

## Heather Flores

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**From:** Megan Lorraine [REDACTED]  
**Sent:** Thursday, October 6, 2022 2:08 PM  
**To:** PlanningCommissioners  
**Subject:** Warehouse in North Long Beach

-EXTERNAL-

Good afternoon,

As a resident of North Long Beach, I vehemently opposed the construction of the construction of a 303,972-square-foot warehouse located behind the old Food 4 Less. The 14.16 acre lot covers from Cherry to Paramount and from South to 59th St. This warehouse will be a distribution center with forty-five spaces for heavy trucks. The traffic report estimates 188 heavy truck trips in and out from the site.

A study about warehouses, pollution and social disparities done by the University of Redlands shows that warehouses and the movement of goods are a detriment to the health of nearby residents, reducing the quality of life and bringing a wide variety of lung and health diseases. The research states "traffic is a significant source of air pollution, particularly in urban areas, where more than 50% of particulate emissions come from traffic. Specifically, diesel and gas truck emissions (the main source of pollution warehouses attract), contain a large number of toxic chemicals, including nitrogen oxides, particulates, carbon monoxide, and benzene."

The LB Health Department's [Community Health Assessment](#) identifies North Long Beach as a vulnerable community with high levels of asthma. Also, the report identified the fourth cause of death in NLB is traffic accidents.

According to CAL- Enviro Screen the project is located in an area with the worst air quality in the country. The surrounding area is in the 82nd percentile for PM2.5 emissions and 83rd percentile for diesel emissions.

Furthermore, cumulative air impacts can result from individually minor to collectively major. Significant projects taking place over a period of time will only add to the health implications. Such is the case here, where the SR-91 widening is one of several proposed freeway expansions through the nearby Hamilton Neighborhood.

We are concerned this project will be a detriment to the health of the community and we are asking you to please join us to ask the commission to not approve this project.

Voting yes would show that you do not care about the health and well-being of residence of North Long Beach. We understand the need for economic development, but there are smarter ways to do it and this is not it. Please do not continue to sacrifice the health and well-being of me and my neighbors.

Thank you for your consideration.

-Dr Megan Lorraine Debin

Grant neighborhood resident, North Long Beach

## Heather Flores

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**From:** Melissa S [REDACTED]  
**Sent:** Thursday, October 6, 2022 2:43 PM  
**To:** PlanningCommissioners  
**Subject:** Concerned Community Member

**-EXTERNAL-**

Dear Planning Commission Members:

I live in North Long Beach. As a resident, I am concerned about the planned inclusion of a warehouse in a part of Long Beach already overburdened with truck traffic because of the freeways. The concentration of air, noise and heat pollution ensuing will add harm to me, my family and other community members. North Long Beach already has high rates of asthma and, according to the LB Health Department, is a vulnerable community.

Please VOTE NO on the addition of a warehouse near the old Food for Less.

Sincerely,  
Melissa Shilling, 90805

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## Heather Flores

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**From:** Andy Lee [REDACTED]  
**Sent:** Thursday, October 6, 2022 2:47 PM  
**To:** PlanningCommissioners  
**Subject:** Public Comments re: 22-057PL (Link Logistics warehouse project)  
**Attachments:** Long Beach PC Link Logistics Comments 10-6-2022.pdf

**-EXTERNAL-**

Please find attached public comments from Teamsters Local 396 regarding the Link Logistics warehouse project before the Planning Commission tonight. It is listed as Item 2 on the Regular Agenda.

Kindly reply to this email so that I know our comments were received. Thank you.

Andy Lee  
[REDACTED]



**Teamsters Local Union No. 396**  
**Package and General Utility Drivers**  
*Affiliated with the*  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

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October 6, 2022

Long Beach Planning Commission  
City of Long Beach  
411 W. Ocean Boulevard  
Long Beach, CA 90802  
(562) 570-6555

**Re: File: 22-057PL**

**Applicant: Link Logistics (The Blackstone Group)**

**Name: PL-5900 Cherry Ave**

**Project: Recommendation to approve a Site Plan Review (SPR22-078) for a project consisting of the demolition of all existing structures on the site, and the construction of a new 303,972-square-foot concrete, tilt-up industrial warehouse building, including 9,000-square-feet of office space approximately 51 feet in height on a 14.16-acre lot within the General Industrial (IG) Zoning District located at 5900 Cherry Ave. (District 9)**

Dear Chairperson Dr. Ricks-Oddie and Members of the Long Beach Planning Commission:

Teamsters Local 396 submits these comments regarding the proposed warehouse project at 5900 Cherry Avenue. Local 396 represents delivery, sanitation, logistics, recycling and other workers in Los Angeles County. Our members live and work in Long Beach. As residents and workers, they may be adversely affected by the potential traffic, air quality, noise, public health, and other impacts caused by the project.

This project must undergo more extensive review prior to approval. Most crucially, this project must be subject to the California Environmental Quality Act (CEQA) because the project approvals associated with Site Plan Review are “discretionary” rather than “ministerial.” We urge the Planning Commission to stay approval of this project unless and until the issues raised in this letter are addressed.

**This Project May House 1 or More E-Commerce Facilities:**

Planning Department staff have indicated that the project is “speculative,” indicating that there is no known end user or tenant/lessee for the project. Despite this, it is clearly possible that the project will be an e-commerce facility, and is large enough to include 1 or 2 “last mile delivery stations.” The Applicant – Link Logistics (a subsidiary of private equity firm The Blackstone Group) – has developed multiple e-commerce industrial warehouses. Among its past clients is Amazon, the world’s largest e-commerce company. Amazon (working with companies like Link Logistics) is now the largest single developer of warehouses and logistics facilities in the United States. From 2014 to the first half of 2021, the number of Amazon’s e-commerce-related last mile delivery stations grew from just 8 to almost 450. The company reportedly plans to open at least 1,500 e-commerce facilities in the coming years, despite a recent slowdown in their expansion efforts.<sup>1</sup>

**Unique Impacts of E-Commerce Facilities:**

The possibility that this project will be an e-commerce facility is significant because of the unique impacts caused by this type of facility as compared to other warehouse types. Such impacts are important because the project sits next to the

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<sup>1</sup> <https://www.freightwaves.com/news/amazon-to-blanket-the-burbs-with-lots-of-delivey-stations>

intersection of Cherry Avenue and East Hungerford Street and within 1 mile of Harte Elementary School, Crossroads Church and hundreds of single-family homes and other residences west of Cherry Avenue.

In the possible event that this project will house 1 or more last mile delivery stations, traffic, noise and pollution impacts will be particularly acute because they will be spread by delivery vehicles that will travel through residential neighborhoods, bringing congestion, noise and pollutants closer to children, seniors and other “sensitive receptors.” Delivery to consumers in neighborhoods means that trucks will be driving slowly and idling near homes, making frequent stops and starts, and otherwise emitting greenhouse gases and other particulates not only at the warehouse, but consistently throughout the day in residential areas that are otherwise not zoned to account for such emissions.

**This Project Should Be Subject to CEQA Review:**

The project’s proximity to so many homes warrants the most thorough review possible. The Notice of Public Hearing for this project, however, indicates that it has been exempted from CEQA review:

“Environmental Review: In accordance with the published decision by the California First District Court of Appeal, *McCorkle Eastside Neighborhood Group v. City of St. Helena*, 2018. California Environmental Quality Act review is not required for a by-right development that is subject only to a design/site plan review process.”

As indicated in the Notice of Public Hearing, the decision to exempt this project from CEQA relies on a court case – *McCorkle Eastside Neighborhood Group v. City of St. Helena*. We do not believe that *McCorkle* applies in this case. Private development projects are covered by CEQA when they are “discretionary.” They are exempted from CEQA when they are “ministerial.”<sup>2</sup> This project – and Long Beach’s Site Plan Review process – is clearly discretionary rather than ministerial.

Site Plan Review is a discretionary act under CEQA – see [Pub. Res. Code] § 21080). One court case expressly describes site plan review as discretionary (*Long Beach Sav. & Loan Ass’n v. Long Beach Redevelopment Agency* (1986) 188 Cal. App. 3d 249, 263 n.13). In another case – *Protecting Our Water & Env’t’l Res. V. County of Stanislaus (POWER)* (2020) 10 Cal.5<sup>th</sup> 479, 488.) – the California Supreme Court struck down the lead agency’s blanket ministerial categorization of well construction projects (id., at 499 & 501), the Court explained:

“A permit issuance decision can be discretionary or ministerial depending on the circumstances. Those terms are defined in the CEQA Guidelines. A project is discretionary when an agency is required to exercise judgment or deliberation in deciding whether to approve an activity. (CEQA Guidelines, § 15357.) It is distinguished from a ministerial project, for which the agency merely determines whether applicable statutes, ordinances, regulations, or other fixed standards have been satisfied. (Ibid.) Ministerial projects are those for which ‘the law requires [an] agency to act ... in a set way without allowing the agency to use its own judgment...’ (CEQA Guidelines, § 15002, subd. (i)(1).) They involve ‘little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision.’ (CEQA Guidelines, § 15369.)” (Id., at 489 [emphasis added].<sup>3</sup>)

Finally, CEQA guidelines note that examples of discretionary decisions are the placing of conditions on a project and design review:

“CEQA applies to discretionary projects undertaken by private parties. A discretionary project is one that requires the exercise of judgement or deliberation by a public agency in determining whether the project will be approved, or if a permit will be issued. Some common discretionary decisions include placing

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<sup>2</sup> City of Los Angeles Planning Department, <https://planning.lacity.org/development-services/environmental-review>

<sup>3</sup> See e.g., California Office of Historic Preservation, When Does CEQA Apply (comparing “common discretionary decisions include placing conditions on the issuance of a permit, delaying demolition to explore alternatives, or reviewing the design of a proposed project” versus “projects that are generally ministerial include roof replacements, interior alterations to residences, and landscaping changes.”),

[https://ohp.parks.ca.gov/?page\\_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project](https://ohp.parks.ca.gov/?page_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project)

conditions on the issuance of a permit [Emphasis Added], delaying demolition to explore alternatives, or reviewing the design of a proposed project [Emphasis Added].”<sup>4</sup>

“CEQA does not apply to ministerial projects. A ministerial project is one that requires only conformance with a fixed standard or objective measurement and requires little or no personal judgement by a public official as to the wisdom or manner of carrying out the project. Generally ministerial permits require a public official to determine only that the project conforms with applicable zoning and building code requirements and that applicable fees have been paid. Some examples of projects that are generally ministerial include roof replacements, interior alterations to residences, and landscaping changes.”<sup>5</sup>

The Site Plan Review process for this project is discretionary because it requires the exercise of judgement. As noted above, “some common discretionary decisions include placing conditions on the issuance of a permit... or reviewing the design of a proposed project.” Review of design elements are rarely considered ministerial, because there is an "editorial eye" that is applied.

### **Long Beach’s Site Plan Review Process – Which Includes the Ability to Impose Conditions and Design Review – Is Clearly Discretionary:**

Long Beach’s Site Plan Review process is clearly discretionary. Consider the description included in the staff report for this project:

The proposed project requires approval of a site plan review by the Planning Commission for project design of a building 50,000 square feet or greater in size. The site plan review process is intended to review projects for their consistency with community goals which are, among others, to ensure that the highest quality of land planning and design are incorporated into development projects, to ensure that new projects are compatible with existing neighborhoods in terms of scale, style and construction materials, and to ensure the maintenance, restoration, enhancement and protection of the environment. The proposed warehouse use is a by-right use within the IG Zoning District. The project was reviewed by the Site Plan Review committee who found that the overall height of the building (51-feet including the parapet) in compliance with the 65-foot maximum height allowed in the place-type and appropriate based on the building form, intended use, and the relationship to the surrounding uses

The Long Beach Municipal Code – in Chapter 21.25 (Specific Procedures), Division V Site Plan Review<sup>6</sup> – clearly indicates that the City applies judgement during the Site Plan Review process. Section 21.25.503 (Jurisdiction) notes that:

The Site Plan Review Committee shall consider all applications for site plan review. The Committee has the authority to approve, conditionally approve or deny a site plan application, provided that the authority to deny is not used to prohibit a permitted use on the property... The Site Plan Review Committee shall refer specific types of projects to the Planning Commission in accordance with guidelines established by the Planning Commission. Any site plan review referred to the Planning Commission shall be reviewed using the procedures established for public hearing. However, the authority of the Commission shall be limited to the same authority as the Site Plan Review Committee.

Under the Site Plan Review process described in the Long Beach Municipal Code, projects are subject to 7 Code-required findings (21.25.506 – Findings Required) by the Planning Commission and/or Site Plan Review Committee. Critically, the Municipal Code provides that the Planning Commission may impose conditions (21.25.505 – Conditions of Approval) pertaining to 11 different categories. For this particular project, the staff report recommends imposition of 99 different conditions (64 numbered conditions and 35 lettered conditions detailed in the “CONDITIONS OF APPROVAL: SITE PLAN REVIEW” document included in the agenda packet).

Given the City’s clear ability to impose conditions and review design elements, the Site Plan Review process is discretionary rather than ministerial and is therefore covered by CEQA.

<sup>4</sup> [https://ohp.parks.ca.gov/?page\\_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project](https://ohp.parks.ca.gov/?page_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project)

<sup>5</sup> [https://ohp.parks.ca.gov/?page\\_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project](https://ohp.parks.ca.gov/?page_id=21723#:~:text=CEQA%20does%20not%20apply%20to,of%20carrying%20out%20the%20project)

<sup>6</sup> [https://library.municode.com/CA/long\\_beach/codes/municipal\\_code?nodeId=TIT21ZO\\_CH21.25SPPR\\_DIVVSIPLRE](https://library.municode.com/CA/long_beach/codes/municipal_code?nodeId=TIT21ZO_CH21.25SPPR_DIVVSIPLRE)

**Conclusion:**

We request that the Long Beach Planning Commission stay approval of this project unless and until the issues raised in this letter are addressed. Thank you for your consideration.

Sincerely,

Victor Mineros

A handwritten signature in cursive script, appearing to read 'VM' followed by a stylized flourish.

Secretary-Treasurer  
Teamsters Local 396