning Commission on Geology & Soils, "There are No geological hazards and the Project is feasible."

The EIR admits that eventual sea level rise could flood the lower levels of the pool structure, but not to worry because there would be no people, only equipment there. The conclusion: quote "The proposed Project would not be adversely impacted by sea level rise due to climate change. No mitigation is required."

### **SLIDE 9**

Here you see some of the damage done in Belmont Shore by the 1939 hurricane. I remember this clearly as salt water went all the way to Second St. and killed our lawn at 105 Claremont. This was before LB had the breakwater to protect the beaches. The EIR did no studies to compare sea level rise with and without the breakwater, which is another glaring inadequacy.

### **SLIDE 10**

The City has many pictures of the Site Plan and Pool Design showing an attractive Plastic Bubble roof. However, NO STUDY WAS DONE ON THE PROBLEMS WITH THE CHOSEN BUBBLE MATERIAL, ETFE PLASTIC and there are many.

### **SLIDE 11**

Even ETFE manufacturers do not recommend its use on or near the beach. Plastic can be damaged and corroded by blowing sand, sun, chlorine, salt air, port and bird pollution. As seen in this photo, especially trained rock climbers must be hired for cleaning and repairing the roof.

### **SLIDE 12**

ETFE roofs are recommended for cold climates, as they retain heat and can warm large structures such as greenhouses and football stadiums. In Southern California, as a cover for heated pools, the heat will be unbearable for those not in the water and requires extreme air conditioning.

Another problem in our climate is condensation. Airsculpt, a manufacturer of ETFE says, "Locations which have cool nights and hot days and a general high level of humidity are particularly susceptible." What has higher humidity than a heated pool?

### **SLIDE 13**

ETFE reflection confuses birds and they crash into structures such as happened at Viking Stadium, headlined as the "bird killing stadium".

### **SLIDE 14**

Birds are killed daily by flying into high rise buildings. Will a 78 foot plastic structure on the beach in LB have the same results? ETFE buildings can damage birds, but birds also damage plastic buildings.

### **SLIDE 15**

Another quote from Airsculpt:

*"Birds love to land on rooftops and peck at their food to break it up. The bigger the bird - more powerful their pecking action. It is widely known that ETFE roofs installed nearby or close to the sea*

suffer the worst of this. This is because Seagulls use the Roof membranes as an ideal platform to peck at shellfish and the occasional stolen chip."

Another manufacturer, Tensinet, states:

"We discovered that many ETFE roofs were damaged by birds. They create holes by picking it with their beak. It is a very serious problem and a strong argument against the use of ETFE for roofs."

### **SLIDE 16**

In rejecting the 3 Alternate Locations one of the objections cited was Project Objective 12: there must be a view of the ocean from the inside of the facility. However, this facility will not be transparent.

### **SHOW SAMPLES**

These are samples of ETFE roofing material. Because of a CA Energy Code requirement to block 91% of sun light penetration, the ETFE must be solar dot imprinted. Thus, the view of the ocean from inside the facility will be like looking through a cataract.

The ETFE is formed into pillows, much like those used for packing. These pillows are each filled with air and require a machine to be kept inflated. Holes in too many pillows can cause the roof to collapse.

### **SLIDE 17**

THIS IS THE TRAIN STATION IN MANCHESTER, ENG.

**SLIDE 18** Here is one of the many holes in the Manchester, ETFE roof, which eventually caused its collapse and injured two people in Oct. 2016.

### **Slide 19**

A 6 month study determined the holes were caused by Gulls drawn by the smell of MacDonald's. A ETFE plastic roof would be an extremely poor choice for a pool on the beach with our many gulls.

### **SLIDE 20**

This is the park at Belmont pool. CARP would like to see it remain as parkland.

SCRIPT FOR CARP'S POWER POINT BY ANN CANTRELL

CARP is not against swimming pools; we would like to see a pool in every district. CARP asks you to vote to uphold our appeal and deny the Planning Commission's approvals of this very costly, vulnerable pool. Please find a more appropriate and public-serving location for the Aquatic Center.