

THE SILVERSTEIN LAW FIRM

A Professional Corporation

215 NORTH MARENGO AVENUE, 3RD FLOOR
PASADENA, CALIFORNIA 91101-1504

PHONE: (626) 449-4200 FAX: (626) 449-4205

ROBERT@ROBERTSILVERSTEINLAW.COM
WWW.ROBERTSILVERSTEINLAW.COM

ORIGINAL

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VIA HAND DELIVERY

Los Angeles City Council
PLUM Committee
City of Los Angeles
200 N. Spring Street, Room 395
Los Angeles, CA 90012

Date: 5/16/17
Submitted in PLUM Committee
Council File No: 16-0503
Item No. 10
communication from
Appellant Representative

**Re: CEQA Appeal and Objections to the Lorena Plaza Mixed Use Project,
located at 3407-3415 E. First Street; 114, 116, and 126 N. Lorena
Street, Los Angeles, Case Numbers: ENV-2014-2392-MND; DIR-2015-
1998-DB; Council File No. 16-0503; Agenda Item No. 10.**

Honorable President Huizar and Members of the PLUM Committee:

I. INTRODUCTION.

This firm and the undersigned represent El Mercado de Los Angeles (hereinafter "El Mercado"). Please keep this office on the list of interested persons to receive timely notice of all hearings, votes, determinations and official filings related to the proposed approval of a mixed-use building at 126 N. Lorena Street, commonly known as the Lorena Plaza Mixed Use Project (the "Project" or "Lorena Plaza"), submitted by project proponent A Community of Friends ("ACOF" or "Applicant").

El Mercado is a three-floor indoor shopping center located near the Project site on 1st and Lorena Street, that offers dining and restaurant services, entertainment with live mariachi bands and shopping from various vendors. (**Exhibit 1.**) It is an important historical place where the community can gather together for social purposes and to enjoy cultural experiences through food, music, and other forms of art. El Mercado is a significant cultural and social landmark that allows Latinos to assert their identity and build a vital community space. Id. El Mercado seeks to protect and preserve its important function in the community and the community's environment.

El Mercado as appellant herein submits this letter to provide El Mercado's objections to the proposed approval of the Project and its proposed mitigated negative

declaration (“MND”). Both the approval process and the MND are a mass of flaws. Among other things, the approvals would violate several laws, including the California Eminent Domain Law and Environmental Quality Act (“CEQA”), in the following ways:

- Approvals are proposed prior to compliance with Eminent Domain Law.
- Approvals would violate Site Plan Review, Los Angeles Municipal Code (“LAMC”) 16.05G, by interfering with the appropriate lead agency’s preparation of the environmental review for the Project.
- CEQA’s procedural and disclosure requirements would be violated, including improper lead agency designation, failure to disclose data to the public, failure to study environmental impacts, failure to disclose inconsistencies with land use plans, failure to mitigate significant impacts from the Project, and failure to support findings with substantial evidence.
- The MND is fatally flawed and not even minimally compliant with CEQA. The MND is internally inconsistent and confusing, characterizing many environmental effects that will be caused by the Project as potentially significant, but allegedly insignificant “with mitigation,” without actually setting out and requiring the mitigation upon which those findings are based. In addition, the MND characterizes many environmental effects that will be caused by the Project as “insignificant,” “less than significant impact” or “no impact”, such that no mitigation measures are allegedly necessary, or claims the proposed mitigation measures reduce significant impacts to a level of less than significant. However, as set forth in the discussion below and attached, many such determinations in the MND are unsupported by any facts, or are premised on inadequate facts, lacking any analysis of facts, or consisting of a superficial and conclusory “analysis” which for the most part simply assumes its conclusion.

El Mercado urges the PLUM Committee to reject the application because:

- (1) It is legally premature due to the Applicant’s lack of ability to lease the property based on the failure of the Los Angeles County Metropolitan-

Transportation Authority's ("Metro") to perform a mandatory condition precedent to any possible approvals by the City (or more properly, the CRA/LA).

- (2) Even if the PLUM Committee deems ACOF's application timely, the PLUM Committee should order the Planning Department to send the Project application to the CRA/LA as the lead agency for the required CEQA review in the first instance.
- (3) In the event the City does currently have the jurisdiction to prepare, review and approve the MND or any other CEQA document (which we assert the City does not), it must reject the legally deficient MND and require the preparation of an EIR due to clear defects in the MND and because a "fair argument" exists based on substantial evidence in the record that the Project may have significant, unmitigable impacts. An EIR must be prepared that fully identifies, analyzes, and mitigates or avoids the significant impacts of the Project prior to any approvals being considered or granted. Guidelines §§ 15162, 15163(a)(2).

II. THE CITY'S REVIEW OF THE PROJECT SHOULD BE HALTED BECAUSE IT IS LEGALLY PREMATURE.

Preliminarily, we note that the City's review of ACOF's application puts the legal cart before the horse. The real property on which the Project is proposed to be constructed cannot be offered to ACOF because Metro, the current owner of the property, has violated the Eminent Domain Law by not first making reasonable efforts to find the original owners/occupants from whom the property was taken by eminent domain, and giving them a right of first refusal to repurchase the property. The subject property was acquired by Metro through the power of eminent domain "for use for and in connection with the Metro Redline East Side Project," now referred to as the Gold Line project.

On February 14, 2017, our office filed a California Public Records Act ("CPRA") request with Metro, seeking documents related to Metro's proposed lease and/or disposition of the Lorena Plaza property located at 3407-3415 E. First Street and 114, 116, 122 and 126 N. Lorena Street. In response, Metro produced 3,774 documents relating to the acquisition and disposition of the Lorena Plaza property.

The response provided by Metro to our Public Records Act requests suggests Metro has not complied with the Eminent Domain Law in that it did not first make a

good faith and reasonable effort to locate the original owner/occupants of the property and give them a right to repurchase the property, now that it is no longer being used for the Gold Line project.

The Eminent Domain Law, at Code of Civil Procedure Section 1245.245 – see in particular subd. (f) – provides:

- “(a) Property acquired by a public entity by any means set forth in subdivision (e) that is subject to a resolution of necessity adopted pursuant to this article **shall only be used for the public use stated in the resolution** unless the governing body of the public entity adopts a resolution authorizing a different use of the property by a vote of at least two-thirds of all members of the governing body of the public entity, or a greater vote as required by statute, charter, or ordinance. The resolution shall contain all of the following:
 - (1) A general statement of the new public use that is proposed for the property and a reference to the statute that would have authorized the public entity to acquire the property by eminent domain for that use.
 - (2) A description of the general location and extent of the property proposed to be used for the new use, with sufficient detail for reasonable identification.
 - (3) A declaration that the governing body has found and determined each of the following:
 - (A) The public interest and necessity require the proposed use.
 - (B) The proposed use is planned and located in the manner that will be most compatible with the greatest public good and least private injury.
 - (C) The property described in the resolution is necessary for the proposed use.
- (b) **Property acquired by a public entity by any means set forth in subdivision (e) that is subject to a resolution of necessity pursuant to this article, and is not used for the public use stated in the resolution of necessity within 10 years of the adoption of the resolution of necessity, shall be sold in accordance with the terms of subdivisions (f) and (g),** unless the governing body adopts a resolution according to the terms of subdivision (a) or a resolution according to the terms of this subdivision reauthorizing the existing stated public use of the property by a vote of at least two-thirds of all members of the governing body of the public entity or a greater vote as required by statute, charter, or ordinance. A

reauthorization resolution under this subdivision shall contain all of the following: (emphasis added)

- (1) A general statement of the public use that is proposed to be reauthorized for the property and a reference to the statute that authorized the public entity to acquire the property by eminent domain for that use.
- (2) A description of the general location and extent of the property proposed to be used for the public use, but not yet in use for the public use, with sufficient detail for reasonable identification.
- (3) A declaration that the governing body has found and determined each of the following:
 - (A) The public interest and necessity require the proposed use.
 - (B) The proposed use is planned and located in the manner that will be most compatible with the greatest public good and least private injury.
 - (C) The property described in the resolution is necessary for the proposed use.
- (c) In addition to any notice required by law, the notice required for a new or reauthorization resolution sought pursuant to subdivision (a) or (b) shall comply with Section 1245.235 and shall be sent to each person who was given notice required by Section 1245.235 in connection with the original acquisition of the property by the public entity.
- (d) Judicial review of an action pursuant to subdivision (a) or (b) may be obtained by a person who had an interest in the property described in the resolution at the time that the property was acquired by the public entity, and shall be governed by Section 1085.
- (e) The following property acquisitions are subject to the requirements of this section:
 - (1) Any acquisition by a public entity pursuant to eminent domain.
 - (2) Any acquisition by a public entity following adoption of a resolution of necessity pursuant to this article for the property.
 - (3) Any acquisition by a public entity prior to the adoption of a resolution of necessity pursuant to this article for the property, but subsequent to a written notice that the public entity may take the property by eminent domain.
- (f) If the public entity fails to adopt either a new resolution pursuant to subdivision (a) or a reauthorization resolution pursuant to subdivision (b), as required by this section, and that property was not used for the public use stated in a resolution of necessity adopted pursuant to this article or a

resolution adopted pursuant to subdivision (a) or (b) between the time of its acquisition and the time of the public entity's failure to adopt a resolution pursuant to subdivision (a) or (b), **the public entity shall offer the person or persons from whom the property was acquired the right of first refusal to purchase the property pursuant to this section,** as follows (emphasis added):

- (1) At the present market value, as determined by independent licensed appraisers.
- (2) For property that was a single-family residence at the time of acquisition, at an affordable price, which price shall not be greater than the price paid by the agency for the original acquisition, adjusted for inflation, and shall not be greater than fair market value, if the following requirements are met:
 - (A) The person or persons from whom the property was acquired certify their income to the public entity as persons or families of low or moderate income.
- (g) **If after a diligent effort the public entity is unable to locate the person from whom the property was acquired, if the person from whom the property was acquired does not choose to purchase the property as provided in subdivision (f), or if the public entity fails to adopt a resolution as required pursuant to subdivision (a) or (b) but is not required to offer a right of first refusal pursuant to subdivision (f), the public entity shall sell the property as surplus property pursuant to Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code. . . .** (Emphasis added.)

Accordingly, from the above statute, two legal prerequisites should apply:

- (1) The City should deny the Project, or put any review or approval process on hold until Metro or the applicant can demonstrate that all legal prerequisites to ACOF being able to lease and develop the property have been satisfied; and
- (2) If Metro cannot find the original owners/occupants from whom Metro took the property by eminent domain, then Metro "shall **sell** the property as surplus property," i.e., not lease it, as the current proposal between Metro and ACOF contemplates.

Metro's response also indicates that Metro has violated its own policies and

procedures regarding disposition of surplus property, one of which policies promotes offering surplus property to adjacent landowners, such as El Mercado.

For both of the above reasons, and on this foundational ground, we urge the PLUM Committee to reject the application.

At a minimum, City staff should be directed to report back to the PLUM Committee and the public with responses to these issues before the PLUM Committee takes any action in furtherance of approving the Project.

III. ON AN SEPARATE BASIS, THE APPLICATION SHOULD BE DENIED AND THE APPEAL GRANTED BECAUSE THE CITY IS NOT AUTHORIZED TO ACT AS LEAD AGENCY FOR CEQA REVIEW.

There can only be one “lead agency” under CEQA. Whenever “a project ‘is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or negative declaration for the project. This agency shall be called the lead agency.’” City of Redding v. Shasta County Local Agency Formation Com. (1989) 209 Cal.App.3d 1169, 1174, quoting CEQA Guidelines § 15050, subd. (a). The agency tasked by law with performing environmental review and preparing the environmental documents for the Project is not the City, but the CRA/LA.¹ LAMC § 16.05G. Thus, the CRA/LA is the “lead agency” under CEQA. Id. Moreover, the CRA/LA fulfills the definition of lead agency under CEQA by virtue of its expertise and function in approving projects in the Redevelopment Area, which requires the CRA/LA’s review and approval prior to entitlements. Guidelines § 15050(b).

Although the MND states that the City of Los Angeles is the lead agency, the Project is requesting Site Plan Review approval. (MND-1.) As such, pursuant to the City’s municipal code, a Site Plan Review only proceeds once environmental review is performed by the CRA/LA as lead agency. LAMC § 16.05G.

¹ Under the Health & Safety Code, the CRA/LA is a successor to the CRA, and assumes the CRA’s duties under law. The CRA/LA’s website at <http://www.crala.org/internet-site/index.cfm>, incorporated herein by this reference, prominently states on the home page: “Notice: ABx1-26 does not abolish the 31 existing Redevelopment Plans. The land-use authorities in the Redevelopment Plans remain in effect and continue to be administered by the CRA/LA”. (**Exhibit 2.**)

Moreover, the Zoning Information memorandum (ZI Number 2270) on file for this case specifically states that all projects within the Redevelopment Area must go through the CRA (now the CRA/LA as successor agency) for CEQA clearance. (**Exhibit 3.**)²

Thus, the CRA/LA is the lead agency under CEQA and the Project's Site Plan Review cannot lawfully proceed before this or any other City body unless and until the application is properly referred to the CRA/LA to provide the required CEQA notices and review in the first instance. LAMC § 16.05G.

IV. THE CITY VIOLATED CEQA BY FAILING TO MAKE AVAILABLE TO THE PUBLIC THE MND'S TECHNICAL APPENDICES.

CEQA requires an MND and supporting documents to be viewable by the public. Guidelines §§ 15072(g)(4), 15074(b), 15150(b). Guidelines Section 15150(b) requires: "Where part of another document is incorporated by reference, such other document shall be made available for public inspection" and that "[a]t a minimum, the incorporated document shall be made available to the public in an office of the lead agency. . . ." Here, the City violated these requirements by not making available the very data and analysis on which the IS and MND rely.

The MND relies on and references five (5) technical appendices: Appendix A, B, C, D, and E, as well as an SEIS/EIR apparently prepared in 2010 for Metro (hereinafter "Metro EIR"). (MND, Table of Contents.) Appendix C is the Phase I Environmental Site Assessment ("Phase I") on which the MND substantially relies for its conclusions of no significant impacts from the Project.

The MND states that "[a]ll supporting documents and references are contained in the Environmental Case File referenced previously [ENV-2014-2392] and may be reviewed in the EIR Unit, Room 763, City Hall." (MND, at p. 15 [emphasis added].) However, this statement is blatantly false. Our office sent staff to the City Planning department at City Hall seeking to obtain copies of the appendices, since they were not available online. After seeking the documents in Room 763 as disclosed in the MND, our staff was directed to the office of the Planner assigned to the case, Greg Shoop, to locate the files. A view of the full ENV file as well as the DIR file revealed that no appendices (besides the Traffic Study) were located in the Planning files. Mr. Shoop confirmed this fact. In addition, the Metro EIR was not located in the planning file. Mr. Shoop indicated that the technical appendices were not located at the planning

² <http://www.zimas.lacity.org/documents/zoneinfo/ZI2270.pdf>

department and that the documents would have to be obtained from the applicant in order for the public (including our office) to view them. (**Exhibit 4.**) A subsequent telephone call to the Automated Records and Environmental Divisions of the Planning Department confirmed that City planning staff were unable to locate the appendices at the physical location indicated in the MND or surrounding offices. Mr. Shoop kindly forwarded the appendices to our office via email once he received them from Meridian. But the lack of these documents for public and other agency review is fatal to this process and the current application. Without waiving our objections as noted elsewhere in this letter about the inappropriateness of this process and of an MND at all, nonetheless, if the City and ACOF intend to use an MND, then the documents that the MND purports to rely on, including technical appendices, must be made available as part of a recirculated MND.

In addition, the IS/MND tiers to and uses an SEIS/EIR without providing it for public review. The Metro EIR is identified in the MND as "City of Los Angeles Metro, Los Angeles Eastside Corridor Final SEIS/EIR (2010)". However, no such EIR with that title is located on Metro's public website. The Metro EIR is not located in the ENV file either, nor did the MND provide the correct identification, a website URL or location where the document can be located and viewed. In addition, the MND provides no page citations to the information in the Metro EIR on which it relies, so the public and decision makers have no way of adequately identifying what analysis is being used for the MND's assumptions and conclusions. Guidelines §15063(d)(3). Mr. Shoop stated that in order to find the Metro EIR, our office would have to contact Metro. CEQA does not put the burden on the public to go on a wild goose chase simply to find information relied on in a CEQA document. The burden, rather, is on the agency to comply with Guidelines Section 15150. If the agency fails to meet that burden, the incorporated documents would not be considered to be set forth as part of the text of the IS or MND. See Guidelines §§ 15150(a) 15063(a)(2) and (d)(3).

As evidenced by our office's attempts to locate the technical appendices and Metro EIR, at no time were these documents publicly available at the location listed in the MND. Guidelines §15072(g)(4). The fact that the technical appendices were not located in the file, combined with (as discussed further below) the slapdash manner in which the MND treats potentially significant impacts from the Project near a culturally important neighborhood shopping center, the dearth of actual analysis of hazardous conditions from the Project in the Initial Study and MND, and the failure to even attempt to require mitigation measures as conditions of approval on the Project, all render the entire Initial Study and MND invalid. These actions do not evidence even a minimal good faith effort at full disclosure required by CEQA and expected by the public, and also negate any finding that the MND "reflects the lead agency's independent judgment

and analysis.” Guidelines § 15074(b).

It is respectfully requested that no determinations be made until the entire MND and its technical appendices and incorporated references are available for public review in a new comment period complying with CEQA. A new notice of intent to adopt a Negative Declaration must be issued and should state where the proposed MND and all reference documents are available for review prior to any approvals being considered. Pub. Res. Code § 21092(b)(1).

V. THE MND IS FATALY DEFECTIVE; A FAIR ARGUMENT EXISTS OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS, WHICH MAKES USE OF AN MND ILLEGAL.

A. Legal Standard.

A strong presumption in favor of requiring preparation of an Environmental Impact Report (“EIR”) is built into CEQA. This presumption is reflected in what is known as the “fair argument” standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal. (1993) 6 Cal.4th 1112, 1123; Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 111-112.

An EIR must be prepared where there is substantial evidence that significant effects “may” occur. League for Protection of Oakland’s Architectural and Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 86, 904-905. A project “may” have a significant effect on the environment if there is a “reasonable probability” that it will result in a significant impact. No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 83, n. 16. If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. Guidelines § 15063(b)(1).

Substantial evidence “includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” Pub. Res. Code § 21080(e)(1). It also includes “reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached . . .” (Emphasis added.) Guidelines § 15384(a).

The fair argument test is a “low threshold” test for requiring the preparation of an EIR. No Oil, supra, 13 Cal.3d at 84. Evidence supporting a fair argument of a significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. League for Protection, supra, 52 Cal.App.4th at 904-05. This standard reflects a preference for requiring an EIR to be prepared, and a preference for resolving doubts in favor of environmental review. Mejia v. City of Los Angeles (2005) 130 Cal.App.4th 322, 332.

B. The MND’s Cumulative Impacts Analysis Is Fundamentally Flawed And Cannot Be Relied Upon For A Finding Of No Significant Impacts.

A cumulative impact consists of an impact created as a result of the combination of the project together with other projects causing related impacts. Guidelines § 15130(a)(1). Cumulative impacts are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Guidelines § 15355. “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” Guidelines § 15355(b); emphasis added.

“One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming dimensions only when considered in light of the other sources with which they interact.” Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1025 (internal citations and quotes omitted). As stated in Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184: “Proper cumulative impacts analysis is absolutely critical to meaningful environmental review.” Id. at 1217. As the Supreme Court has stated, without proper consideration of cumulative impacts, this critical issue may be “submerged,” with potentially “disastrous consequences” to the environment. Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 283-284.

CEQA recognizes the potential for an accumulation of small contributions to a problem to create a cumulative effect, and requires investigation and disclosure of the potential of a project to be the straw that breaks the camel’s back. Guidelines § 15065(a)(3). As with other aspects of CEQA, “cumulative impact analysis must be interpreted so as to afford the fullest protection of the environment within the reasonable scope of the statutory and regulatory language.” Citizens To Preserve the Ojai v. County of Ventura (1985) 176 Cal.App.3d 421, 431-432.

The MND failed to properly disclose and address cumulative impacts because it failed to include all reasonably foreseeable related projects in its Related Projects list. Citizens Association For Sensible Development Of Bishop Area v. County Of Inyo, (1985) 172 Cal.App.3d 151. The MND included only four related projects. (MND, at p. 3.0-10.) Those four projects include two mixed-use projects, a medical office expansion and a senior housing/medical office project. Id. The MND noted that the “source” for these four related projects was the Applicant itself. Id.

“Related projects currently under environmental review unequivocally qualify as probable future projects to be considered in a cumulative analysis.” Citizens Association, supra, at p. 168. Here, a simple review of related development in the area reveals a list of several potentially related projects that were omitted from the MND’s cumulative impacts analysis. They include several new residential projects³ in the area, including La Veranda with 76 apartment units and 8,000 square feet of retail space. (**Exhibit 5.**)

In addition, other large-scale projects near the Project that should be considered in a cumulative impacts analysis include, but are not limited to, the Mariachi Plaza Project, and the massive multi-use community Sears Project.⁴

Despite the recent proliferation of development in the Boyle Heights area, the MND includes a paltry four projects in its cumulative impacts analysis. This is woefully inadequate under CEQA. Because the MND improperly excludes other reasonably related projects, its entire cumulative impacts analysis is invalid as underreported and minimized. Citizens Association, supra, at pp. 168-169; see Exhibit 5. This flaw runs throughout the entire MND, rendering the impact analysis in the areas of, *inter alia*, noise, traffic, land use consistency and GHG emissions fatally flawed and incomplete.

In addition to substantially under-reporting related project impacts for purposes of evaluating cumulative impacts from the project, the MND’s cumulative impacts analysis is flawed due to being internally inconsistent and confusing to the reader. On page 24, the MND states that there **may be significant cumulative impacts from the Project**, but

³ <http://la.curbed.com/2016/12/20/14032250/76-affordable-apartments-planned-for-boyle-heights>; <http://bhnc.net/2017/03/mariachi-plaza-and-cesar-chavez-fickett-joint-development-rfps-released-today/>

⁴ <http://la.curbed.com/2015/12/14/10621092/boyle-heights-sears-building-makeover-details>

that those impacts “will be mitigated to a less than significant level through compliance with the above mitigation measures.” However, the referenced measures do not indicate which mitigation measures are meant to reduce cumulative impacts to a level of insignificance. (See MND-22 - MND-24.) Further confusing matters, the MND also claims no mitigation measures are required for cumulative impacts. (MND-22 [Table, at Section 4.18b]; 4.0-124.)

Due to the above-described deficiencies, and the proliferation of development in the Project area, the City’s conclusion that there will be no cumulative impacts from the Project is unsupported, and a fair argument exists that cumulative impacts may be significant, requiring an EIR.

C. **A Fair Argument Exists Re Air Quality and Hazardous Materials.**

A critique of the Project’s air quality impacts and risks associated with the exposure of persons to increased risk and concentrations of hazardous substances is discussed in the attached expert report from Matt Hagemann of SWAPE. Mr. Hagemann’s report and C.V. are attached collectively, and his objections are incorporated herein by reference. (Exhibit 6.)

The MND is inadequate in its review of air quality impacts and hazards, and a fair argument for significant impacts exists, requiring the preparation of an EIR because construction of the Project would result in significant impacts related to the potential release of hazardous materials into the environment.

First, the MND violates CEQA because the Phase I Assessment prepared for the Initial Study specifically **recommends a Phase II Environmental Site Assessment to study potentially significant impacts due to the potential presence of soil contamination**, yet no Phase II assessment was prepared. (Exhibit 6, at p. 1.) These hazards should be addressed in an EIR. Id. The Hagemann Report states:

“There is a fair argument that by delaying soil sampling until prior to site grading, unanticipated contamination may be found in significant quantities and concentrations from past uses which include a lumber yard and a saw mill (Phase I ESA, p. 1). In addition to potential drill cutting contamination, past use as a lumber yard and a saw mill may have involved the use of arsenic- and copper-based wood preserving activities, leading to soil contamination. These

past uses should be investigated through a soil sampling program under a Phase II as recommended in the Phase I ESA. The Phase II should be conducted prior to Project approval and any mitigation necessary for removal of contaminated soils should be completed prior to Project groundbreaking.”

(**Exhibit 6**, at p. 2.)

In addition, the MND states that “[a] former oil well is located onsite, approximately 154 feet north from the centerline of E. 1st Street and 162 feet east from the centerline of N. Lorena Street.” The MND goes on to state that “The former oil well represents an environmental concern to the subject property due to the common practice during drill activities to deposit soil cuttings from the well into nearby pits or excavations” and that “**it is likely that the abandonment of the oil-well in 1949 does not meet current abandonment standards.**” (MND, at p. 4.0-41 [emphasis added].)

Thus, the MND is sufficient evidence itself of a risk of contamination that remains undisclosed and unmitigated because it goes on to state that the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (“DOGGR”) “**should be contacted** to determine if the well abandonment meets current standards or if any re-abandonment procedures would be necessary prior to development on site.” *Id.*; emphasis added. The MND is invalid as an improper deferral of study and mitigation. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-307.

“The requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA. . . . By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process.” *Id.* As expert Hagemann explains: “A DEIR is necessary to include the results of soil sampling and a DOGGR-certified abandonment report of the oil well.” (**Exhibit 6**, at p. 1.) Additionally, he states, “There is no discussion of impacts of well abandonment, including noise, air emissions, or generation of dust. A DEIR is necessary to discuss these impacts and to mitigate any impacts that were not identified in the IS/MND.” *Id.* at p. 2.

In response to growing concern regarding methane intrusion into buildings and to the potential for methane build-up underneath buildings, the City of Los Angeles Department of Building and Safety has established methane zones and methane buffer zones for the City based on the proximity to oil wells and landfills. The MND identifies

the presence of methane gas at the Project site and the fact that the Project site is within a Methane Zone. However, the MND fails to state the exact levels of methane gas or what danger these levels present to pedestrian traffic, the neighboring patrons to the El Mercado, patrons to the commercial uses at the site, and Project residents. The MND identified that the site was once used as a lumber mill. Years of deposit could increase the risk of methane levels, and the presence of an oil well increases the risk of migration and seepage. Methane is highly explosive when mixed with air at volumes between its Lower Explosive Limit of 5% and its Upper Explosive Limit of 15%. (**Exhibit 7.**) The MND failed to disclose the impact to the public, and given the potential for high volume of public foot traffic in the area, should have done a risk assessment. (**Exhibit 6.**)

The MND's reliance on mitigation measure VIII-160 is faulty because that mitigation measure does not address soil contamination threatened at the site, and the MND does not even state that the mitigation measure will reduce impacts to a level of insignificance, but rather "to the fullest extent possible." This is woefully inadequate under CEQA and illegal because all potentially significant impacts must be shown to be reduced to a less than significant level *prior to* the release of the MND to the public. Sundstrom, supra, 202 Cal.App.3d at 306-307. An MND is allowed only where the MND "clearly" shows that there will be no significant effect. Pub. Res. Code § 21064.5; Lighthouse Field Beach Rescue v. City of Santa Cruz (2005) 131 Cal.App.4th 1170, 1197. The failure to complete the methane and contaminate study and subject it to the rigors of CEQA review at this time is a fatal defect in and of the MND. The MND says that methane monitoring systems would need to be installed, but fails adopt a methane hazard mitigation plan. (**Exhibit 6.**)⁵

An agency's findings that a significant impact is reduced to less-than-significant through mitigation must be supported by substantial evidence. Guidelines § 15091, subd. (b). Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Pub. Res. Code § 21082.2, subd. (c). In this case, disclosure of methane testing and monitoring data is "reasonably feasible" and should have been required as part of the Initial Study process to determine whether an

⁵ The City of Los Angeles Methane Seepage Regulations set forth minimum requirements to control methane for buildings and paved areas that are located in a City-designated methane zone or a methane buffer zone. Requirements for new construction within such zones may include site testing for methane gas, installing a barrier (i.e., a membrane shield) between the building and underlying earth, installing a vent system(s) beneath the barrier and/or within the building, and installing a gas (methane) detection system.

EIR was required. Guidelines § 15151. The City abused its discretion in adopting an MND which fails to disclose actual data demonstrating the efficacy of the mitigation measures upon which the MND relies for its finding of insignificant impact. Here, without this information, and without an explanation as to why it should not be disclosed, the public and decision makers were left in the dark about the inconclusive nature of the proposed mitigation. A lead agency cannot “place the burden of producing relevant environmental data on the public rather than the agency,” and cannot evade its CEQA duties “by excluding such information.” Barthelemy v. Chino Basin Mun. Water Dist. (1995) 38 Cal.App.4th 1609, 1618.

A lead agency must instead consider, discuss, and fully analyze all potential environmental impacts of a project and mitigation measures which effectively reduce significant impacts to a level of insignificance. It cannot merely rely on its own bare conclusions or opinions. Guidelines § 15126. Here, the MND failed to find potentially significant air quality impacts from the Project. However, there is a fair argument that such pollution impacts may or will occur. As Mr. Hagemann points out:

“A fair argument can also be based on the potential for contamination in soil to pose significant air quality impacts. Upon Project excavation, contaminants in soil, if present, may be liberated and become airborne via dust generation. Air quality impacts on those people in surrounding homes and businesses may be significant through the inhalation pathway without effective mitigation, to include fence-line dust monitoring and a program of public outreach to communicate the findings of the monitoring.”

(Exhibit 6.)

Given the potentially significant impacts posed by the abandoned well, soil contamination and concomitant air quality impacts, and methane risk, an EIR is required and the City in an EIR must propose and describe specific mitigation measures that will minimize or avoid the significant environmental effects identified. (Pub. Res. Code § 21100, subd. (b)(3); Guidelines § 15126, subd. (e).) Waiting until building permits are issued to identify significant impacts and their mitigation is too late to satisfy CEQA’s requirements. Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182, 199-200.

Moreover, the Applicant's response to comments cites methane mitigation systems that do not exist for the Project, not described in the MND, and are not a condition of approval posed in the director's determination in this case. These flaws render the initial study and MND legally inadequate to support the conclusion of a less than significant post-mitigation impact to public health and safety. Because the City failed to conduct the required tests, the MND misleads the public and decision makers to believe that the methane risks are low. There is a fair argument that those risks are actually quite high and reach a level of significance, and as such, an EIR is required. (**Exhibit 6**, at pp. 2-3.)

D. Infrastructure Deficiencies.

In an inter-departmental memorandum, the Bureau of Engineering disclosed to the Director of Planning several "infrastructure deficiencies adjacent to the application site." (**Exhibit 8** [Yew Memorandum, at p. 1].) These include needed street and sidewalk improvements, widening of an alley, removal of street trees, relation of traffic signals, encroachment of an existing drainage easement, extension of a connection sewer line on 1st street, and potentially insufficient capacity of "the existing public sewers to accommodate the proposed development." (**Exhibit 8** [Yew Memorandum, at pp. 1-3].) Many of these deficiencies and requirements were not addressed in the MND.

In particular, the MND failed to address sewer lines that may be required to be built as part of the Project. Not only should this construction be part of the Project description, but the failure to address it violates the City's own CEQA Threshold Guidelines, which require an assessment of sewer capacity for the Project. Here, the MND failed to even discuss the sewer line capacity for the Project. (MND, at pp. 4-115 to 116.) In addition, because the Bureau of Engineering has stated potential infrastructure deficiencies, there is a fair argument that the Project meets the threshold of significance. (**Exhibit 8**.)

Moreover, a lead agency cannot defer environmental review of sewer capacity expansion until after project approval, as it attempts to do here. CEQA demands documentation of a Project's significant impacts prior to the circulation of the MND and project approval. See Natural Resources Defense Council, Inc. v. City of Los Angeles, (2002) 103 Cal.App.4th 268, 284 ["If postapproval environmental review were allowed, EIR's would likely become nothing more than *post hoc* rationalizations to support the action already taken"].)

Additionally, the drainage easement discussed in the memorandum was not addressed in the MND's section on storm water runoff and water quality discussions. (**Exhibit 8.**) The failure to disclose and analyze impacts from the easement renders the MND fatally deficient. The MND states that "Potential impacts to surface water runoff would be mitigated to a level of insignificance by incorporating storm water pollution control measures." (MND, at p. 4.0-48.) Yet those measures are not required for the Project because the MND states, "No mitigation measures are required." Id.

Further, the MND states that because the site area is larger than one acre, "the Project Applicant is responsible for preparing a Storm water Pollution Prevention Plan (SWPPP) to mitigate the effects of erosion and the inherent potential for sedimentation and other pollutants entering the storm water system." (MND, at p. 4.0-47.) Yet, again, the MND concludes, "No mitigation measures are required." (MND, at p. 4.0-48.)

Nearly all of the above deficiencies were not disclosed in the MND and thus were not circulated to the public or the required agencies prior to adoption, as is required. In addition, clearly significant impacts outlined in the MND were not mitigated to a level of insignificance because no mitigation was required for the Project regarding those impacts. As such, the MND violates CEQA and the City's own Thresholds Guidelines in failing to disclose and mitigate significant impacts.

E. A Fair Argument Exists Of Impacts Relating To Shade And Light Caused By The Project.

The MND ignores the potentially significant shade impacts on El Mercado by summarily concluding that the outdoor second-story balcony space facing the Project Site is "not routinely used" based on "site observations" from 2014 or prior. (MND, at p. 4.0-7.) The MND does not explain how the shade impacts from the Project would not cause less than significant impacts. (MND, at p. 4.0-7.) Given that the balcony is a sensitive receptor and the MND admits that the Project will shade the balcony, there is a fair argument that impacts will be significant. The MND's unsupported and irrelevant claim about the frequency of use does not somehow vitiate the impact.

The MND also violates the LA Thresholds Guidelines by failing to analyze light impacts on adjacent uses. Instead of assessing, as required under the Thresholds, the "change in ambient illumination levels as a result of Proposed Project sources; and . . . the extent to which Proposed Project lighting would spill off the Project Site and affect adjacent light-sensitive areas," the MND simply provides a general description of the lighting provided by the Project and states that the Project would "utilize outdoor lighting

designed and installed with shielding to reduce light-sourced impacts surrounding the Project Site.” (MND, at p. 4.0-7.) This does not even meet the minimum standards for disclosure under CEQA. The MND’s conclusion that impacts will be sufficiently reduced to a level of insignificance is not supported by *any* evidence, let alone substantial evidence, because the level of impact is not disclosed. Sundstrom, *supra*, 202 Cal.App.3d at 311.

F. A Fair Argument Exists Concerning Land Use And Planning.

Because of the unique history of El Mercado and the Project’s configuration vis-à-vis the low-density and commercially-important area, there is a significant land use compatibility impact associated with the introduction of the Project’s hazardous materials to sensitive residents so close to a pedestrian-centered cultural shopping center and school. (See **Exhibit 1; Exhibit 9** [LAUSD Letter].) This should be considered a significant, unmitigable impact that requires either Project denial or, at a minimum, the preparation of a full EIR.

The Project is inconsistent with local land use plans and policies meant to prevent environmental impacts to neighborhood character and aesthetics. These inconsistencies were not addressed in the MND and as such, render it defective. Pocket Protectors v. City of Sacramento (2004) 124 Cal.App.4th 903.

The MND fails to take into account that “the significance of an activity may vary with the setting” (Guidelines § 15064(b)), and fails to address the Project’s inconsistencies with The Boyle Heights Community Plan (“Community Plan”). The Community Plan, at p. I-5, specifically mentions the adjacent El Mercado complex:

“The ‘Mercado’ located on First Street just east of Lorena Street at the eastern boundary of the City is a large commercial and cultural focal point in this community. The ‘Mercado’ abuts the unincorporated community of East Los Angeles. The Mercado provides specialty Mexican products on two floors and restaurants with live music on the third floor.”

Despite this specific reference in the Community Plan, the MND fails to even *mention* El Mercado in relation to land use policies in the Community Plan. The MND also fails to address inconsistencies of the Project with the stated goals of the Community Plan in relation to El Mercado in particular. The Community Plan identifies the Project

property as a “viable opportunity for **a development that would complement or expand the Mercado.**” (Community Plan, at p. I-5 to I-6 [emphasis added].) Nevertheless, the MND fails to address the inconsistency of the Project in relation to this goal. The Project undoubtedly does not “expand” the Mercado. In addition, the Project, far from complementing the Mercado, proposes to place a set of highly-sensitive residents in the midst of a high-traffic shopping and cultural center. Absolutely no analysis in the MND is provided as to how these new residents would or could impact the hundreds of thousands of patrons frequenting El Mercado annually. (**Exhibit 1.**) The placement of a sensitive set of residents nearby the shopping center is objectively not a complimentary use/development to El Mercado, as specified in the Community Plan. Thus, the IS/MND is defective on its face as the Project is inconsistent with the Community Plan, and those inconsistencies are not disclosed or addressed.

Moreover, an EIR is required because there is a fair argument that the placement of this sensitive set of residents adjacent to a pedestrian-centered shopping and cultural center may impact the health and safety of the public. (**Exhibit 10** [April 14, 2017 LA Times article]⁶.) The Project thus violates the Community Plan in that it fails to “preserve and enhance[e] the positive characteristics of existing uses” and provide “compatible” housing. The Community Plan “was developed in the context of promoting a vision of the Boyle Heights area as a community that looks at its past with pride and approaches its future with eagerness, while maintaining its individual identity by:

- **Preserving and enhancing the positive characteristics** of existing residential neighborhoods while providing a variety of housing opportunities with **compatible** new housing.
- Improving the function, design and economic vitality of the commercial corridors.
- Preserving and enhancing the positive characteristics of existing uses which provided the foundation for community identity, such as scale, height, bulk, setbacks and appearance.”

(Community Plan, at p. II-2 [emphasis added].)

The Community Plan goes on to prioritize El Mercado as a commercial center:

⁶ <http://www.latimes.com/local/lanow/la-me-ln-homeless-housing-stalled-20170414-story.html>.

- That the **pedestrian-oriented commercial centers** of Avenida Cesar Chavez and Soto Street and **the Mercado area on East First Street be preserved** and continue to serve as focal points for shopping, social and entertainment activities.
- To **improve the compatibility** between commercial and residential uses.

(Community Plan, at pp. III-4 and III-3)

PLUM Chairman Jose Huizar's views of the Project align with the Community Plan. Chair Huizar has stated publicly that he opposes using this site as proposed because the area is intended and better suited for retail and commercial. (**Exhibit 10.**) Huizar said he never liked the project, because he thought the location needed more retail businesses. "We don't want to create more dead space," Huizar, a Metro board member, told the hearing. "We want to create more retail space for this location. And it has been significantly reduced." Id.

In addition to the specific plan requirements for the preservation of El Mercado and its area, the Community Plan also provides for protection of neighborhood character by stating the future development of this site should take into account the following, which the MND ignores:

- Inadequate **transition between commercial and residential uses.**
- The physical character of Boyle Heights is **low-scale in nature** both along the commercial corridors and in the residential community as well.
- Preserve the existing low scale character of the community.
- Preserve the continuity of the streetscape and **enhance community identity.**

(Community Plan, at pp. I-6 and I-9 [emphasis added].)

The MND also fails to identify and address the Project's inconsistencies with the following Redevelopment Plan⁷ sections:

Section 503.4

Design and location criteria required by the CRA/LA.

Section 503.6 requires residential development to "be compatible with and appropriate for the Commercial uses in the vicinity."

As addressed above, since the Project was not presented to the CRA/LA for review in the first place, the Project violates Section 503.4 and is thus inconsistent with the Redevelopment Plan in respect to the manner in which the Project impacts the neighborhood character and public safety. Regarding Section 503.6, as addressed above, the development is not "compatible with and appropriate" for the commercial uses in the vicinity of the Project, and thus violates and is inconsistent with the Redevelopment Plan.

G. A Fair Argument Exists Concerning Archaeological Impacts.

The MND concludes that impacts on archaeological resources are not significant, yet it also claims that there is a risk of discovery of potential archaeological resources. The MND states that impacts will be less than significant with mitigation, but fails to set forth any mitigation measures for potentially significant impacts to archaeological resources due to inadvertent discovery during construction. As such it is legally deficient. See Guidelines §15064.5(f), providing the process for accidental discovery.

H. The MND Does Not Address The Introduction Of ACOF's Sensitive Tenant Population To The Site Area's Distinct Neighborhood Environment, And The Fair Argument Of Significant Impacts To Public Services, Including Police.

The MND does not address any impacts relating to the locating of sensitive residents of ACOF near a shopping and cultural center, including with many children present every day. In fact, the MND does not disclose or explain what Ruth Schwartz, Executive Director of ACOF, means by stating that ACOF would be "providing services

⁷ <http://www.crala.org/internet-site/Projects/Adelante/upload/Adelante-Eastside-Redevelopment-Plan.pdf>; <http://www.crala.org/internet-site/Projects/Adelante/upload/amendment%20ae.pdf>.

to ensure that ACOF tenants are good neighbors.” (**Exhibit 11** [May 9, 2017 Letter, emphasis added].) If such services are required to make the Project tenants good neighbors, they should be outlined in the MND and explained for the benefit of potential tenants at the Project as well as the surrounding neighborhood. It should be noted that the LA City Police Department’s mental health program was not addressed in the MND nor discussed as a potential mitigation measure or a factor in assessing impacts on police services.⁸

Because the MND does not disclose the potential impacts of siting a sensitive population of tenants, it ignores a key issue that could affect not only the broader community and the thousands of visitors to El Mercado, but also police and other public services.

El Mercado does not object to the provision of housing for the chronically mentally ill and/or addicts. In fact, it believes it should be encouraged. However, the City must ensure that such housing is sited in appropriate areas, and El Mercado asserts that the process by which this particular Project is proposed to be sited provided absolutely no study, let alone disclosure, of the issue of introducing a sensitive population of tenants to this particular area. El Mercado simply asks that the City do its due diligence and follow the requirements of CEQA and disclose the impacts so that they can be properly addressed by the public and decisionmakers.

**VI. THE APPLICANT’S CONSULTANT’S LAST-DITCH ARGUMENTS
SUBMITTED ON MAY 9, 2017 LACK MERIT AND ARE INTENDED TO
FRUSTRATE PUBLIC PARTICIPATION.**

The Applicant’s consultant, Craig Lawson & Co., submitted a letter and exhibits in opposition to the appeal on or around May 9, 2017. Among other things, Lawson argues that the CEQA Appeal was untimely filed, and that our client failed to exhaust administrative remedies and failed to meet the City’s requirement for a CEQA Appeal. First, there is nothing enacted by the City into the Municipal Code supporting Lawson’s arguments regarding the timing for filing of a CEQA appeal. Lawson relies on an unpublished, and generally unpublic memo. Also, as these unfounded procedural arguments are filed after the City and PLUM Committee accepted our client’s appeal and

⁸ See <http://www.reuters.com/article/us-usa-police-training-idUSKCN11Z14T>. In addition, the Community Plan requires “a decision maker to include a finding as to the impact on police service demands of the proposed project.” The MND did not properly disclose this particular impact on police service demands.

within days of the hearing on the appeal, they should be considered not only inaccurate, but untimely. Moreover, as admitted by Lawson, exhaustion is not a requirement for an appeal to PLUM.

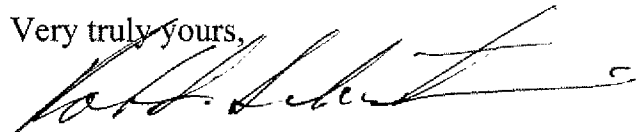
The fact that Lawson slings unwarranted, *ad hominem* attacks against our client further demonstrates the lack of credibility of his arguments, the insensitivity to the community our client is seeking to protect, and the ignorance of the importance El Mercado plays in the community, including as specifically evidenced in the City's Community Plan. Lawson and the response to comments from Meridian (similar to the MND) fail to address specific inconsistencies with the Community Plan relating to the special nature of the El Mercado area, as addressed above. Instead of addressing these issues, Lawson attacks our client's intentions as "selfish," despite the fact that our client seeks to vindicate the right of the public to be informed as to impacts related to the Project, and to ensure proper disclosure and mitigation of impacts that would otherwise clearly harm the community, including several different types of health risks.

VII. CONCLUSION.

As our California Supreme Court has held: "If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action. . . . The EIR process protects not only the environment but informed self-government." Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392.

For all of the foregoing reasons, El Mercado's appeal should be granted.

Very truly yours,



ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

Attachments

Exhibit 1



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El Mercado



EASTSIDE
Los Angeles

([/eastside](#))

El Mercado, often known as "El Mercadito" to locals, embodies the traditional Mexican cultural identity of the Eastside.

Overview

El Mercado is widely known as a social, cultural, and commercial center for the local Latinx community. Representing a traditional Latin American marketplace, it provides a space in Boyle Heights for the sale of traditional Mexican goods, religious relics, live mariachi music, and authentic Mexican food. The building is situated around a large interior courtyard and is distinguished by its red tiled roof, arcade, and distinctive two-story arches.

Although El Mercado has become strongly identified with the Latinx community, the space was originally a multiethnic market. Founded in 1968 by Art Chaya on the former site of the Boyle Heights Lumber Company, the two-story stucco building served the local Mexican, Japanese, and Italian communities. The variety of cultures, products, and foods boosted its appeal to outside visitors.

Share Your Story

(<http://Ci37.Actonsoftware.com/A>)

Do you have a story about this place? Share your memories here!

What does "Latinx" mean?
(<https://www.laconservancy.org/we-do/latinx-heritage/>)

The Conservancy uses the terms "Latinx" and "Chicanx" as gender-neutral alternatives to Latina/o, Latin@, etc. Though different people and communities

Key Information

Year of Completion:
1968

Street Address:
3425 East 1st Street
Los Angeles, CA 90063

Get directions

(<https://maps.google.com/maps?daddr=3425%20East%201st%20Street%2C%20Los%20Angeles%2C%20CA%2C%2090063>)

Community:

[Los Angeles](#)
([/communities/los-angeles](#))

Property Type:

[Culture](#) ([/property-type/culture](#))

[Mixed-Use](#) ([/property-type/mixed-use](#))

[Restaurant](#) ([/property-type/restaurant](#))

[Retail](#) ([/property-type/retail](#))

Architectural Style:

[Mission Revival](#)
([/architectural-style/mission-revival](#))

[Vernacular](#) ([/architectural-style/vernacular](#))

Though the building has evolved over time, its original spirit and purpose has been sustained.

In 1991, artist Jose-Luis Gonzalez of Goetz Art Studio designed and installed a bas-relief, mosaic tile mural on the first level of the western elevation. The mural, entitled Mayan Rain God, depicts abstract representations of the ancient Mayan diety in a largely serpentine form.

Today, El Mercado (also referred to affectionately as "El Mercadito") is famous for its legendary mariachi scene, hosting hundreds of bands throughout its history. Traditionally, musicians have recreated the practice of working al talon ("on one's heels") as they would in Mexico, working a handful of establishments per night for a fixed fee per song.

self-identify in different ways, these terms are gaining ground as a way of acknowledging and respecting people who are transgender, queer, or gender fluid or non-conforming.

Gallery:



Los Angeles Public Library

Councilman Art Snyder at opening of El Mercado, 1968

Related Information

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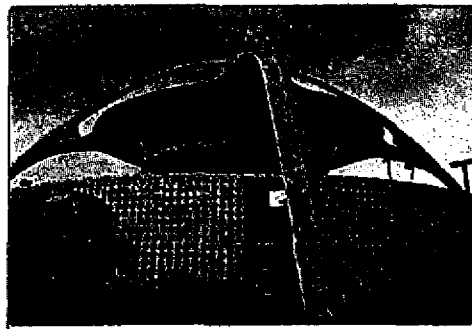
Website

(<http://www.elmercadodelosangeles.org>)

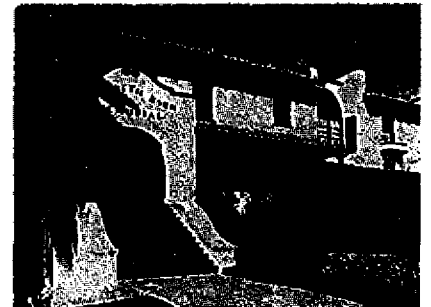
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([/locations/elizabeth-bard-memor](#))



Photo courtesy Architectural Resources Group

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③ Theme Building, LAX

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This true Modern icon is recognized worldwide as the space-age landmark of one of the world's youngest and most influential major cities.

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More: Mission Revival ([/architectu](#)

[style/mission-revival\)](#)

③ Elizabeth Bard Memorial Hospital Building

[\(/locations/elizabeth-bard-memorial-hospital-building\)](#)

Evoking the old Spanish missions, a hospital years ahead of its time both medically and architecturally.

[\(/locations/getty-villa\)](#)

Photo copyright J. Paul Getty Trust

More: Culture ([/property-](#)

[type/culture\)](#)

③ Getty Villa ([/locations/getty-villa](#))

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When J. Paul Getty opened his Getty Villa in 1974—making his collection of Classical artworks available to the public—he felt certain the building should evoke a Classical design. The reviews were mixed.

El Mercado de Los Angeles

From Wikipedia, the free encyclopedia

Built in 1968, **El Mercado de Los Angeles** is located in the Boyle Heights district of the city of Los Angeles east of the LA River and adjacent to East Los Angeles (an unincorporated portion of the County of Los Angeles often cited as the heart of the Mexican/American community) on the corner of 1st Street and Lorena Street and is accessible by the Metro Gold Line's Indiana Station located two blocks east. El Mercado is a three-floor indoor shopping center that offers dining and restaurant services, entertainment with live mariachi bands and shopping from various vendors. Although El Mercado is themed and represents a space that honors Mexico and Mexican culture, other Latinos from different ethnicities visit and shop there.^[1]

As an indoor shopping and meeting place, El Mercado also provides economic agency for Latinos as vendors selling music and films, exotic boots, belts, hats, a jewelry store, Mexican handcrafts, toys, cosmetics and services such as travel and sending money to their natal communities.^[2] Through selling and bartering Latino vendors engage in market exchanges that give agency to both the buyer and seller. El Mercado de Los Angeles is a place where Latinos can gather together for social purposes and to enjoy cultural experiences through food, music, and other forms of semiotics such as the paintings on the buildings and a mural of the Virgen de Guadalupe that link them to their native lands.

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Cultural de-territorialization and identity

In East Los Angeles, Latinos constitute approximately 97.1% of the population.^[3] The heavy population of Latinos in East Los Angeles demonstrates the appropriation of space due to the process of de-territorialization. De-territorialization of culture refers to the weakening relationships between culture and place.^[4] Traditionally, many thought of culture restricted in localized terms, that is cultural was rooted to a particular geographical area, nation, or state^[5] but as East Los Angeles proves different, Latinos as cultural subjects, continue to traverse national borders bringing along with them their cultural practices and

traditions in different territories.^[6] Territorialization on the other hand can be more understood as the process of turning a space into a place, as explained by Clara Irazabal and Ramzi Farhart in their article “Latino Communities in the United States: Place-Making in the Pre-World War II, Postwar, and Contemporary City”.^[7]

Affirmations of belonging and community space

El Mercado is place that allows Latinos to assert their identity to foster a sense of belonging and build an intimate community space.^[8] Lourdes Gutierrez Nájera explains in her article “Hayandoese: Zapotec Migrant Expressions of Membership and Belonging” how Yalaltecos communities in Los Angeles affirm their identity and create a sense of ethnic belonging and community through participation in life cycle events and every day practices.^[9]

In his article “Swap meets, Flea Markets, and Open-Air Public Markets: a community and economic development model for low-income and underserved neighborhoods”, Jeffrey Edwin Juarez describes swap meets as regular meeting spaces that people treat as recreation places, much like a park, to spend time together.^[10] El Mercado is a community pace for Latino’s for both local’s and visitors to interact, spend time together and share experiences. One way El Mercado fosters its community space is through its large restaurant located on the third floor popularly known as El Mercadito, which is actually themed in to three different restaurants representing different cities of Mexico that make up the one large restaurant.^[1] El Mercadito restaurant is widely used by families and friends as a community space to make reservations for birthday celebrations, wedding receptions, quincenera receptions, and other banquet purposes.^[11]

Economic agency at El Mercado

El Mercado de Los Angeles serves a significant economic purpose for Latinos in the Los Angeles region. For the customers at El Mercado, the mercado provides affordable items that make shopping accessible for people across income levels. Also importantly, mercados foster relationships between vendors.^[12] Competition between vendors exists, but mercados in general often function as sites of both economic competition and collaboration between vendors within the mercado.^[12] The sense of competition is increased between the relationship between vendor and customer.

At swap meets, or mercados like El Mercado, complex relationships exist between buyers and sellers.^[13] Mercados are less bureaucratic spaces that corporate stores or even independent businesses.^[13] Vendors must apply for a permit at El Mercado, yet the vendors frequently make informal exchanges such as bartering/trading, or bargaining for prices. These informal market exchanges give agency to both the buyer and seller because each have a role in setting the terms of the business transaction. El Mercado de Los Angeles not only provides cultural significance to the consumers who come to it, but it also provides a space for affordable items and economic negotiation.

Monetary and cultural remittances at El Mercado

El Mercado de Los Angeles offers a variety of services that help send off monetary remittances to Latin America. The Mercado also provides travel and calling services that help customers participate in the formation of cultural remittances to Latin America.^[1]

Monetary remittances at El Mercado

El Mercado also serves as an important site of cultural and monetary remittances between the United States and México, specifically. This mercado is a site of cultural that is the product of cultural hybridities. It is also a site that actively constructs cultural hybridities in the United States and México. El Mercado offers services to send money back to México securely as well as offering a currency exchange between pesos and United States dollars.^[14] Customers are able to send monetary remittance home to México by using the services at the Mercado. These services also assist vendors at the Mercado send some of the profits that they make at the Mercado to family members or communities abroad. These remittances are often directed at families or hometown associations.^[15]

Cultural remittances at El Mercado

The Mercado de Los Angeles also facilitates opportunities to create cultural remittances for Latino migrants. The mercado offers international calling services and a travel agency that sells international plane tickets.^[16] These services aid the fluid migratory process that physically transports migrants from their countries of origin to the countries of current residence. Along with the physical transportation, the Mercado specializes in transculturated goods and items. Many of the stores specialize in traditional Mexican clothing, books, or films. Yet, these traditional items are presented in a transculturated context, outside of México or Latin America. The mercado becomes a transculturated site that participates in cultural remittance when it facilitates the physical circular migration of migrants returning to their home country.^[17] Migrants returning home bring cultural remittances to the land that they left, and El Mercado de Los Angeles is an important site of this cultural remittance process in Los Angeles.

Semiotic meaning-making at El Mercado

El Mercado de Los Angeles actively produces and shapes culture through a variety of ways. Semiotics describes a series of processes in which meaning is given to the world around humans.^[18] As humans interpret visual sensory clues about the world, meaning and culture are produced.^[19] At the mercado, mariachi music and visual murals are two principal ways that semiotic processes produce culture.

Mariachi at El Mercado

The cultural significance of El Mercado is complemented by presence of semiotic cultural elements such as music and the murals present at El Mercado. Semiotics is a process through which visuals, sounds, and other sensory experiences are given meaning and made socially significant.^[20] The process of semiotic meaning-making is present at the mercado, especially through the mariachi restaurants. The third floor of the mercado is composed of three restaurants that are well known for not only the food but the mariachi music that they all play.^[21] Dolores Inés Casillas, a theorist who writes about cultural semiotics, considers listening to sound a political practice. She views nostalgic sounds from home countries as a means of remembering the home country while constructing space in the land of migration.^[22] This sense of political listening supports the idea that El Mercado de Los Angeles is an active sight of cultural production through the visuals and music present at the mercado.

Murals at El Mercado

The Mercado de Los Angeles website also portrays some of the several murals that are present at this marketplace. The themed mariachi restaurants on the third floor provide a visual representation that constructs a cultural space in the heart of Los Angeles. From the Yucatán inspired dining room to an Inca themed dining room, the mercado provides many visions of a traditional *México lindo*.^[23] These visual forms are not representations of transnational scenes, but of pastoral memories of historical scenes. These pastoral visuals represent an idealized and fond memory of areas throughout Latin America. This space provides meaningful space for the customers of El Mercado de Los Angeles and contributes to the semiotic construction of cultural hybridities at the mercado. The semiotic components of meaning-making affect the Mercado of Los Angeles as a site of economic and cultural significance.

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External links

- El Mercado de Los Angeles (<http://www.elmercadodelosangeles.com>) official web site

Retrieved from "https://en.wikipedia.org/w/index.php?title=El_Mercado_de_Los_Angeles&oldid=759394544"

Categories: Cultural studies | Culture of Los Angeles | Human migration
 | Hispanic and Latino American culture in Los Angeles | Informal economy
 | Mexican-American culture in Los Angeles | Semiotics | Shopping malls established in 1968
 | Shopping malls in Los Angeles

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FOOD & LIVING

Boyle Heights' El “Mercadito”, Still Mexican to the Core

Pilar Marrero | September 13, 2016



Mexican clothing can be purchased while eating a tamal de elote or drinking a fresh fruit juice called “agua fresca”. || Photo by: Kyle Scoble

In Mexican culture, a large community market is an entertainment center, a cultural activity, and a weekly event where families and friends meet and everyone knows each other.

In a mercado, people don't just show up to pick up a few items from the weekly shopping list, but rather they linger in conversation with their neighbor or “comadre” while, for instance, picking up chiles and spices to prepare the long and complex mole recipe required to celebrate a special occasion.

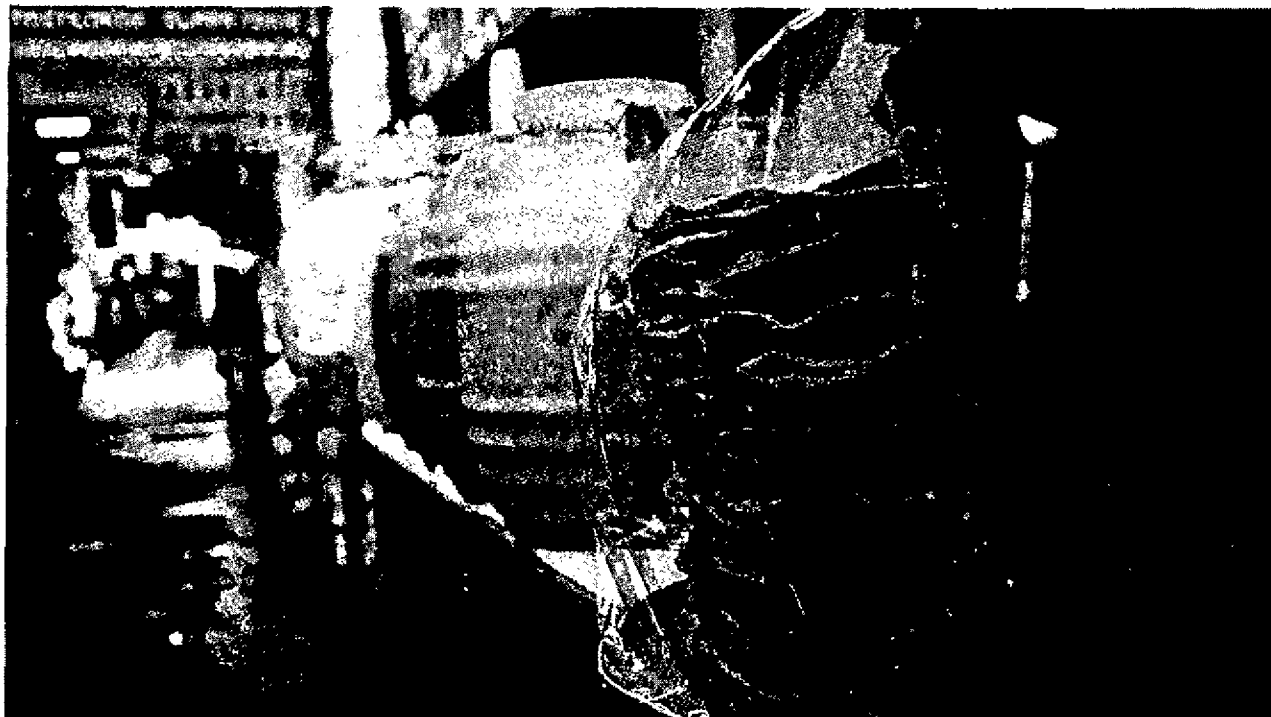
The breadth of items for purchase at the mercado is all-encompassing: First Communion dresses, cowboy boots and hats, trinkets for the kitchen, and that always helpful potion of “me vale madre” (“I don't give a d---”) — an herbal concoction believed to help calm one's nerves. The mercado is essentially a mall that caters to nearly all the needs of the Mexican community.



Botánicas sell everything from herbs to vitamins to special "potions" to calm the nerves. || Photo by: Kyle Scoble

One such place still exists in the heart of Boyle Heights at the corner of 1st Street and Lorena, across from the Metro Gold Line. The demographic, economic and cultural changes that have transformed downtown Los Angeles' Grand Central Market into hipster heaven have yet to arrive at El Mercado de Los Angeles — also called “El Mercadito de Los Mariachis”. Here, the sounds, smells, and flavors are still very close to the old neighborhood and its mostly Mexican heritage, with dueling mariachis singing every day on the huge top floor, giving the place its popular name.

At El Mercadito, you can still nibble on sweet “buñuelos” (fritters covered with sugar and anise syrup) or the best fresh churros in town, which bear no resemblance to the chewy stuff found under hot lamps on many street carts. These are freshly fried, light and crunchy, closer to their cousins from Spain which are dunked in thick chocolate or café and truly need no sugar or cinnamon to shine.



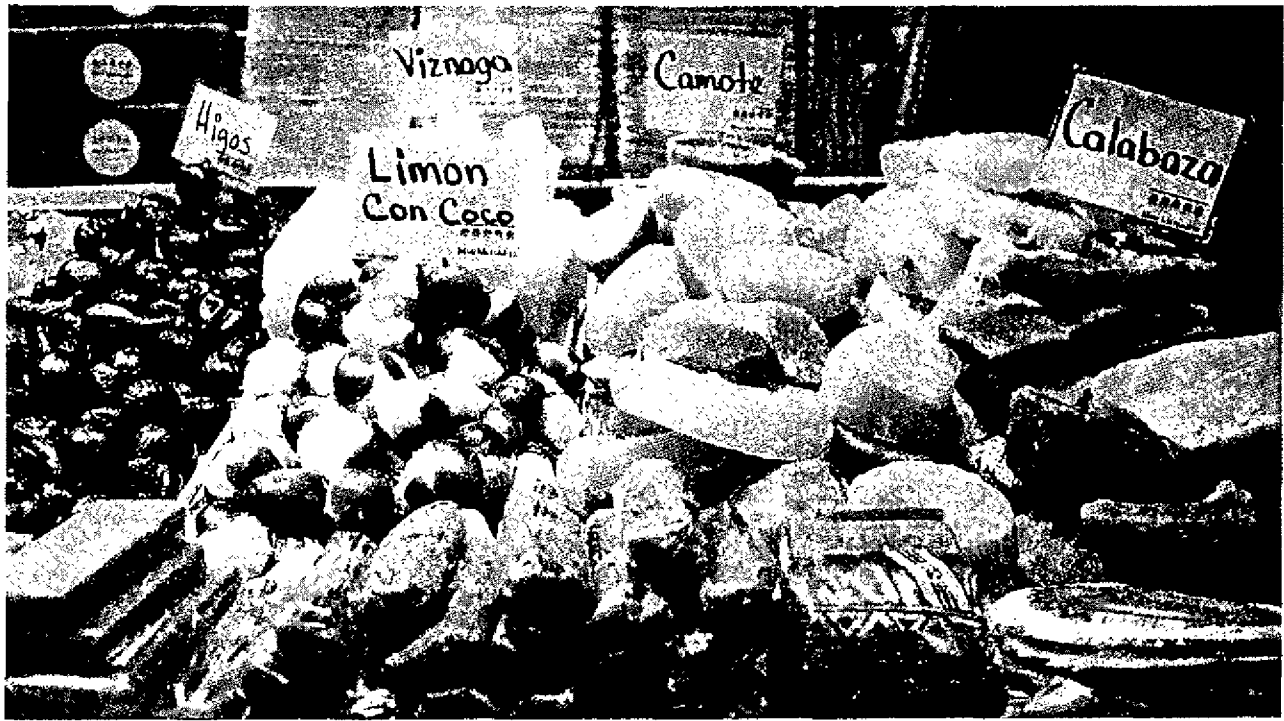
Aguas frescas and buñuelos. || Photo by: Kyle Scoble

The place is full of memories for many whose families have lived here for generations, who emigrated from Mexico a few decades ago or perhaps more recently.

"When I was a kid, I used to come here with a tía who made dresses and she would sell them to some vendors in the market and we would hang out on a regular Sunday," says Boyle Heights native and local chef JR Warren. "She'd drop off the dresses and we would eat the food and meet friends. People would see each other here. It was really vibrant at the time."

Built in 1968 when Boyle Heights was already predominantly Mexican, "El Mercadito" is still a cultural institution for many and the place to find essential ingredients of traditional and popular Mexican cuisine. It doesn't draw the same crowds as it used to but "it still feels the same," says Warren.

Indeed, it does. On a weekday morning in early July, it's still possible to have a long conversation with someone here about the different kinds of Mexican traditional sweets, those "dulces tradicionales" that take several days to make in complex preparations that involve boiling whole chunks of fruit, dipping them in lime (the powder, not the fruit) and then boiling them again with sugar to create a thick syrup.



Traditional Mexican sweets are very close to the original fruit form. || Photo by: Kyle Scoble

“The nice thing about these sweets is that they are actual pieces of the fruit. It's not from concentrate. There's no chemicals. It's all pretty natural,” says Mel Zuñiga, another local chef who, with Warren and Cynthia Loya, created Three Radishes — a pop-up and small catering business based out of East Los Angeles started by the three friends.

Behind the counter in one of the shops on the ground floor is Pilar Fernandez. She is from a small town in the state of Tlaxcala, México, and has worked here for twelve years. She happily explains the contents of the different trays containing the candied fruit.

“This is calabaza [pumpkin], this is camote, this is cocada with lime, orange, pineapple and anise flavors, mango with chile, mango with chamoy, tamarindo con chile, membrillo, higo, chongos zamoranos, cajeta de leche...” and the list goes on.



Pilar Fernandez has been selling Mexican sweets almost since the day she arrived in the United States from Tlaxcala, México. || Photo by: Kyle Scoble



Palanquetas (nut bars) and cocadas or coconut sweets. || Photo by: Kyle Scoble

One of the trays contains big chunks of shiny yellow fruit called visnaga. It's a candy made of the heart of barrel cactus, usually sold in blocks, and used in many savory and sweet preparations. "My grandmother used to make those from scratch. They would be candied and cut in little cubes," says chef Zúñiga. "She would use it in her stuffing for Thanksgiving or people just use it like candy. They

also add it to carne molida [minced meat] and they mix it up, but you can eat it with milk just like that.”

The “Three Radishes” chefs tend to use the basic ingredients of Mexican cooking and give them a more modern twist to create their own Mexican antojitos. Zuñiga tells of using the membrillo or tamarindo dulces to sweeten cheese trays or adding fresh cucumber, lavender, and agave syrup to other fruits to make lighter and less caloric aguas frescas.



Guava and membrillo sweets are perfect to pair with cheeses. || Photo by: Kyle Scoble

At “El Mercadito”, many of the food vendors are located on the market's second floor. Some specialize in a variety of hot chiles, spices, and moles. Huge buckets of mole paste come from México to be sold at the market. Mole verde and rojo from Guerrero, mole negro or colorado from Oaxaca, mole poblano, and many others. You can buy mole here by weight, add some broth and a protein to it, and you’ve got an entire meal.



Many different kinds of mole paste which are used to create complex sauces (the name means “sauce” in the Nahuatl language. This is where “guacamole” comes from, by the way: sauce of aguacate or avocado). || Photo by: Kyle Scoble

The “International Deli”, one of the largest shops, boasts a sign that harkens back to the early part of the last century when Boyle Heights was home to generations of Jewish immigrants. At the “deli”, you can get a 20-piece package of freshly made corn tortillas for a little over a dollar, buy spicy-limey Mexican beef jerky or “cecina”, take home chunks of fresh cheese imported from Mexico, or try the Oaxacan delicacy known as chapulines (crickets), now apparently the latest “protein trend” among Bay area techies.



The International Deli || Photo by: Kyle Scoble

Then, there's more mole, camarón seco, charales (little dried fish), chicharrón and bags of corn husks ready to contain tamales. A carnicería-cheese stall sells fresh meat and queso de los menonitas, a soft, mild and cheddar-like cheese made by Mennonites in the state of Chihuahua, which arrives weekly at the market.

A smaller shop next door, “mini-Mercadito”, carries bags of cinnamon sticks the size of a baguette. Canela is a spice that has inordinate importance in Mexican home cooking.

“You can use it with everything,” says Warren, who keeps referring to his grandma as the reference for everything. “She used it with coffee. You can add it to salsa. When you cook it with savory foods, it becomes complex and nutty.”

With reports of the market's owners looking for ways to attract more customers from outside the Boyle Heights area — even from the Westside — the future of the Mercadito may look very different but, for now, it remains closer to the memories of home for many Mexican immigrants and their families.



Chicharrón: it may be bad for you, but it's heavenly to eat. || Photo by: Kyle Scoble

Top image: On the top floor of El Mercado, also known as "mercadito de los mariachis", there are two sizable restaurants with stages on opposite ends where mariachi musicians play every single day of the year. || Photo by: Kyle Scoble



ABOUT THE AUTHOR PILAR MARRERO

Pilar Marrero is a journalist and author with long experience in covering social and political issues of the Latino community in the United States. She is the author of the book "Killing the American Dream," which chronicles the last 25 years of immigration policy mishaps in the United States and their consequences for the country's economic future. The book was also published in Spanish by Penguin Books with the title "El Despertar del Sueño Americano."

Exhibit 2


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You have reached the website for CRA/LA, a Designated Local Authority and successor for the former Community Redevelopment Agency of the City of Los Angeles.

Please click on the link below for:

- [Successor Agency Agenda](#)
- [Oversight Board Agenda](#)

CONTACT

448 South Hill Street
Suite 1200
Los Angeles, CA
90013
T: 213.977.1600
F: 213.977.1665

AB1X-26'S IMPACT ON BUILDING PERMITS

Notice: ABx1-26 does not abolish the 31 existing Redevelopment Plans. The land-use authorities in the Redevelopment Plans remain in effect and continue to be administered by the CRA/LA until transferred to

FINANCIAL INFORMATION

- [Audited Financial Statements](#)
- [Agreed-Upon Procedures Audit \(6/28/2012\)](#)
- [Due Diligence Reviews \(Housing and Non-Housing Fund Balances\)](#)
- [Finding of Completion \(9/10/2013\)](#)
- [Authorized Pay Rates](#)

ENFORCEABLE OBLIGATIONS

[Approved ROPS 17-18](#)
[DOF Determination Letter](#)

[Approved ROPS 16-17](#)
[DOF Determination Letter](#)

[ROPS Archive](#)

SALE OF REAL PROPERTY ASSETS

CRA/LA announces the availability of its real estate portfolio.

Cushman & Wakefield is
Exclusive Broker

[Link to Press Release of Sale below](#)

[PRESS RELEASE LINK](#)

**the Department
of City Planning.**

**Please contact
the DLA
representative at
the Building and
Safety Permit
Plan Check at
201 North
Figueroa Street,
4th Floor, 213-
482-6595.**

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Exhibit 3

**CITY OF LOS ANGELES
DEPARTMENT OF BUILDING SAFETY
INTER-DEPARTMENTAL CORRESPONDENCE**

November 30, 2005

ZI No: 2270

Address: Various

Legal Description: Various

Comments:

Adelante Eastside Redevelopment Project Area. All applications within the Adelante Eastside Redevelopment Project Area requesting a permit for construction, remodeling, improvements, alterations including seismic compliance, demolition and/or signs must be referred to the Community Redevelopment Agency (CRA) for both CEQA clearance and permit approval. See list in ZI file of buildings of historical or architectural significance.

INSTRUCTIONS:

Direct the applicant to contact Jim Urquhart of the CRA, (213) 482-6595 to arrange for a review of the plans. The CRA is located on the 4th floor, 201 N. Figueroa St, Los Angeles, CA 90012.

EXCEPTIONS: (Do not apply to historically significant buildings)*

1. Ordinary maintenance and repairs which replace existing conditions such as replacement of water heaters, exterior painting, electrical and mechanical system changes and roofing.
2. Interior modifications for hire, life safety and handicapped requirements; tenant improvements above the first floor; patio covers.

*** IMPORTANT NOTE:** See attached lists of buildings of historical or architectural significance. If the project address is listed, the applicant must file an application with the CRA for all permit requests.

NOTE: Always check ZMAP for the latest information in the ZI file.

Ken Gill
Zoning Engineer

KG:das

ZI-2270.fm

Exhibit 4

Veronica Lebron - Re: Lorena Plaza Mixed Use Project

From: Greg Shoop <greg.shoop@lacity.org>
To: Veronica Lebron <veronica@robertsilversteinlaw.com>
Date: 5/11/2017 4:54 PM
Subject: Re: Lorena Plaza Mixed Use Project
CC: Esther Kornfeld <Esther@robertsilversteinlaw.com>, Robert Silverstein <Robert@robertsilversteinlaw.com>

Hello Veronica,

As I told Emily (who should be commended on her tenacity). The folder with the appendices was not found on the Environmental Units storage shelf. I have requested a electronic copy of the files from the Environmental Consultation. They should be here tomorrow morning. I will than forward the electronic copies to you once I receive them..

Greg

On Thu, May 11, 2017 at 12:52 PM, Veronica Lebron <veronica@robertsilversteinlaw.com> wrote:

Mr. Shoop:

I'm just following up with the request below. Please confirm receipt of this e-mail. Also, please advise when we can obtain the Technical Appendices including the Phase 1.

Thank you in advance for your prompt attention to this matter.

Veronica Lebron
 The Silverstein Law Firm, APC
 215 North Marengo Avenue, 3rd Floor
 Pasadena, CA 91101-1504
 Telephone: (626) 449-4200
 Facsimile: (626) 449-4205
 Email: Veronica@RobertSilversteinLaw.com
 Website: www.RobertSilversteinLaw.com

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>>> Veronica Lebron 5/10/2017 4:43 PM >>>

Mr. Shoop:

I am having difficulties finding the Technical and Phase I ESA Appendices to the MND for the Lorena Plaza Mixed Use Project (ENV-2014-2392; DIR-2015-1998). If there is a link for them on the website, please provide that to me. If there is not a link you can share, please e-mail the Appendices (A through E) as soon as possible. If it is not possible to send them via e-mail, please provide us with information so that I can coordinate having someone pick them up.

Thank you in advance for your prompt attention to this matter.

Veronica Lebron
 The Silverstein Law Firm, APC

215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Telephone: (626) 449-4200
Facsimile: (626) 449-4205
Email: Veronica@RobertSilversteinLaw.com
Website: www.RobertSilversteinLaw.com

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--

Gregory J. Shoop
Department of City Planning
Central Project Planning Division
T: (213) 978-1243
200 N. Spring St., Room 621
Los Angeles, CA. 90012

*Please note, I am out of the office every other Friday.

* Your first stop for most City Planning questions regarding your property will usually begin at the Development Service Center (DSC). Click the following link for DSC contact information: <http://www.planning.lacity.org/PublicCounter.html>. In addition, two City Planning Department on-line systems can provide a variety of information – Zoning Information and Map Access Systems (ZIMAS) and Planning Case Tracking System (PCTS). ZIMAS provides a property's zoning designation, potential hazard zones, County Assessor's data, and economic development incentives among other information. It can be accessed at zimas.lacity.org. PCTS provides a summary of information regarding cases that were submitted to the Planning Department and can be accessed at plncts.lacity.org/cts_internet/

Please consider the environment before printing this email

Exhibit 5



BOYLE HEIGHTS LOS ANGELES AFFORDABLE HOUSING

76 affordable apartments planned for Boyle Heights

2 ,

Just a couple blocks from the Gold Line

BY ELIJAH CHILAND | DEC 20, 2016, 3:40PM PST



Google Maps

A new affordable housing project could soon begin to rise on a Metro-owned property in Boyle Heights. Developer Abode Communities is in talks with Metro to acquire a 66-year ground lease for the site. The organization filed plans for the project with the city earlier this month.

Located just blocks from the Gold Line's Soto Station, the project, which is called La Veranda, will include 76 affordable apartments (and one manager's unit). The apartments

will be reserved for tenants making between 30 and 60 percent of the median income in the area.

The project will also include 8,000 square feet of retail space, which will include a bank and space for “community-oriented organizations,” according to the developer. Amenities will include bike parking, a resident center, and a central courtyard with a playground.

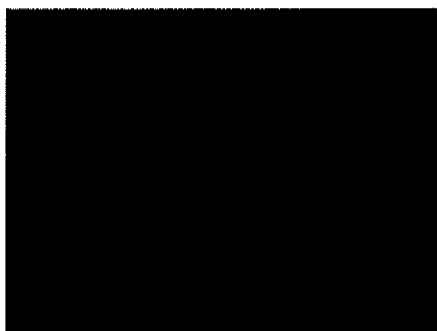
Promotional material from Adobe Communities emphasizes neighborhood outreach efforts the developer has undertaken in the area, where controversy over gentrification has been raging in recent years. The project is one of several affordable developments currently in the planning and construction process near Boyle Heights Metro stops. One of those projects, the Santa Cecilia Apartments, began accepting rental applications earlier this year.

Once approved, construction on La Veranda is expected to begin by 2018 and finish up by 2020.

Update: An earlier version of this story indicated that Abode had acquired a lease from Metro. In fact, the agreement has not been finalized.

- Housing developers eyeing Boyle Heights lot across from Mariachi Plaza [Curbed LA]
- Boyle Heights is Battling Fiercely Against Gentrification [Curbed LA]
- Construction ready to start on new transit-friendly affordable housing [Curbed LA]

THE LATEST



La Cienega car wash may give way to stylish apartments

The six-story building would hold new 96 units and a rooftop pool with retail and restaurants at street level.

BY BIANCA BARRAGAN

Buying vacant lots in LA: 6 things to know



BOYLE HEIGHTS LOS ANGELES DEVELOPMENT

All the Details on the Mixed-Use Rebirth of the Enormous Boyle Heights Sears Complex

BY BIANCA BARRAGAN | DEC 14, 2015, 3:12PM PST



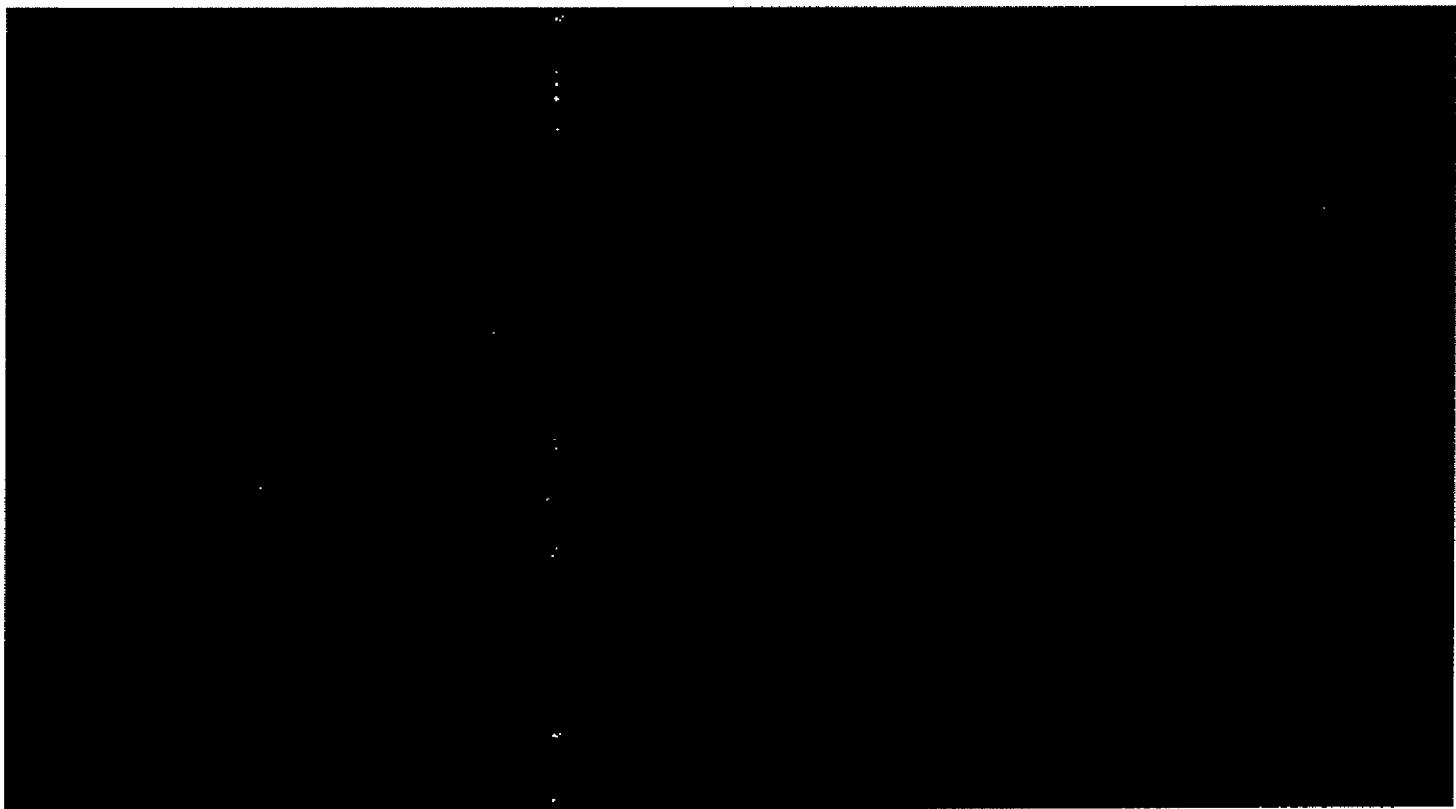
2014 renderings of the Boyle Heights Sears project

The huge, historic Sears complex in Boyle Heights has been anticipating a major makeover since developer **Izek Shomof** (of Downtown's Title Insurance Building and the King Edward Hotel overhauls) bought the property in late 2013, with the idea to turn it into a mixed-use community. The adaptive reuse and conversion of the 10-story, 1.8-million-square-foot building has now received preliminary approval from a city zoning official, says Eastsider LA, and in the process revealed some new details about what's headed for the widely recognizable structure.

The plan as it stands calls for the creation of **1,030 live/work units** inside the complex, with some of the units limited to "artists, artisans and designers," says ELA. The Sears store, which is going to be sticking around (they have a 90-year lease at the site) takes up about 250,000 square feet and will be joined by just shy of 99,000 square feet of **additional retail space** on the ground floor. Another 250,000 square feet will be converted into creative office space.

ELA says that the zoning official's decision means that developers can "take advantage of several city incentives in connection with building density," but also that they have to provide a few community-oriented benefits, like a shuttle that will run between the property and the Gold Line station, street widening, and upgrades to traffic signals. This is just the beginning for the project, which will be subject to a lot review and can still be appealed.

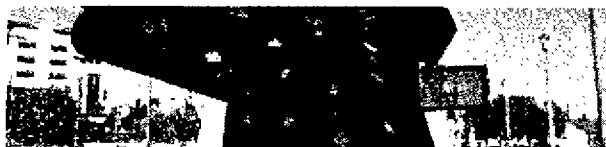
Back when the first glimpses of the Sears reboot were making the rounds, the neighbors seemed divided about the project. Some locals worried about hastening the gentrification that could push them out of their long-time homes. Others welcomed a development that they see as offering a place of return for young, upwardly mobile Boyle Heights residents who have a left for school or other reasons.



Boyle Heights

BOYLE HEIGHTS Neighborhood
Council

Mariachi Plaza and Cesar Chavez/Fickett Joint Development RFPs Released Today



Metro Joint Development

Mariachi Plaza and Cesar Chavez/Fickett Joint Development RFPs Released Today

Throughout 2016, Metro engaged in a robust community-outreach process to create development guidelines for the Metro-owned sites at Mariachi Plaza and Cesar Chavez/Fickett. These guidelines are a result of our community engagement process and are based on the community's vision and goals for the two sites:

- [Mariachi Plaza Development Guidelines](#)
- [Cesar Chavez/Fickett Development Guidelines](#)

Today, Metro released Request for Proposals (RFPs) for the joint development of the Mariachi Plaza and Cesar Chavez/Fickett sites. The RFPs were developed based on the development guidelines and input gathered from the Boyle Heights community.

If you are interested in downloading and/or responding to the RFPs, follow [this link](#) and scroll to find the Mariachi Plaza Joint Development Opportunity (PS39772) and the Cesar Chavez/Fickett Joint Development Opportunity (PS39762). **NOTE: You must register as a vendor to download the RFPs.**

If you have any questions about this solicitation, please contact Jesse Zepeda, Senior Contract Administrator, at 213.922.4156 or zepedaj@metro.net.

MORE ABOUT THE JOINT DEVELOPMENT PROGRAM [HERE](#).



Metro
One Gateway Plaza
Los Angeles, CA 90012-2952

Bus & Rail Transit Information:
323.CO.METRO (323.466.3876)
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Exhibit 6



Technical Consultation, Data Analysis and
Litigation Support for the Environment

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.
(949) 887-9013
mhagemann@swape.com

May 15, 2017

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

Subject: Comments on the Lorena Plaza Mixed Use Project

Dear Mr. Silverstein:

We have reviewed the September 2015 Initial Study and Mitigated Negative Declaration (IS/MND) for the Lorena Plaza Mixed Use Project ("Project") in Los Angeles. The Project proposes to construct a four-to five-story mixed-use development consisting of 49 dwelling units and ground floor commercial space. The IS/MND fails to adequately describe and mitigate Hazards and Hazardous Waste impacts. Preparation of a Draft Environmental Impact Report (DEIR) is necessary to identify impacts and to prescribe appropriate mitigation.

Hazards and Hazardous Waste

The Phase I Environmental Site Assessment (ESA) prepared for the Project (Appendix C) found two hazards associated with the Project site: (1) the potential for contaminated soil associated with cuttings from drilling activities of an abandoned oil well; and (2) that abandonment techniques for the oil well, which was drilled in 1949, are not on par with modern California Department of Conservation, Division of Oil and Gas (DOGGR) abandonment requirements. On the basis of these findings, a Phase II ESA, which involves the collection of soil samples and groundwater samples where warranted, was recommended (Phase I ESA, p. 25). No such Phase II investigation was completed for the Project site and mitigation, to provide for the collection of soil samples, is deferred until after Project approval. A DEIR is necessary to include the results of soil sampling and a DOGGR-certified abandonment report of the oil well.

Potentially Contaminated Soils Have Not Been Investigated

On the issue of potentially contaminated soils, the IS/MND states (p. 4.0-41):

It is very unlikely that any significant soil segregation and excavation would be required as part of site grading and construction of the underground garage. Prior to grading activities, soil testing would occur to confirm that no significant contamination exists. If soil contamination is

discovered during site grading, all impacted soils should be managed according to State and federal laws.

This is vague and deferred mitigation. There is a fair argument that by delaying soil sampling until prior to site grading, unanticipated contamination may be found in significant quantities and concentrations from past uses which include a lumber yard and a saw mill (Phase I ESA, p. 1). In addition to potential drill cutting contamination, past use as a lumber yard and a saw mill may have involved the use of arsenic- and copper-based wood preserving activities, leading to soil contamination. These past uses should be investigated through a soil sampling program under a Phase II as recommended in the Phase I ESA. The Phase II should be conducted prior to Project approval and any mitigation necessary for removal of contaminated soils should be completed prior to Project groundbreaking.

Abandonment of Oil Well Has Not Been Undertaken

An oil well was drilled and abandoned at the Project site in 1949. The depth of the well was 4,587 feet.

Prior well abandonment practices were not as protective as modern well abandonment practices regulated by the DOGGR. Current well abandonment practices require conformity with California Code of Regulations, Section 1723, as follows¹:

- A Notice of Intention to Abandon must be filed with the appropriate district office, and a permit to conduct operations must be received from the Division prior to commencing operations.
- The hole will be filled with drilling mud.
- Cement plugs will be placed across all oil or gas zones, the fresh water/salt water interface, the casing shoe (if open hole is below the shoe), casing stub (if casing was removed from the hole), and at the surface. The length required for each plug will vary.
- If there is junk in the hole, a cement plug is required to be placed on top of the junk.
- If there is uncemented casing at the base of fresh water interface, cement must be squeezed through perforations in the casing. The same applies if there is uncemented casing at the surface; all annuli need to be plugged.
- Plugging and abandonment operations require witnessing by a DOGGR engineer.

The IS/MND is vague on how well abandonment will be completed stating only (Mitigation Measure VII-160):

Pursuant to the Los Angeles Building Code, the Applicant will engage in the Construction Site Plan Review (CSPR) process with the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR). The CSPR process includes, but is not limited to locating excavating, and conducting a methane leak test on the well, providing DOGGR with a site plan indicating the footprint of the proposed structure and well location, and provide DOGGR with a well evaluation and work plan to re-abandon the well, as necessary.

There is no discussion of impacts of well abandonment, including noise, air emissions, or generation of dust. A DEIR is necessary to discuss these impacts and to mitigate any impacts that were not identified in the IS/MND.

¹ http://www.conservation.ca.gov/dog/faqs/Pages/Index.aspx#how_are_wells_plugged

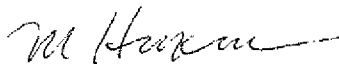
Contaminated Soil May Pose Hazards to Adjacent Residents

A fair argument can also be based on the potential for contamination in soil to pose significant air quality impacts. Upon Project excavation, contaminants in soil, if present, may be liberated and become airborne via dust generation. Air quality impacts on those people in surrounding homes and businesses may be significant through the inhalation pathway without effective mitigation, to include fenceline dust monitoring and a program of public outreach to communicate the findings of the monitoring.

The IS/MND provides no specific mitigation measures to address potential contamination in soil. The IS/MND only mentions that during construction, unpaved areas would be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Additional measures mentioned in the IS/MND include the discontinuation of earth moving activities when winds are greater than 15 mph (p. 4.0-15).

These measures are insufficient to protect nearby receptors from potential airborne contaminants sorbed to dust. The IS/MND documents the nearest sensitive receptors to the Project Site to be single-family residences located approximately 150 feet to the southeast across E. 1st Street (p. 4.0-17). A DEIR needs to be prepared to address the potential that people in these houses, as well as other people nearby, may be at risk for breathing contaminated dust and to provide for mitigation to include fenceline monitoring and public outreach to communicate monitoring results.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Technical Consultation, Data Analysis and
Litigation Support for the Environment

1640 5th St., Suite 204 Santa
Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and Hagemann, M.F. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

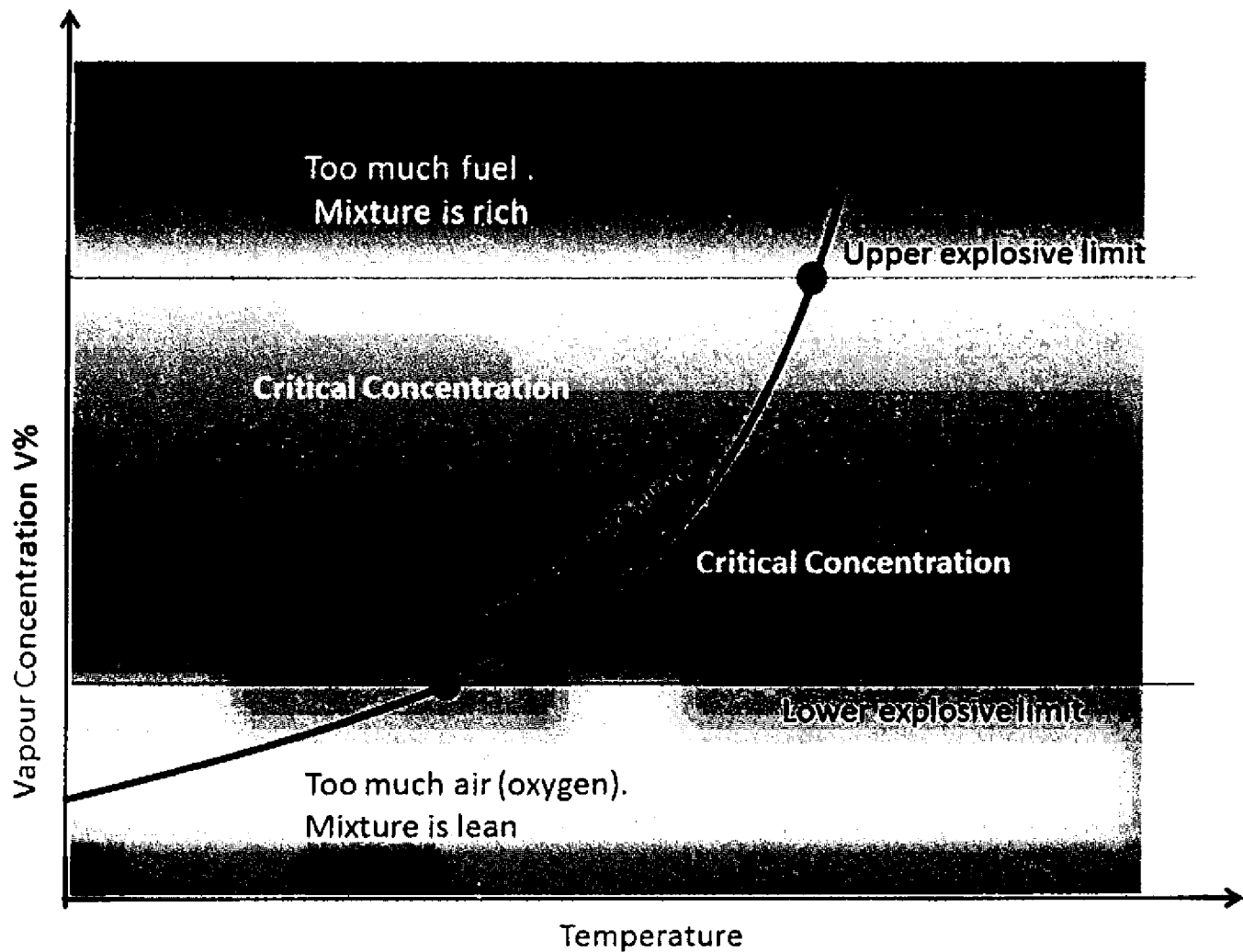
Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

Exhibit 7



An interesting example:

Methane (CH_4) is highly flammable and when mixed with air it forms a mixture which can easily be ignited. Flammable mixture is one which will burn itself once ignited (Even after removal of the ignition source).

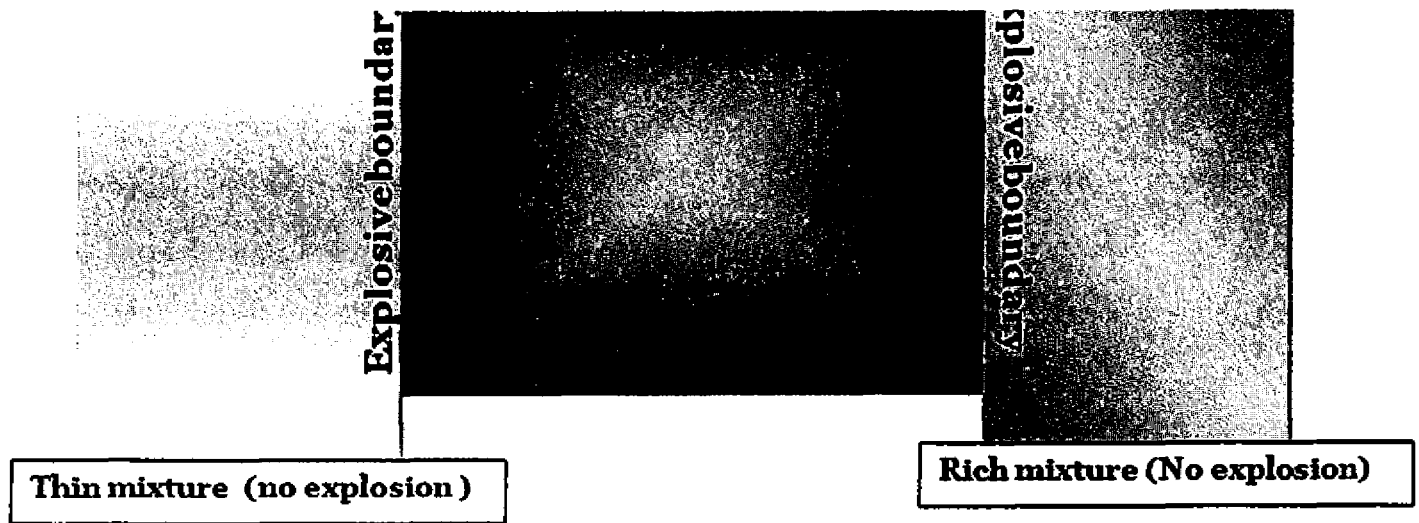
The Lower Explosive Limit of Methane is about 5% (By Volume: Meaning volume of Methane divided by total volume of mixture of air and methane: 5 ml of methane in 100 ml of Mixture) .

The Upper Explosive Limit is about 15%.

That means methane will not explode below 5% and above 15%. (It may burn around the source of ignition or heat)

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Critical Concentration ready to explode



More information at [The working of a Fire Triangle](#)

[\(main\)](#)




Exhibit 8

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: November 16, 2015

To: Mr. Michael LoGrande, Director
Department of City Planning
Attn: Nuri Cho (Planning Assistant)

From: 
Edmond Yew
Land Development and GIS Division
Bureau of Engineering

Subject: Case No. DIR 2015-1998 (DB): 3401-3415 East 1st Street

The following recommendations identifying the infrastructure deficiencies adjacent to the application site are submitted for your use for the approval of a Density Bonus adjoining the area involved:

1. Dedication Required:

1st Street (Avenue II) – Accept the variable width future street along the property frontage to complete a minimum 43-foot wide half right-of-way in accordance with Avenue II standards of Mobility Plan 2035, together with a 15-foot by 15-foot cut corner at the intersection with Lorena Street.

Lorena Street (Avenue II) – Dedicate a 1.75-foot wide strip of land along the property frontage of Lot 21 of the Cheesbrough Tract to complete a 43-foot wide half right-of-way in accordance with Avenue II standards of Mobility Plan 2035.

Alley (E/o Lorena Street) – Dedicate a 2.5-foot wide strip of land along the property frontage to complete a 10-foot wide half right-of-way in accordance with Alley standards of Mobility Plan 2035.

2. Improvements Required:

1st Street – Repair and/or replace any broken, off-grade or bad order concrete curb, gutter and sidewalk. Close all unused driveways with full height curb, gutter and sidewalk. Upgrade all driveways to comply with ADA requirements. Repair or replace other existing public improvements that may get damaged during construction of the proposed project. These improvements should suitably transition to join the existing improvements.

Lorena Street – Provide a 15-foot full width concrete sidewalk. Repair all broken, off-grade, or bad order concrete curb and gutter. Close all unused

4. Sewers exist in 1st Street and the Alley. Extension of the 6-inch house connection laterals to the new property line may be required. All Sewerage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.
5. An investigation by the Bureau of Engineering Central District Office Sewer Counter may be necessary to determine the capacity of the existing public sewers to accommodate the proposed development. Submit a request to the Central District Office of the Bureau of Engineering (213) 482-7050.
6. Submit shoring and lateral support plans to the Bureau of Engineering Central District Office Excavation Counter for review and approval prior to excavating adjacent to the right-of-way (213) 482-7050.
7. Submit a parking area and driveway plan to the Central District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

Any questions regarding this report may be directed to Sean Mizan of my staff at (213) 202-3486.

cc: Noah Adler
Central District Office

Exhibit 9

Los Angeles Unified School District

Office of Environmental Health and Safety

RAMON C. CORTINES
Superintendent of Schools

THELMA MELÉNDEZ, PH.D.
Chief Executive Officer, Office of Educational Services

ROBERT LAUGHTON
Director, Environmental Health and Safety

CARLOS A. TORRES
Deputy Director, Environmental Health and Safety

October 8, 2015

Darlene Navarrete
City of Los Angeles
Los Angeles City Hall
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Submitted via electronic mail

**SUBJECT: 3407-3415 E. First St.; 114,116,122 & 126 N. Lorena St., Boyle Heights
(MND-NG-15-433-PL; ENV-2014-2392)**

Dear Ms. Darlene Navarrete:

Presented below are comments submitted on behalf of the Los Angeles Unified School District (LAUSD) regarding the Mitigated Negative Declaration for the proposed development (proposed project) located at *3407-3415 E. First St.; 114,116,122 & 126 N. Lorena St., Los Angeles, CA*. The proposed project would entail the construction of an approximately 90,000 square foot (sq.ft.), 4 to 5 story mixed-use residential development containing 49 apartment units and approximately 10,000 sq.ft. of ground-floor commercial space. LAUSD appreciates the opportunity to be a contributor to the environmental planning process and appreciates the opportunity to work with you to identify and mitigate potential direct and indirect adverse impacts on schools located within the proximity of the proposed project location.

There is one LAUSD campus operating within 0.25 mile of the proposed project, Ramona Opportunity High School (Ramona HS). Ramona HS is located at: 231 S. Alma Avenue, Los Angeles, CA, approximately 0.24 mile southeast of the proposed project site. It is therefore recommended that the City consider incorporating appropriate measures and management practices designed to avoid or substantially mitigate any potentially adverse environmental impacts associated with the proposed project.

Specific environmental impact factors that are of particular concern to LAUSD include but are not limited to:

- Air Quality
- Hazards and Hazardous Materials
- Noise
- Pedestrian Safety
- Public Services
- Traffic and Transportation

LAUSD's charge is to protect the health and safety of students, faculty, staff, and the integrity of the learning environment. The comments presented above identify potential environmental impacts related to the proposed project that must be addressed to ensure the welfare of the students, faculty, and staff at LAUSD schools. If additional issues are identified by LAUSD, we will bring them to the attention of the City.

Thank you for your attention to this matter. Please feel free to contact me at (213) 241-3913 should you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to be 'Eimon Smith', with a stylized, cursive script.

Eimon Smith
CEQA Project Manager/Contract Professional

c: Anna Carrasco, Principal, Ramona HS

Exhibit 10

Delay for Boyle Heights homeless project shows challenge of building thousands of units in L.A.

**For more on these stories
latimes.com/90seconds**

Video and photo
**Getty
KTLA**

Los Angeles Times
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LA
Times

A nonprofit developer wants to build affordable housing in Boyle Heights. (April 14, 2017) (Sign up for our free video newsletter here <http://latimes.com/90seconds>)



By Doug Smith

APRIL 14, 2017 5:00 AM

A vacant lot between two venerable Eastside landmarks — Evergreen Cemetery to the west and the El Mercado mall to the east — is the focus of a dispute that portends difficulties for the city's plans to spur the construction of 1,000 units of housing each year for the chronically homeless.

A nonprofit developer has an option to build 49 affordable-housing units on the property, with half of them dedicated to chronically homeless people who have been diagnosed as mentally ill.

It's exactly the kind of project the city intends to support with the \$1.2-billion homeless housing bond that voters approved in November.

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But it's been stuck for nearly a year in the committee headed by one of the most vocal supporters of that bond, Councilman Jose Huizar.

The Los Angeles City Planning Department approved the plan last year. That decision would have been the last hurdle for the developer, A Community of Friends, after nearly three years spent meeting with government and neighborhood groups to come up with a plan that had widespread support.

But one prominent opponent remained: the lot's next-door neighbor. The family that owns El Mercado — known for Mexican crafts and food and a popular nightclub — appealed the project's environmental report, saying the project was too dense, would adversely affect schools and libraries, and lacked adequate parking. Since then the project has been stalled, waiting for a hearing on the appeal.

After family patriarch Pedro Rosado died in 2015, his son Tony Rosado took up the fight. He is being represented by attorney Robert Silverstein, a veteran of legal challenges over Hollywood development.

Huizar chairs the City Council's planning committee, which could recommend either that the full council reject the appeal and allow the project to proceed or require A Community of Friends to do more environmental analysis, up to a costly environmental impact report.

Dora Leong Gallo, chief executive of A Community of Friends, found Huizar's failure to schedule the hearing ironic considering his support for Proposition HHH in the fall.

Huizar stumped for the bond measure so enthusiastically that council President Herb Wesson dubbed him one of the Three H's, along with himself and Councilman Marqueece Harris-Dawson.

Gallo said the stalemate reflects the challenges of building housing for the chronically homeless.

The construction of supportive housing in Los Angeles is currently limited to about 300 units a year by competition for scarce subsidies. Proposition HHH will provide funds to greatly increase the pace, but leaders of the mostly nonprofit development community worry that constituent backlash will become a new roadblock.

"This happens everywhere," Gallo said. "People support it in concept. They think we're doing an important thing. And then when it comes to being in your neighborhood, it becomes getting over that hurdle. Despite the rhetoric that's out there, the political will is most in need to get these projects done."

"What elected people tend to do is reflect the wishes of their constituencies," said Mike Alvidrez, chief executive of Skid Row Housing Trust, a large nonprofit developer.

What's needed, Alvidrez said, is for those elected officials to take the lead in convincing communities that projects like the one proposed near El Mercado would make neighborhoods better, not worse.

"Now that we're faced with the prospect of doing this on a large scale, we need that political support to affirm that is true," he said.

Huizar did not respond to emailed questions from The Times, and neither Silverstein nor Tony Rosado returned calls.

Huizar and both Rosados, however, spoke out against the project when it was before the L.A. County Metropolitan Transportation Authority board nearly four years ago. Metro was considering an exclusive negotiating agreement with A Community of Friends for use of the land, which had been a staging area during construction of the Eastside's Gold Line extension.

The Rosados objected to the plan to house mentally ill people there.

Many of the 30,000 people who visit El Mercado every week are children, Pedro Rosado said.

"Our children will be at high risk with mentally ill people only 10 feet away," he told Metro board members at a public hearing. "Why are you people hiding it and calling it only affordable housing?"

Huizar said he never liked the project, because he thought the location needed more retail businesses.

"We don't want to create more dead space," Huizar, a Metro board member, told the hearing. "We want to create more retail space for this location. And it has been significantly reduced."

Initially conceived as 43 housing units with 26,000 square feet of ground-floor retail space, the plan was changed to 53 units and only 5,000 square feet of retail after Metro built a power substation on the lot that took more space than anticipated.

"I try to stay calm," Huizar said, his voice cracking with emotion as he castigated Metro staff for changing the plan without consulting him or the community.

"I keep getting misled," he said. "If I keep getting misled, I can imagine what the community has to put up with. This is unacceptable."

Gloria Molina, then a member of the L.A. County Board of Supervisors, tried to assuage him, describing her experience with a similar project that had gained community acceptance.

"I can assure you once this is in place, you're going to be very proud of it," Molina said. "You should meet with them. You should work with them."

Huizar cast the only vote against the project.

Over the next three years, Gallo attended more meetings and made additional changes to allay opposition, among them agreeing to reserve half the units for veterans.

In July 2015, the Boyle Heights Neighborhood Council endorsed the final plan — 49 housing units and 10,000 square feet of retail — on a 15-1 vote.

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“They tried to engage as many folks as possible,” said Mynor Godoy, president of the Boyle Heights council, who was head of its planning committee at the time.

In response to community requests, Godoy said, the developer made modifications to the lighting and landscaping and agreed to include day care in the retail space. The architect changed the building’s profile to make it interact better with the street, Godoy said.

Gallo said she also eliminated all windows facing El Mercado after the owner’s representative expressed concern that an apartment next door might bring complaints about noise from the popular nightclub.

In March 2016, the L.A. City Planning Department granted the required approvals for height, street setback and parking.

But the green light turned red when lobbyist Harvey Englander filed an appeal on behalf of the Rosados. It challenged the an administrative finding that allowed the project to avoid the burden of a full environmental impact report.

Asked why Huizar had not scheduled a hearing after nearly a year, Huizar spokesman Rick Coca said in an email the councilman was waiting for the parties to negotiate.

Gallo said she offered to discuss changes to the project with the Rosados’ lawyer, but he has not responded or returned her calls.

Gallo said she would be prepared to do more environmental work if she knew what was required.

“Schedule the darn thing so we can have that conversation,” she said. “Why isn’t it being scheduled?”

Huizar’s office said in an email April 7 that it would schedule the issue in May or June.

Meanwhile, time is running out, Gallo said. Metro has twice extended the deadline for conclusion of a development agreement. The deadline is now June 30.

After that, Metro would be free to look for a new developer.

doug.smith@latimes.com

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Exhibit 11



520 South Grand Avenue, Suite 605 • Los Angeles, CA 90071 • Fax 213-669-3188 • 213-666-2188

May 9, 2017

Email: clerk.plumcommittee@lacity.org

Chairperson Jose Huizar and

Members of the Planning & Land Use Management Committee (PLUM)

City of Los Angeles

200 N. Spring Street, Room 360

Los Angeles, CA 90012

c/o City Clerk

Re: C.F. 16-0503 – Lorena Plaza project – CEQA Appeal

Dear Chairperson Huizar and Members of the Committee:

I am writing to urge the PLUM Committee to deny the CEQA appeal filed by the owners of El Mercado against the Lorena Plaza project.

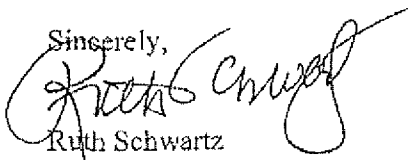
As the Executive Director of an agency that has been working to address homelessness in Los Angeles for 33 years, I feel strongly that the long-term solutions to homelessness must include the development of permanent supportive housing.

The homeless crisis is visible throughout Los Angeles, including Council District 14, where this project is located. In approving Measures HHH and H, the voters have demonstrated that they want homelessness to be significantly reduced or ended in Los Angeles. That will be possible only if we allow permanent supportive housing projects to be developed throughout the City, including this project. The most recently completed Point in Time Homeless Count, which took place in January 2016, found 28,464 homeless in the City of Los Angeles, with 5,590 homeless in Council District 14.

Siting housing for the homeless is challenging, but well-designed permanent supportive housing with appropriate services enhances communities, as well as providing stable housing to the most needy among us. The developer, A Community of Friends (ACOF), has a well-earned reputation for producing exactly that sort of housing and providing services to ensure that ACOF tenants are good neighbors. After careful analysis, the Boyle Heights Neighborhood Council came to agree; they voted 15-1 in support of this project.

Please deny the CEQA appeal so this urgently needed project may proceed.

Sincerely,


Ruth Schwartz
Executive Director