



City Clerk Council and Public Services <clerk.cps@lacity.org>

Fwd: EPA Intervention Needed - Abuse of CEQA Exemption - CEQA Guidelines Article 19

2 messages

Anna Martinez <anna.martinez@lacity.org>
To: Clerk Council and Public Services <Clerk.CPS@lacity.org>

Thu, Oct 24, 2019 at 10:15 AM

----- Forwarded message -----

From: Soledad Ursua <soledadursua@gmail.com>

Date: Wed, Oct 23, 2019 at 10:19 PM

Subject: EPA Intervention Needed - Abuse of CEQA Exemption - CEQA Guidelines Article 19

To: <Wheeler.andrew@epa.gov>, <Darwin.henry@epa.gov>, <Yamada.richard@epa.gov>, <Orme-Zavaleta.jennifer@epa.gov>, <Brennan.thomas@epa.gov>, <Leopold.matt@epa.gov>, <Ryan.Jackson@epa.gov>, <Kevin.DeBell@epa.gov>, <simons.vicki@epa.gov>, Mike Bonin <mike.bonin@lacity.org>, Mike N. Feuer <mike.n.feuer@lacity.org>, Eric Garcetti <mayor.garcetti@lacity.org>, Venice United-internal <veniceunited-internal@googlegroups.com>, Venice United <veniceunited@googlegroups.com>, Fight Back, Venice <fbv@fightbackvenice.org>, <Assemblymember.Burke@assembly.ca.gov>, <senator.allen@senate.ca.gov>, <sheila@bos.lacounty.gov>, Tricia Keane <tricia.keane@lacity.org>, <daniel.tamm@lacity.org>, <david.e.harrison@lacity.org>, <ryan.jini@epa.gov>
Cc: wilmington citizens <citizensforabetterwilmington@gmail.com>, <Directordog@cox.net>, Joe Piasecki <joe@argonautnews.com>, <elijah@curbed.com>, Steve Lopez <Steve.lopez@latimes.com>, <2preservela@gmail.com>, <Adam.Elmahrek@latimes.com>, Patrick McGreevy <patrick.mcgreevy@latimes.com>, <ken@citywatchla.com>, <CityClerk@lacity.org>, <anna.scott@kcrw.org>, <benjamin.gottlieb@kcrw.org>, <larry.mantle@kpcc.com>, <phil.shuman@foxtv.com>, <lacity1@sbcglobal.net>, <Lolita.Lopez@nbcuni.com>, <doug.smith@latimes.com>, <anoonan@thefrontpageonline.com>, Dean DeMilio <Dean.Demilio@cumulus.com>, Emily Barsh <emily.barsh@gmail.com>, Jenna Chandler <jenna@curbed.com>, Venice United - Core <venice-united-core@googlegroups.com>, Ted Hayes <ted@tedhayes.us>, Wayne Fishback <waynefishback44@gmail.com>, Darryl DuFay <darryldu@pobox.com>, <press@epa.gov>, Hobbs, Benjamin R. EOP/WHO <Benjamin.R.Hobbs@who.eop.gov>, <internalcomms@epa.gov>, <widener.charles@epa.gov>

Federal and State Regulators-

The MTA Bridge Housing site, located at 100 Sunset Avenue, Los Angeles 90291, was given a categorically exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Article 19, Sections 15301 Class 1(h); 15304, Class 4(a)(b)(e); and 15332 Class 32; as well as City of Los Angeles CEQA Guidelines, Article III, Section 1, Class 1 (8)(12); and Class 4(1)(3)(6); as set forth in the Notice of Exemption.

Photo Evidence Attached. These are extremely hazardous conditions happening in a highly residential area, located within 500 feet of an elementary school.

The demolition work that is being conducted today are in clear and gross violation of its categorical exemption. The residents of Venice Beach ask that work stop on site and require the oversight of the Federal Environmental Protection Agency. As per photos attached, hazardous materials are now airborne and anyone who lives or works within a half-mile radius should take precautionary steps to avoid the area until an expert can be called in to test airborne hazardous materials.

Further, the residents of Venice Beach formally ask that the EPA officially declare the surround site a Brownfields, via its Federal Brownfields Program, which provides technical assistance to communities, states, tribes and others to assess, safely clean up and sustainably reuse contaminated properties.

Background on The MTA Bridge Housing site

The former MTA bus lot, located one block from the beach, has been selected for a 3-year temporary shelter. The only way to override all local zoning and environmental (CEQA) rules was to deem the project "temporary." The project site is 3.3 acres and is owned by the MTA, independently valued by commercial real estate experts at \$100-200 million, leased at \$0 annually to service

provider. LA City Taxpayers will pick up 100% of the costs. The shelter's 154 beds will serve 14% of the total (1,075) homeless population in Venice Beach. We still do not know the total project costs. The value of the land is not accounted for or disclosed. Hard costs (for a 3 year tent) are \$8 million, and the soft costs are \$8 million, bringing the project to \$16 million, bringing the cost per shelter bed to \$100k, which is only the real estate finance portion of the project, and the City has not disclosed the 3 year annual operational costs of the homeless service provider to the public.

Using a prior budget for the El Pueblo shelter in DTLA, which had 45 shelter beds, it had a total 3-year business operational cost of \$5 million. Using the same logic, this 154-bed shelter would cost \$17.1 million over a 3-year period, thus bringing the total cost of the taxpayer to \$214,000 per shelter bed. However when you use \$100 million as the cost of the land, it can bring the total cost up to \$870k. Please remember this is a temporary 3-year project.

This site was given a categorically exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Article 19, Sections 15301 Class 1(h); 15304, Class 4(a)(b)(e); and 15332 Class 32; as well as City of Los Angeles CEQA Guidelines, Article III, Section 1, Class 1 (8)(12); and Class 4(1)(3)(6).

Specific Abuse of CEQA Exemptions

Article 19, Sections 15301. Existing Facilities, Class 1

Consists of the operation, repair, maintenance, permitting, leasing, licensing, or MINOR alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects, which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

CLEARLY THE PICTURES ATTACHED SHOW THIS EXEMPTION IS IN VIOLATION OF ITS CATEGORICAL EXEMPTION. THE PROJECT CLEARLY SHOWS AN EXPANSION OF EXISTING USE.

Article 19, Section 15304 MINOR Alterations to Land Class 4(a)(b)(e)

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation, which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:
THE PROJECT IS NO LONGER A MINOR ALTERATION TO THE LAND CLASS.

THE PROJECT IS IN VIOLATION OF ARTICLE 19, SECTION 15043 4(A)(B)(E)

Article 19, Section 15332 Class 32 15332. In-Fill Development Projects

Consists of projects characterized as in-fill development meeting the conditions described in this section.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
THE PROJECT IS RESULTING IN SIGNIFICANT AIR QUALITY CONCERNS THAT REQUIRE THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY TO INTERVENE, AS IT IS PUTTING ALL RESIDENTS AT RISK WHO LIVE AND WORK WITHIN A HALF MILE RADIUS.

(e) The site can be adequately served by all required utilities and public services.
THE PROJECT HAD NO PREVIOUS UTILITIES AND THE REASON THE CITY IS BREAKING GROUND IS TO INSTALL SUCH UTILITIES AND PUBLIC SERVICES.

THE PROJECT IS VIOLATION OF ARTICLE 19, SECTION 15332 CLASS 2(B)(D)(E).

Anna Martinez <anna.martinez@lacity.org>
 To: Clerk Council and Public Services <Clerk.CPS@lacity.org>

Thu, Oct 24, 2019 at 10:16 AM

----- Forwarded message -----

From: <John.Dosch@dell.com>
 Date: Thu, Oct 24, 2019 at 10:14 AM
 Subject: RE: EPA Intervention Needed - Abuse of CEQA Exemption - CEQA Guidelines Article 19
 To: <soledadursua@gmail.com>, <Wheeler.andrew@epa.gov>, <Darwin.henry@epa.gov>, <Yamada.richard@epa.gov>, <Orme-Zavaleta.jennifer@epa.gov>, <Brennan.thomas@epa.gov>, <Leopold.matt@epa.gov>, <Ryan.Jackson@epa.gov>, <Kevin.DeBell@epa.gov>, <simons.vicki@epa.gov>, <mike.bonin@lacity.org>, <mike.n.feuer@lacity.org>, <mayor.garcetti@lacity.org>, <veniceunited-internal@googlegroups.com>, <veniceunited@googlegroups.com>, <fbv@fightbackvenice.org>, <Assemblymember.Burke@assembly.ca.gov>, <senator.allen@senate.ca.gov>, <sheila@bos.lacounty.gov>, <tricia.keane@lacity.org>, <daniel.tamm@lacity.org>, <david.e.harrison@lacity.org>, <ryan.jini@epa.gov>
 Cc: <citizensforabetterwilmington@gmail.com>, <Directordog@cox.net>, <joe@argonautnews.com>, <elijah@curbed.com>, <Steve.lopez@latimes.com>, <2preservela@gmail.com>, <Adam.Elmahrek@latimes.com>, <patrick.mcgreevy@latimes.com>, <ken@citywatchla.com>, <CityClerk@lacity.org>, <anna.scott@kcrw.org>, <benjamin.gottlieb@kcrw.org>, <larry.mantle@kpcc.com>, <phil.shuman@foxtv.com>, <lacity1@sbcglobal.net>, <Lolita.Lopez@nbcuni.com>, <doug.smith@latimes.com>, <anoonan@thefrontpageonline.com>, <Dean.Demilio@cumulus.com>, <emily.barsh@gmail.com>, <jenna@curbed.com>, <venice-united-core@googlegroups.com>, <ted@tedhayes.us>, <waynefishback44@gmail.com>, <darryldu@pobox.com>, <press@epa.gov>, <Benjamin.R.Hobbs@who.eop.gov>, <internalcomms@epa.gov>, <widener.charles@epa.gov>

Soledad,

Thanks for sending this. Who wrote this letter and who did it go to?

Thank you,

John Dosch

From: veniceunited@googlegroups.com [mailto:veniceunited@googlegroups.com] **On Behalf Of** Soledad Ursua

Sent: Wednesday, October 23, 2019 10:19 PM

To: Wheeler.andrew@epa.gov; Darwin.henry@epa.gov; Yamada.richard@epa.gov; Orme-Zavaleta.jennifer@epa.gov; Brennan.thomas@epa.gov; Leopold.matt@epa.gov; Ryan.Jackson@epa.gov; Kevin.DeBell@epa.gov; simons.vicki@epa.gov; Mike Bonin; Mike N. Feuer; Eric Garcetti; Venice United-internal; Venice United; Fight Back, Venice; Assemblymember.Burke@assembly.ca.gov; senator.allen@senate.ca.gov; sheila@bos.lacounty.gov; Tricia Keane; daniel.tamm@lacity.org; david.e.harrison@lacity.org; ryan.jini@epa.gov

Cc: wilmington citizens; Directordog@cox.net; Joe Piasecki; elijah@curbed.com; Steve Lopez; 2preservela@gmail.com; Adam.Elmahrek@latimes.com; Patrick McGreevy; ken@citywatchla.com; CityClerk@lacity.org; anna.scott@kcrw.org; benjamin.gottlieb@kcrw.org; larry.mantle@kpcc.com; phil.shuman@foxtv.com; lacity1@sbcglobal.net; Lolita.Lopez@nbcuni.com; doug.smith@latimes.com;

anoonan@thefrontpageonline.com; Dean DeMilio; Emily Barsh; Jenna Chandler; Venice United - Core; Ted Hayes; Wayne Fishback; Darryl DuFay; press@epa.gov; Hobbs, Benjamin R. EOP/WHO; internalcomms@epa.gov; widener.charles@epa.gov

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[EXTERNAL EMAIL]

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City Clerk Council and Public Services <clerk.cps@lacity.org>

Fwd: EPA Intervention Needed - Abuse of CEQA Exemption - CEQA Guidelines Article 19

Gloria Pinon <gloria.pinon@lacity.org>

Fri, Oct 25, 2019 at 7:59 AM

To: Clerk - Public Use - Clerk Council and Public Services <Clerk.CPS@lacity.org>

----- Forwarded message -----

From: **Carol Reynes** <Carol.Reynes@win-results.com>

Date: Thu, Oct 24, 2019 at 6:18 PM

Subject: RE: EPA Intervention Needed - Abuse of CEQA Exemption - CEQA Guidelines Article 19

To: Soledad Ursua <soledadursua@gmail.com>, Wheeler.andrew@epa.gov <Wheeler.andrew@epa.gov>, Darwin.henry@epa.gov <Darwin.henry@epa.gov>, Yamada.richard@epa.gov <Yamada.richard@epa.gov>, Orme-Zavaleta.jennifer@epa.gov <Orme-Zavaleta.jennifer@epa.gov>, Brennan.thomas@epa.gov <Brennan.thomas@epa.gov>, Leopold.matt@epa.gov <Leopold.matt@epa.gov>, Ryan.Jackson@epa.gov <Ryan.Jackson@epa.gov>, Kevin.DeBell@epa.gov <Kevin.DeBell@epa.gov>, simons.vicki@epa.gov <simons.vicki@epa.gov>, Mike Bonin <mike.bonin@lacity.org>, Mike N. Feuer <mike.n.feuer@lacity.org>, Eric Garcetti <mayor.garcetti@lacity.org>, Assemblymember.Burke@assembly.ca.gov <Assemblymember.Burke@assembly.ca.gov>, senator.allen@senate.ca.gov <senator.allen@senate.ca.gov>, sheila@bos.lacounty.gov <sheila@bos.lacounty.gov>, Tricia Keane <tricia.keane@lacity.org>, daniel.tamm@lacity.org <daniel.tamm@lacity.org>, david.e.harrison@lacity.org <david.e.harrison@lacity.org>, ryan.jini@epa.gov <ryan.jini@epa.gov>

Cc: Directordog@cox.net <Directordog@cox.net>, Joe Piasecki <joe@argonautnews.com>, elijah@curbed.com <elijah@curbed.com>, Steve Lopez <Steve.lopez@latimes.com>, 2preservela@gmail.com <2preservela@gmail.com>, Adam.Elmahrek@latimes.com <Adam.Elmahrek@latimes.com>, Patrick McGreevy <patrick.mcgreevy@latimes.com>, ken@citywatchla.com <ken@citywatchla.com>, CityClerk@lacity.org <CityClerk@lacity.org>, anna.scott@kcrw.org <anna.scott@kcrw.org>, benjamin.gottlieb@kcrw.org <benjamin.gottlieb@kcrw.org>, larry.mantle@kpcc.com <larry.mantle@kpcc.com>, phil.shuman@foxtv.com <phil.shuman@foxtv.com>, lacity1@sbcglobal.net <lacity1@sbcglobal.net>, Lolita.Lopez@nbcuni.com <Lolita.Lopez@nbcuni.com>, doug.smith@latimes.com <doug.smith@latimes.com>, anoonan@thefrontpageonline.com <anoonan@thefrontpageonline.com>, Dean DeMilio <Dean.Demilio@cumulus.com>, Emily Barsh <emily.barsh@gmail.com>, Jenna Chandler <jenna@curbed.com>, Venice United - Core <venice-united-core@googlegroups.com>, Ted Hayes <ted@tedhayes.us>, Wayne Fishback <waynefishback44@gmail.com>, Darryl DuFay <darryldu@pobox.com>, press@epa.gov <press@epa.gov>, Hobbs, Benjamin R. EOP/WHO <Benjamin.R.Hobbs@who.eop.gov>, internalcomms@epa.gov <internalcomms@epa.gov>, widener.charles@epa.gov <widener.charles@epa.gov>

Dear Federal and State Regulators-

I am joining Soledad Ursua and a large group of concerned Venice residents in asking that swift action be taken to protect the health and safety in regards to clear violation of environmental laws at the MTA lot at 100 Sunset Avenue, Los Angeles 90291. Those neighbors in close proximity have taken to wearing face masks to protect themselves from these hazardous conditions as many are now feeling "allergy-like" symptoms at a time that pollen is nearly non-existent.

By the way, it should be noted that I tried to submit this request online, however, after numerous attempts to do so and each time getting an error message saying "echo.epa.gov's server IP address could not be found", I decided to email instead.

I certainly hope this is getting the attention and urgency it deserves.

Best regards,

Carol Reyes

26 year Venice Resident

From: veniceunited@googlegroups.com <veniceunited@googlegroups.com> **On Behalf Of** Soledad Ursua
Sent: Wednesday, October 23, 2019 10:19 PM
To: Wheeler.andrew@epa.gov; Darwin.henry@epa.gov; Yamada.richard@epa.gov; Orme-Zavaleta.jennifer@epa.gov; Brennan.thomas@epa.gov; Leopold.matt@epa.gov; Ryan.Jackson@epa.gov; Kevin.DeBell@epa.gov; simons.vicki@epa.gov; [Mike Bonin <mike.bonin@lacity.org>](mailto:Mike.Bonin@mike.bonin@lacity.org); [Mike N. Feuer <mike.n.feuer@lacity.org>](mailto:Mike.N.Feuer@mike.n.feuer@lacity.org); [Eric Garcetti <mayor.garcetti@lacity.org>](mailto:Eric.Garcetti@mayor.garcetti@lacity.org); [Venice United-internal <veniceunited-internal@googlegroups.com>](mailto:Venice.United-internal@veniceunited-internal@googlegroups.com); [Venice United <veniceunited@googlegroups.com>](mailto:Venice.United@veniceunited@googlegroups.com); [Fight Back, Venice <fbv@fightbackvenice.org>](mailto:Fight.Back.Venice@fbv@fightbackvenice.org); Assemblymember.Burke@assembly.ca.gov; senator.allen@senate.ca.gov; sheila@bos.lacounty.gov; [Tricia Keane <tricia.keane@lacity.org>](mailto:Tricia.Keane@tricia.keane@lacity.org); daniel.tamm@lacity.org; david.e.harrison@lacity.org; ryan.jini@epa.gov
Cc: [wilmington citizens <citizensforabetterwilmington@gmail.com>](mailto:wilmington.citizens@citizensforabetterwilmington@gmail.com); Directordog@cox.net; [Joe Piasecki <joe@argonautnews.com>](mailto:Joe.Piasecki@joe@argonautnews.com); elijah@curbed.com; [Steve Lopez <Steve.lopez@latimes.com>](mailto:Steve.Lopez@Steve.lopez@latimes.com); 2preservela@gmail.com; Adam.Elmahrek@latimes.com; [Patrick McGreevy <patrick.mcgreevy@latimes.com>](mailto:Patrick.McGreevy@patrick.mcgreevy@latimes.com); ken@citywatchla.com; CityClerk@lacity.org; anna.scott@kcrw.org; benjamin.gottlieb@kcrw.org; larry.mantle@kpcc.com; phil.shuman@foxtv.com; lacity1@sbcglobal.net; Lolita.Lopez@nbcuni.com; doug.smith@latimes.com; anoonan@thefrontpageonline.com; [Dean DeMilio <Dean.Demilio@cumulus.com>](mailto:Dean.DeMilio@Dean.Demilio@cumulus.com); [Emily Barsh <emily.barsh@gmail.com>](mailto:Emily.Barsh@emily.barsh@gmail.com); [Jenna Chandler <jenna@curbed.com>](mailto:Jenna.Chandler@jenna@curbed.com); [Venice United - Core <venice-united-core@googlegroups.com>](mailto:Venice.United-Core@venice-united-core@googlegroups.com); [Ted Hayes <ted@tedhayes.us>](mailto:Ted.Hayes@ted@tedhayes.us); [Wayne Fishback <waynefishback44@gmail.com>](mailto:Wayne.Fishback@waynefishback44@gmail.com); [Darryl DuFay <darryldu@pobox.com>](mailto:Darryl.DuFay@darryldu@pobox.com); press@epa.gov; [Hobbs, Benjamin R. EOP/WHO <Benjamin.R.Hobbs@who.eop.gov>](mailto:Hobbs.Benjamin.R.EOP/WHO@Benjamin.R.Hobbs@who.eop.gov); internalcomms@epa.gov; widener.charles@epa.gov
Subject: EPA Intervention Needed - Abuse of CEQA Exemption - CEQA Guidelines Article 19

Federal and State Regulators-

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 **CEQA Violation Pictures 10.23.2019.pdf**
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