

June 12, 2019

Dear Councilmembers:

Re: Council File 18-0651-S3

On June 5, 2019, the Homeless and poverty Committee considered a motion to approve a "Bridge Housing" project located on the Metropolitan Transit Authority lot at 515 N. Beacon Avenue, where approximately 102 homeless individuals would be housed and serviced.

Mayor Garcetti, Councilman Joe Buscaino and City staff are pushing this project without forethought and in so doing have sought to eliminate residents' stakeholders out of the equation. They have attempted to quell any opposition and have even sought to use a Mob mentality to silence any objections to this project by way of the CD15 working Group started by Councilman Buscaino.

On July 3, 2018, under Council File 18-0651 the Council passed a motion to study the "feasibility" of the MTA site located at 515 N. Beacon Street in San Pedro. No feasibility report was ever produced. Councilman Buscaino webpage stated that the site was in fact feasible in late 2018 but would not provide the feasibility report. Instead, on November 27, 2018, the Council office held an information fair on Bridge Housing again stating the site was feasible without documentation.

At this event Vague and Conflicting information was given and most of the information given at this fair did not pertain to the Bridge Home located in San Pedro. The Provider that came to present was not even the group that would be the one providing services for San Pedro Bridge Housing. LAPD was there but they said they would not be doing security. There were other City agencies there most of which would not have a presence at the Bridge Home in San Pedro. Some details of the project were released but not enough to give clear and concise answers regarding this project.

Since November on at least 4 separate occasions requests for the feasibility study that was repeatedly referenced had been requested but to no avail. These requests were made to the Bureau of Engineering and Councilman Buscaino's office under the California Public Records Act. Councilman Buscaino's office stated they did not have the feasibility study. A video was taken of Allison Becker, Senior Advisor to Councilman Buscaino on February 5, 2019, and the video has her stating that there really were no such things as "feasibility" studies that they were an "artistic term" and don't really exist. The Bureau of Engineering stated by way of email on January 9, 2019 that they had the study, but it was not available to the public. On March 14, 2019, a new council file was introduced CF 18-0651-S3. This new Council File was introduced on a day when there was no council meeting and the old council file does not reference the new council file making this new file virtually impossible to locate.

What the City did next was to release an 872-page report (Feasibility Study) on May 31, 2019, a Friday evening, and then scheduled for a public hearing to be heard in the Poverty and Homeless Committee 3 business days later. Considering that upon review of the materials regarding the San Pedro Bridge Housing, all data, reports and correspondences were completed by November 2018, only means that the City held onto this information trying to eliminate the public out of the process and to thwart any opposition.

On May 31, 2019 the Department of Public works also recommended that the Council find that the project is “categorically exempt” from the provisions of the California Environmental Quality Act (CEQA) and provided documentation which they state supports their position showing a lack of significant environmental impacts. This documentation contained information about the project that had previously been sought on multiple occasions for several months with the most recent request for this information was made May 20, 2019 but was not available to the public. Furthering our assertion that the City is attempting to eliminate the public out of the process and thwart opposition.

As of today Neighbors of the project have received no formal notice of any public hearings nor has there been any postings at the site to advise of any public hearings.

There are residents and businesses in direct proximity of this site, and NONE have been given notice.

The Department of Public Works has attempted to circumvent CEQA by preparing a lengthy report contending that the project is categorically exempt from the statute. The Department is wrong. Categorical exemptions are narrowly applied, both under the state CEQA statute and under the City’s own CEQA Guidelines. (See Council File 02-1507 (adopted July 31, 2002.) There is no categorical exemption that excludes a project of this type from CEQA review. A categorical exemption does not apply and an EIR (environmental impact report) is required and mandatory. The City cannot arbitrarily disregard CEQA.

DESCRIPTION

The proposed project is a temporary homeless shelter that will provide emergency shelter, hygiene, storage, food services, and case management to homeless individuals, and will operate on a temporary basis, for up to 3 years. Councilman Joe Buscaino has already publicly stated that it could be extended beyond three years. The project location is on Assessor’s Parcel Number (APN) 744-900-7900; a parcel comprised of eight (8) contiguous lots within the San Pedro Community Plan Area of the City of Los Angeles in Council District 15 (CD 15). The project site is limited to the three (3) most southern lots of this parcel, identified by three (3) separate addresses, 407, 421 and 437 North Beacon Street, San Pedro, CA.

DESIGN

1). The project design plan includes a new single-story 10,800 square-foot modular tent structure and associated structures that will be constructed on a State of California owned parcel that includes three (3) lots covering the southern portion of the parcel that will be leased by the City. The 3 lots total approximately 50,940 square feet. The project design includes up to 102 beds within a large tented area, other structures include additional structures for hygiene facilities for approximately a 102 people, administrative services and social services. A free-standing shade structure, a large exterior dining area for approximately a 102 people, a food preparation and serving area for approximately a 102 people, storage for approximately a 102 people a smoking area and a large outdoor pet area. As part of the proposed project, all new nighttime lighting fixtures would be installed to direct the light onto doorways, ingress/egress areas, and other areas of the proposed project and away from “sensitive areas”. The city omits defining sensitive areas.

The city describes this location as temporary. This is not like any other temporary project in the area such as a Christmas Tree lot, a pumpkin patch or a Farmers market. The only reason it is described as temporary is due to it having a large tent-like structure and pre-fab trailers. with an **expectancy** of three years. The City is already talking about extending it past the 3 years with an option to repeatedly extend the project. Because of this end date on when this project will sunset this project really cannot be considered temporary.

PROPOSED CATEGORICAL EXEMPTIONS

Section 15332 (Class 32)

The Department's ground for an exemption for CEQA Guidelines section 15332, which describes the "Class 32" exemption, also known as the "Infill" exemption. Section 15332 states: Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section. (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. Of these five requirements, the Bridge Housing project does not meet either subdivision (a) or (d).

Therefore, this exemption does not apply. The type of project is not allowed at this location. This zoning classification only allows for a homeless shelter if it is not within 500 feet on an R Zone and when all activities are wholly inside. That is not the case as several residential homes are located within 500 feet and all activities are NOT wholly inside.

The General and Specific plan require that all development comply fully with the zoning classification. This project is not in compliance with policy. The City attempts to justify this project by stating that because a shelter crisis was declared all restrictions are waived for projects on property owned or leased by the city. This reasoning is incorrect as the report states that the City has NOT leased the property at the time of the report and to start the project prior to the lease or purchase then it would not be an exempt from all zoning requirements.

We also contend that the city has started work on the project by attempting to stabilize the back slope prior to the signing of the lease and if accurate is not privileged to a CEQA exemption. Should the City have already leased the property we rely on Subdivision (a) which is clearly intended to require full evaluation of any project that varies from the General Plan or the zoning code, any variation is in itself evidence of potentially significant impacts on the environment that are inconsistent with any "infill" exemption. The City cannot ignore this for purposes of avoiding a CEQA review. As to subdivision (d), which requires that "Approval" of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality," there is no evidence of this within the report and the City has made no showing based on substantial evidence that the project would not result in significant effects, at least as to traffic, noise and water quality.

Section 15300.2(c) of the CEQA Guidelines states: (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Everything about this project is unusual with unusual circumstances which can foreseeably be seen as a “reasonable possibility” of a significant effect on the environment.

By the Mayor's own admission at the Venice Town Hall meeting he called Bridge Housing an “experiment”. There is no history of these types of facilities within Los Angeles. None that include such a large amount of people housed in a tent like structure with storage and pet facilities with outdoor dining areas. The stated purpose of the facility is to replace encampments in the area by providing homeless persons with a place to live. However, there is no evidence this will happen. In fact, the El Pueblo and Schraeder Bridge homes currently have encampments near them providing possible indications that these Bridge Homes promise of cleaning up the area in which Bridge homes are created are proving to be false. The homeless encampments are not decreasing as the Mayor and City promised. It is apparent that the proposed facility may have a significant impact on the following environmental factors, all of which constitute unusual circumstances precluding the use of a categorical exemption under CEQA Guidelines section 15300.2(c):

ISSUES

Noise

The Department attaches a noise study to the narrative and concludes that noise from construction and operation of the facility would not create a significant impact on residents. Residents live directly adjacent to the site less than 75 feet. Operation of this highly unusual and highly occupied facility with a large tent like dormitory housing 102 people, large outdoor eating and an outdoor kennel for pets (including dogs), and operating 24 hours a day, would subject residential neighbors to constant noise, especially at night. No expert is necessary to see the potential for the facility's residents, staff, other people attracted by the facility, and their vehicles and pets to subject residential neighborhoods to even greater noise impacts, especially late at night. (b) The facility has the unusual quality of attracting homeless persons to the area, who are seeking services and/or congregating with persons in the facility. These persons and their encampments have the potential to spread noise impacts far beyond the site itself, into other nearby residential neighborhoods.

Safety

- By acting as a magnet for homeless persons, some of which will be seeking services, visiting shelter residents, or simply congregating near the facility, this project has an unusually high potential to increase public safety hazards such as littering, release of sewage into alleys and storm drains, and property or personal crimes, which would most intensely affect the immediately adjacent residential neighborhoods. Currently there are no homeless encampments near or around this location. In their report the City fails to state that the proposed project is in census tract 296210 that has zero homeless per the 2018 homeless count. This project would then bring a homeless population to an area that does not have a concentration of homeless. Also, during of the attempted stabilization of the eroding back wall

several residents experienced cracks, broken tiles and cracks in foundations. Any further construction is likely to cause more severe damage to the homes. The City also does not address that ground water can be found at 18 inches and they intend to dig closer to four feet. They do not detail what effect ground water may have on this project or how to mitigate any potential hazards. The City also misquotes the degree of slope at the back end of property as being 1.3% when it is closer to 30% so any assumptions made using the 1.3% would be inaccurate and have not been properly addressed either.

Water Contamination

Homeless encampments are a well-documented, and increasingly difficult to control, source of fecal indicator bacteria to ocean waters. The Bridge Housing Project's proposed location sits approximately a block and a half from the harbor. Storm drains in this area discharge directly into the ocean, picking up whatever material has accumulated on the streets and sidewalks. The Department in its report has not considered the potential effects of trash, fecal coliform, and other pollutants associated with a dense homeless population. Water quality in the LA/LB Harbor sub watershed is already influenced by several factors including climate, circulation, biological activity, surface runoff, effluent discharges, and accidental discharges of pollutants related to shipping activities. Water column contaminants include metals (particularly cadmium, chromium, copper, lead, mercury, nickel, silver, and zinc), oil and grease, chlorinated hydrocarbons (DDT and DDE), and polychlorinated biphenyls (PCBs) to add the effects of trash, fecal coliform and other pollutant associated with the homeless is irresponsible and needs to be considered .

Hazardous Substance/Soil Contamination

The Department has made only a cursory mention of the 1000-gallon underground storage tanks that was located on this lot, of the wood mill that was on this parcel or the High levels of arsenic found in the soil. Also, barely mention was the Griffith Company that was previously located at 515 N. Beacon Street (address for the overall parcel) which was identified in the HAZNET database for generated state-regulated wastes in 2012 that were manifested for offsite disposal.

All these factors can cause contamination and should be fully studied with a CEQA EIR. Also, in 2013 a slope repair/stabilization project was initiated by Caltrans. During construction and through field inspection & testing, Caltrans Soils Engineer concluded that the existing portion of the top slope fill material was deemed unsuitable and unacceptable for soil nail anchoring to stabilize the eroded slope. Subsequently, the construction work was put on-hold to accommodate new slope stabilization design. A new design had started implementation but only along the southern part of the slope. Soil testing samples have determined that there is lead and arsenic in the soil. With the erosion of the slope this soil will then expose all those near and around the area to these hazardous substances. Griffith Company was previously located at 515 N. Beacon Street (address for the overall parcel) was identified in the HAZNET database for generated state-regulated wastes in 2012 that were manifested for offsite disposal.

AESTHETICS

New encampments attracted by this unusual homeless-serving facility would negatively affect the visual quality of this seaside neighborhood. Especially when you consider that it is just a few feet away from a scenic highway that is to be enjoyed by all. That there are currently no homeless encampments at or near this location and that every other Bridge Home in Operation now has encampments surrounding them should be a consideration that must be considered.

Errors, Omissions and Concerns

In their Report the City fails to address the following or discuss how these items will affect the environment and community:

- Project is less than 200 feet from liquefaction area
- 475 feet from a preschool
- Directly across from an adult day care center
- Misquotes the degree of slope of the back end of property from being 1.3% when it is closer to 30% so any assumptions made using the 1.3% would be inaccurate
- Ground water can be found at 18 inches and the City intends to dig 4 feet down. The City does not address this issue at all
- During of the attempted stabilization of the eroding back wall several residents experienced cracks, broken tiles and cracks in foundations. Any further construction is likely to cause more severe damage to the homes.
- The city has given no indication or plan on how this project will safely be removed or how the property will be used after this project concludes.
- Omits that the 2018 Report they are quoting for sheltered and unsheltered homeless in the area showing the census tract where this proposed project would be located had zero homeless.
- Failed to provide 2011 investigation report performed by Caltrans Office of Environmental Engineering referenced on page 208 of the City's report and without the 2011 investigation report we are unable to confirm what the city alleges is contained that report.

No Categorical Exemption Applies Because it Can be "Readily Perceived" That the Project "May" Have a Significant Effect on the Environment

In addition to the preceding arguments concerning the use of categorical exemptions, no exemption can be used here because it can be readily perceived that the project may have a significant effect on the environment. Under the City's CEQA Guidelines, this is all that is needed to preclude the use of any categorical exemption.

The Secretary for Resources has provided a list of classes of projects which he has determined do not have a significant effect on the environment and which are therefore exempt from the provisions of CEQA. The following specific categorical exemptions within such classes are set forth for use by Lead City Agencies, provided such categorical exemptions are not used for projects where it can be readily perceived that such projects may have a significant effect on the environment. Applying the above language, because the project involves potentially significant impacts.

Noise, safety, water, hazardous substances and aesthetics, it can be “readily perceived” that the project “may” have a significant effect on the environment under Article 111(1) of the City CEQA Guidelines. If such a potential impact can be readily perceived as to any of these three categories, no categorical exemption can apply under the City CEQA Guidelines. By using the phrase “readily perceived” in combination with the term “may,” the City has effectively set its own threshold for the use of categorical exemptions, which is more stringent and more protective of the environment than the standard applied under the statewide CEQA statute and statewide CEQA Guidelines. Neither state law nor the statewide Guidelines pre-empts the City CEQA Guidelines on this point. State law does not relieve the City from the obligation to comply with the City CEQA Guidelines, which are a separate enactment formalized by a resolution of the City Council adopted in 2002

CONCLUSION

The city has given no indication or plan on how this project will safely be removed or how the property will be used after this project concludes. The City Council should not be hiding behind a categorical exemption. Proper environmental review must be conducted through an environmental impact report for the safety and wellbeing of all concerned. This process allows the neighbors and other members of the public to comment on the project. And any alternatives and mitigation measures suggested should be addressed and responded to by the City Department in charge. This is no different than if a private developer were building a project on the site. Even if the Council ultimately adopts the project, this process allows a thorough consideration of mitigation measures or project alternatives that would reduce or eliminate dangerous impacts to the neighborhood. We oppose this project for the forgoing reasons.

Sincerely,

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