

ATTACHMENT 8

City Clerk for the City Council

On February 28, 2017, Lisa Kolieb, council for Superior Electrical Advertising submitted a letter in opposition of the POLB railyard.

On January 22, 2018 the Harbor Commissioners approved the final EIR for the Pier B On-Dock Rail Support Facility Project.

The revised EIR, table 3.2.24 and table 3.2.58 on page 10-14 and 10-15 does not adequately address the dust that will be created during operation and especially during construction on neighboring businesses that will remain in operation during construction and operation.

The EIR does not adequately address how the POLB will mitigate the neighboring businesses from the dust that will be in the air as a result of the train activity. With off shore winds, which are fairly constant, the dust in the air will blow directly onto neighboring properties. Superior is directly behind the train yard. Trains will be 100 feet from our back door. We manufacture high end signage in our yard. The dust would both ruin our product and impact the health of our employees working in the yard. The EIR does not adequately address how the dust will meet CEQA requirements. There should be additional measures to address the air quality including the dust created by the trains.

On page 11-204 lines 21 thru 26 are incorrect per Long Beach city code.

Secondly, the EIR states that the land uses in the area of the port "are industrial in nature" and that the rail yard is industrial in nature. Superior appeals the determination that the rail yard is "Industrial in Nature". This area is zoned IG (Industrial General). The City of Long Beach Municipal Code reads: "The emphasis is on traditionally heavy industrial and manufacturing uses. The IG district is intended to promote an "industrial sanctuary" where land is preserved for industry and manufacturing, and where existing industries are protected from non-industrial users that may object to the operating characteristics of industry". The rail yard does not meet the IG definition.

Superior appeals the EIR determination that the rail yard is compatible with the neighboring businesses.

What can the City Of Long Beach do to help Superior who employs over 130 people of which 40 plus are Long Beach residents? Superior and neighboring businesses are looking for a guarantee that we will be protected.



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Attached is a rendering of what the Rail project will look like from our back production lot.

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February 28, 2017

VIA E-MAIL AND HAND DELIVERY

Heather Tomley
Director of Environmental Planning
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, California 90815
Email: heather.tomley@polb.com

**Re: Pier B On-Dock Rail Support Facility Project Draft Environmental Impact Report
– Comment Letter from Superior Electrical Advertising Inc.**

Dear Ms. Tomley:

This firm represents Superior Electrical Advertising Inc. ("Superior"), a long time City of Long Beach business located at 1700 W Anaheim St, Long Beach 90813 (the "Superior Site"). Superior has operated in the City of Long Beach for over 45 years, and at the Superior Site since 1972. Superior employs 135+ people, and about one third are Long Beach residents. Many employees are second and third generation family employees. It manufactures signage for high profile clients such as McDonald's, Starbucks, Disney, CVS, Universal Studios etc. This letter is written on behalf of Superior in response to the Port of Long Beach's Pier B On-Dock Rail Support Facility Project Draft Environmental Impact Report SCH# 2009081079 ("DEIR").

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➤ **SUPERIOR ELECTRICAL HAS SIGNIFICANT CONCERNS WITH THE PROJECT AND ADEQUACY OF THE DEIR.**

The Superior Site is located directly adjacent to the proposed Pier B On-Dock Rail Support Facility Project (the "Project") and will experience significant negative impacts should the Project move forward. Such negative impacts will be so extreme that Superior will not be able to continue its operations at the site and will be forced to relocate.

The DEIR fails to adequately analyze the impacts of the proposed Project on surrounding properties, including the Superior Site. Moreover, the DEIR does not provide adequate project features or mitigation measures to minimize the severe impacts to surrounding businesses and operations, including Superior, nor does it propose a relocation or compensation plan to address those impacts. Moreover, the number of feasible relocation sites for impacted businesses is extremely limited and the details of potential business relocation are not adequately discussed. Although the Superior Site is not listed as one of the properties that the Port of Long Beach intends to purchase or acquire by eminent domain, as a result of the proposed Project, my client would be unable to operate at the site due to the significant noise, vibration, air quality and transportation/circulation impacts.

➤ **THE PROJECT DESCRIPTION IS INADEQUATE.**

The project description is inadequate and fails to provide sufficient detail to fully analyze impacts on neighboring projects such as the Superior Site. An adequate EIR must be "prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 CalApp4th 20, 26. The project description must provide enough information so that the decision-makers and the public can understand the full scope of the Project. 70 CalApp4th at 28. Here, this has not occurred. First, the project description fails to define the exact location of the Project. CEQA requires a project description to provide the "precise location and boundaries of the proposed project...on a detailed map, preferably topographic." 14 Cal Code Regs § 15124(a). Here, the maps contained in the DEIR do not provide sufficient detail for neighboring properties to fully understand the relationship of the Project to their properties. Without a detailed site plan, it is impossible to fully analyze impacts to neighboring properties, specifically relating to traffic, noise and air quality. Moreover, from the maps contained in the DEIR, it is unclear whether 12th Street will still be accessible and whether cars will be able to access it from Jackson Avenue and Santa Fe Avenue. In

addition, the first map included in the DEIR – Figure ES-1 – is inaccurate and mislabeled. What is actually Anaheim Street is labeled as 14th Street, and what is actually 7th Street is labeled as Anaheim Street. This is a significant defect in the DEIR.

Second, the project description does not provide sufficient detail about the proposed operations. What exactly will be occurring at the rail yard? The general descriptions provided in the project description are inadequate. Will there be assembly, disassembly, coupling and uncoupling, refueling, maintenance, etc.? The project description does not provide sufficient detail to make the proposed operations clear. For example, the project description states that "repairing tracks on dedicated tracks" is proposed. Which tracks would those be? What would the tracks adjacent to the businesses on Anaheim be used for?

Third, the project description must be consistent throughout the document. Here, in the impact analysis sections, there are references to operations that are not specifically addressed in the project description and it is unclear whether all of the operational characteristics are considered in each impact area analysis. Without a full and stable description of the proposed operations in the project description, all impact analyses are potentially flawed. *County of Inyo v. City of Los Angeles* (1977) 71 CalApp3rd 185, 197. An unstable and inconsistent project description may also indicate that the DEIR is trying to minimize the project's impacts by not discussing reasonably foreseeable aspects of the project (e.g., the noise associated with screeching wheels and brakes, train whistles, constant coupling and uncoupling of rail cars, etc.). *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 CalApp 4th 645, 655; *City of Santee v. County of San Diego* (1989) 214 CalApp3rd 1438, 1450.

Finally, the project description misleads readers as to the impacts of the Project on adjacent properties by stating that "proposed Project would potentially affect 94 properties (parcels) within the Project area. Thirty-six (36) of these are privately owned." (DEIR p. 1-31). However, it fails to mention the properties adjacent to the Project that will be affected by the Project. Without a detailed, stable and consistent project description, the DEIR's impact analysis is inadequate.

➤ **AIR QUALITY ANALYSIS FAILS TO INCLUDE ADEQUATE MITIGATION.**

In addition, the DEIR fails to include adequate mitigation of significant impacts, specifically relating to air quality. For example, despite concluding that the NO_x emissions produced by the Project operations could have negative effects on public health, it is unclear whether

all potential mitigation measures have truly been analyzed and required. The construction and operation of the Project will subject employees of nearby businesses, many of whom work outdoors or in semi-open buildings, to significant health risks, such as cancer and lung disease. While these risks are mentioned in the DEIR, the mitigation measures proposed are inadequate – the Project only incorporates general regulations and CAAP measures. However, no concrete measures are proposed to mitigate risks to neighboring properties.

➤ **TRANSPORTATION IMPACTS ARE NOT FULLY ANALYZED.**

As a result of the Project, access to both the port and downtown Long Beach by local businesses will be significantly impacted. One of the prime reasons for this impact is the "removal of the ramps to the Shoemaker Bridge," which connects the area to downtown Long Beach. However, the Project's relationship to Shoemaker Bridge is unclear. Will there be any direct access from the area into downtown Long Beach with the 12th Street project? If not, there will be impacts to traffic as well as public services, such as fire and police, which will no longer be able to access the area directly from the downtown area, likely leading to increased wait times for service, putting the safety of Superior's workers in danger. In addition, how will the businesses in the area access the Port? Many businesses rely on quick access to the port and downtown Long Beach, and the Project will lead to increased travel times for the local businesses. Access impacts have not been adequately addressed.

➤ **THE PROJECT INTRODUCES A LAND USE THAT IS INCOMPATIBLE WITH EXISTING LAND USES.**

Despite the claim in the land use impact analysis, the Project would be *incompatible* with the existing land uses in the area. The DEIR fails to discuss the Project's impacts or incompatibility with existing land uses. In fact, the impact determination section fails to even mention the existing businesses in the area and instead focuses only on the Project's proximity to the MSC. Without a detailed discussion of the surrounding businesses, the analysis and impact determination is inadequate. Just because the uses surrounding the Project are industrial does not mean that they will not experience significant negative impacts.

In addition, the Project would essentially cut off Superior's access to its southern and *primary* entrance on 12th Street, where it daily loads/unload trucks and enter and exit all our trucks and employees. This impact is not even mentioned in the DEIR.

- **WITHOUT A DETAILED SITE PLAN, RIGHT OF WAY MAPPING OR CONFIRMATION OF WHAT PRIVATE SITES WILL BE ACQUIRED, THE PROJECT'S IMPACTS AND DETERMINATION ON EXISTING BUSINESSES IS UNKNOWN AND NOT PROPERLY ANALYZED.**

The land use section of the DEIR only addresses the impacts to the properties that are within the footprint of the Project, not those which are directly adjacent to the Project which would be negatively impacted by the Project. The City/Port does not appear to have plan to acquire properties or relocate such properties, nor has it proposed any mitigation to reduce impacts to Noise. If the Project moves forward as proposed, mitigation should include acquisition of properties immediately adjacent to Project and relocation payments to any tenants in such properties.

- **THE NOISE ANALYSIS IS FLAWED.**

The conclusions in the noise analysis seem both unreasonable and questionable. Specifically, the noise level predictions seem very low. Moreover, without an adequate description of the proposed rail operations, noise estimates are unreliable. For example, the conclusions that the predicted noise levels for the Project will be below the baseline ambient noise levels in the area seems unlikely that with the constant coupling and coupling, refueling and movement of trains that the noise would not be above the ambient noise in the area. Using existing rail yard operations which would only represent a small portion of the Project to predict Project operations without describing how it was calculated is insufficient. For example, has a multiplier been used? What methodology was used to predict the Project's noise impacts? Much more detail is necessary in the body of the DEIR to justify the DEIR's conclusions. The reasoning supporting the determination of insignificance must be disclosed. *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 CalApp4th 362,393.

Even with the existing trains several blocks away, when a train whistles, the sound is so intense that employees feel like the whistle is being sounded within the Superior building. With the Project, that number would be increased exponentially. Train whistles are not even mentioned in the DEIR. Similarly the vibration impacts on the Project are not adequately measured. Despite acknowledging that the Project may cause vibration impacts, and states that historic buildings (of which the Superior building is potentially classified), no mitigation measures are proposed to address the vibration impacts. Although the DEIR makes brief references to liquefaction and notes that the liquefaction potential at the Project site is high, the DEIR proposes no project features or mitigation measures to address potential liquefaction impacts on neighboring properties. In fact, the vibration analysis fails

to even discuss liquefaction. The vibration, along with liquefaction could cause severe damage to the foundation of Superior's building, which was constructed in 1943.

For the aforementioned reasons, Superior is opposed to the Project and believes that additional analysis and mitigation is required.

Sincerely,



Lisa Kolieb
Akerman LLP

Cc: Mayor Robert Garcia, City of Long Beach (via e-mail)
Mark Taylor, Chief of Staff to Mayor Garcia, City of Long Beach (via e-mail)
Jeannine Pearce, Councilmember, City of Long Beach (via e-mail)
Christian Kropff, Chief of Staff to Councilmember Pearce, City of Long Beach (via e-mail)
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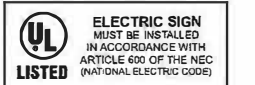
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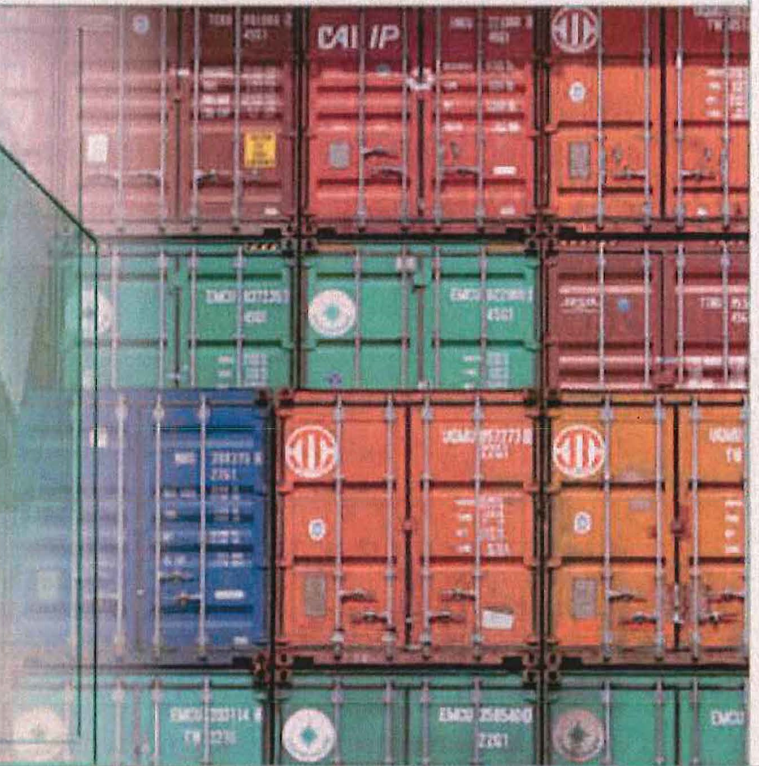
Final Pier B On-Dock Rail Support Facility Project Environmental Impact Report and Application Summary Report

SCH#2009081079

Port of Long Beach



The Port of
LONG BEACH



January 2018



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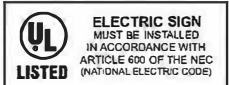
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