

RESPCT - Residents for an Equitable San Pedro Community Today
San Pedro, California
RESPCToday@gmail.com

VIA EMAIL ONLY
October 3, 2020

Los Angeles Planning and Land Use Management (PLUM) Committee
200 North Spring Street
Los Angeles, CA 90012

RE: 1309-1331 South Pacific Avenue, San Pedro
CPC-2019-4908-DB-SPR and ENV-2019-4909-CE

Dear Honorable PLUM Committee Members,

This document serves as a request for the PLUM Committee to support the community's Appeal of the project at 1309-1331 South Pacific Avenue, and to address the underlying Environmental and Economic Injustice issues that are clearly connected to all of the ongoing real estate developments in San Pedro.

This proposed project in its present form, [as detailed in this description](#), will irrevocably degrade the quality of life in our already disadvantaged community. Residents living near the project site are 82% non-white with a median household income of \$32,200 - approximately half that of the average Angeleno. The largely market-rate project will set a precedent for gentrification in our neighborhoods that will displace working-class people of color and destroy the fabric of the last affordable community on LA's coastline. The project must be redesigned to adhere to legal standards, rather than relying on discretionary entitlements and off-menu concessions to escape environmental and social responsibility.

San Pedro is not a NIMBY community. We encourage new real estate projects that increase Affordable Housing in proportion to our demographics, promote equitable economic development, and are healthy, safe, sustainable assets in sync with our unique historic neighborhoods. But the project at 1309-1331 South Pacific Avenue, along with a dozen other market-rate [projects-in-development, each with only a few affordable units](#), will do exactly the opposite. They circumvent CEQA, the San Pedro Community Plan/CPIO, and the Pacific Corridor Redevelopment Plan - all meant to protect the community. Additionally, the City has enabled the 1309-1331 Pacific project to reduce required setbacks and open space, exceed height and density restrictions, and evade cumulative impact analysis, without providing adequate numbers of affordable units.

San Pedro is a major economic engine for Los Angeles - generating hundreds of millions of dollars in revenue for the City annually. But for decades, this low-income community of color has served as the human buffer zone around the polluting Port, bearing an unfair burden in terms of quality of life and health issues. Now LA's Department of City Planning (DCP) is intensifying this extreme environmental injustice by supporting economic injustice - facilitating an onslaught of irresponsible real estate projects at the behest of Councilman Joe Buscaino and his developer associates. The City is enabling abuse on top of abuse.

Responsible development in San Pedro, geared toward residents who have been excluded from profits but have borne the ill-effects of city-sanctioned pollution, will begin to rectify this injustice.

On the LA Department of City Planning website and in recent PR communications, the DCP promotes policies "reflecting its commitment to equity and environmental justice," echoing Mayor Garcetti's "promise to deliver environmental justice and equity" to communities of color.

Your support for the Appeal will:

- show disenfranchised communities that LA City agencies and law-makers stand behind their rhetoric, are willing to implement real change, and are on the right side of the law
- be a historic first step toward repairing the ongoing systemic aggression against San Pedro's unjustly burdened community of color
- rebuild trust by publicly counteracting the trend of corruption indictments of City Councilmembers and their developer accomplices

ENVIRONMENTAL INJUSTICE IN SAN PEDRO - FACTS AND MAPS:

(click links for maps or see attached Exhibits)

- The US EPA lists the area for 1309-1331 Pacific (as well as the locations of this developer's other projects in San Pedro) as among the worst in the nation in the categories of:

map 1: [Environmental Indicators](#)

map 2: [Demographic Indicators](#)

map 3: [Environmental Justice Indexes](#)

- The California EPA has identified the project area as:

map 4: [an SB 535 Disadvantaged Community](#)

map 5: [among the neediest and most at-risk neighborhoods from pollution](#)

- The South Coast AQMD's MATES IV Study lists the neighborhood as:

map 6: [in the highest category for carcinogenic risk](#) from exposure to air toxins and noxious ultrafine particle concentrations

- The LA County Department of Public Health lists Port-adjacent communities as: map 7: having [the highest numbers of Childhood Asthma cases](#) in the City of LA.

A USC Annenberg Center for Health Journalism article states: “... the intense pollution that emanates from the nation's largest port compromises the health of nearby communities... Asthma, sleep deprivation, hypertension, cancer: all have been linked to living near the Port...” and cites the disproportionate “burden of disease” in communities like San Pedro.

Nonetheless, the City of Los Angeles, which controls the Port, continues to willfully endanger the health of vulnerable San Pedro residents. The Los Angeles Times has revealed that in recent years [the Port privately rolled back pollution-cutting measures](#) at the China Shipping terminal, [failed to meet pollution-reduction requirements](#) at the TraPac terminal, and condoned hundreds of violations of the shore power rules meant to protect communities like San Pedro from toxic ship emissions. In January the LA Times reported that despite gains a decade ago, [progress in fighting air pollution has waned](#), and cited backsliding and a lack of enforcement by the City. And in August, the Times covered new standards approved by the State Air Resources Board that face fierce opposition from business interests. The backlash has resulted in adding [provisions that would allow compliance by funding emissions reduction projects elsewhere](#). And neither the truck nor ship rules will bring immediate air quality improvements because they do not start taking effect until 2023 or later and take years more to phase in. Francis Yang, an organizer with the Sierra Club’s My Generation campaign stated: “That’s more time for the same front-line communities to have to wait to breathe.”

UNUSUAL CIRCUMSTANCES

CEQA Guidelines § 15300.2(c) provides an exception to otherwise-applicable categorical exemptions “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” The facts and maps referenced above clearly and factually establish that “unusual circumstances” exist, and that the project location is in a uniquely precarious environmental situation within the City of LA. The 1309-1331 South Pacific Avenue Appeal Justification and Exhibits ([including the letter prepared by Attorney John Given](#)) and public comments in the case file outline the significant adverse affects and impacts of the project, as well as the improprieties within the developer’s filing that disabled accurate air quality and traffic studies and assessment of cumulative impacts. The extreme “unusual circumstances” in San Pedro, a community on the environmental tipping-point, ensure that “there is a reasonable possibility” that these violations will have a significant effect on the environment. The project does not qualify for a Categorical Exemption from CEQA, and requires an Environment Impact Report (EIR) to protect residents against further environmental injustice.

SYSTEMIC ECONOMIC INJUSTICE IN SAN PEDRO

The City of LA has systematically degraded the health and quality of life of San Pedro residents, and in turn has devalued properties by expanding Port operations that have polluted the air and destroyed waterways and wetlands. The City's financial interests have been served by keeping this community dirty and disenfranchised, so the Port could continue polluting and growing and extracting revenue with relatively few challenges. In 2019, the Port's annual operating revenue was more than half-a-billion dollars.

Now, the City is incentivizing developers to come in and scoop up the devalued properties, and build luxury market rate housing that will displace low-income residents of color in LA's last working-class coastal community. This is a breathtaking example of systemic economic injustice, and it aggravates the already severe environmental injustice in San Pedro.

LA's Politicians and Planners rationalize this [“displacement and replacement of the poor for profit”](#) by touting the creation of much-needed housing stock, notably Affordable Housing. However, proposed developments like 1309-1331 Pacific Avenue have only a few affordable units - the minimal amount necessary for developers to exploit the lucrative Density Bonus system. Moreover, developers such as [Adam O'Neill \(Square One Homes\)](#) claim that in order to create this small percentage of affordable units they must grossly exceed the already generous Density Bonus rules with oversized, market-rate projects. The developer has asked for additional density beyond what the law allows—a 76% bonus for FAR and a 52% bonus for height, both as compared to the 35% allowed in the Density Bonus Ordinance for development standards “on the menu.” Their demands for these exorbitant off-menu concessions, additional entitlements, immunity from Community and Redevelopment Plans, exemption from the California Environmental Quality Act, and more, appear to be unconditionally aided by San Pedro's Councilman Joe Buscaino, LA City Planners, and the City Planning Commission.

THE QUESTION IS WHY?

Why is more market rate housing being built in a community that can't afford it?

In one recently completed development brokered by Square One Homes, with only two affordable units, the twenty market-rate units are for sale or for rent at \$3,600/month in a neighborhood where residents' average annual income is \$32,279. The rent is approximately \$11,000 more per year than residents' total income.

Why is more market rate housing being built when there are already hundreds of market-rate apartments sitting empty in San Pedro? As of September 4th there were 492 market-rate vacancies, with more than 800 additional units in development.

Why do developers and our Councilman maintain that market-rate apartments will lure higher income Angelenos to the Pacific Corridor in San Pedro, one of the most environmentally toxic neighborhoods in the City? This is a fallacy: people with the privilege of choice are simply not moving here, evidenced by the hundreds of existing vacancies.

Why is the City encouraging harmful speculation in San Pedro? In San Pedro developer Square One Homes operates as a flipper, funded by [Fundrise](#), a crowd-sourced online real estate investment platform, [buying low and re-selling high](#) after attaching community-busting entitlements to the lots. Their profiteering undermines rational city planning, inflates housing costs, and displaces residents of color.

Why has Councilman Buscaino not accepted multiple requests for a meeting with Board Members and Land-Use Committee Chairs of San Pedro's three Neighborhood Councils to discuss the Appeal of 1309-1331 Pacific? The three NCs all voted to support this Appeal. They are the grassroots level of LA City government - Board Members are public officials elected by the members of their community. The Councilman is not fulfilling his obligation to his constituents.

Why is the City continuing to support an autocratic system of Council-district fiefdoms? This invites corruption and facilitates racketeering by virtually eliminating governmental oversight, to the detriment of LA's low-income communities. [The expanding FBI investigations, indictments, and convictions](#) make this question especially relevant.

Why do our elected officials and agencies like DCP continue to embrace and enable discriminatory gentrification practices, especially given the City's newly stated goals of justice and equity for communities of color? "Gentrification is rooted in colonialism and white supremacy. It disrupts family ties, uproots communities, and erases the cultural heritage of working class communities of color. Gentrification has many code words: urban renewal, revitalization, vitality, infrastructure. All entail the accumulation of wealth through dispossessing the poor of their housing and communities (LA Tenants Union)."

The situation in San Pedro, implicitly enabled by City agencies, employees, and Councilman Buscaino, is a textbook case of economic injustice. Coupled with the extreme environmental injustice perpetrated by LA's Port operations, the burden is literally unbearable in our community.

NOW IS THE TIME

At this pivotal time when the public's mistrust of police has justifiably increased, it's critical that our City's decision-makers look closely at improprieties and exploitation by present and former LAPD officers - and correct their abuses. If the City broadly enforces standards of conduct that respectfully put communities first, especially in low-income communities of color, it will help build a crucial bridge to justice for all.

Councilman Buscaino, who served in the LAPD for fifteen years and is still a reserve officer, and developer Adam O'Neill, who served concurrently for a decade, were trained to control disenfranchised communities. Now it appears that the Councilman is facilitating O'Neill's gaming LA's development system and violating City and State regulations in these same communities. This exploitation is an extension of the systemic aggression and injustice that must change, but continues to go unchecked by City Hall.

Paradoxically, despite supporting this malfeasance, [the Department of City Planning displayed a George Floyd banner on their website](#) for weeks after his murder, and has sent many PR emails from Planning Director Vince Bertoni proclaiming equity and justice for all. Recently announcing the appointment of Faisal Roble as the DCP's first Chief Equity Officer, Planning Director Bertoni stated: **"As public servants who inform land use, we face a pivotal moment in time where we reflect on the social, political and economic injustices that have challenged our Black, Indigenous and communities of color for generations."**

NOW is the time to move from 'reflection' to action.

DO THE RIGHT THING

The PLUM Committee, DCP, and LA City Council now have a historic opportunity to immediately address the overwhelming environmental and economic injustice in San Pedro, and to curb the continuing systemic aggression against this unfairly burdened community.

- **Support the Neighborhood Council backed community Appeal of the 1309-1331 South Pacific Avenue project. Without your support, the precedent-setting project will have an irrevocable domino effect of harm to our neighborhoods.**
- **Rectify LA's upside-down development system that treats developers as valued clients and struggling communities as obstacles.**
- **Challenge corrupt council district fiefdoms ["over which council members have sole discretion to make real estate development decisions, including whether a project gets a tax break or an exemption from land-use rules."](#) (Los Angeles Times Editorial Board)**
- **Ensure that developers follow the law, CEQA, and existing Community/Redevelopment Plans, and that new projects embrace the City's stated goals of community health, equity, and justice.**

Please take immediate steps to correct the situation in San Pedro, and then expand those efforts in other distressed LA neighborhoods. Activate our City government's recent rhetoric regarding repairing the injustices of the past. Summon the strength, conviction, compassion, and integrity to break with a discriminatory history and set community development on a more just course.

Support the community's Appeal of the project at 1309-1331 South Pacific Avenue.

Thank you for your consideration of these critical matters.

Sincerely,

Residents for an Equitable San Pedro Community Today (RESPCT):

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 Ted Twine
 William Vaughan
 Robin K. Wagner
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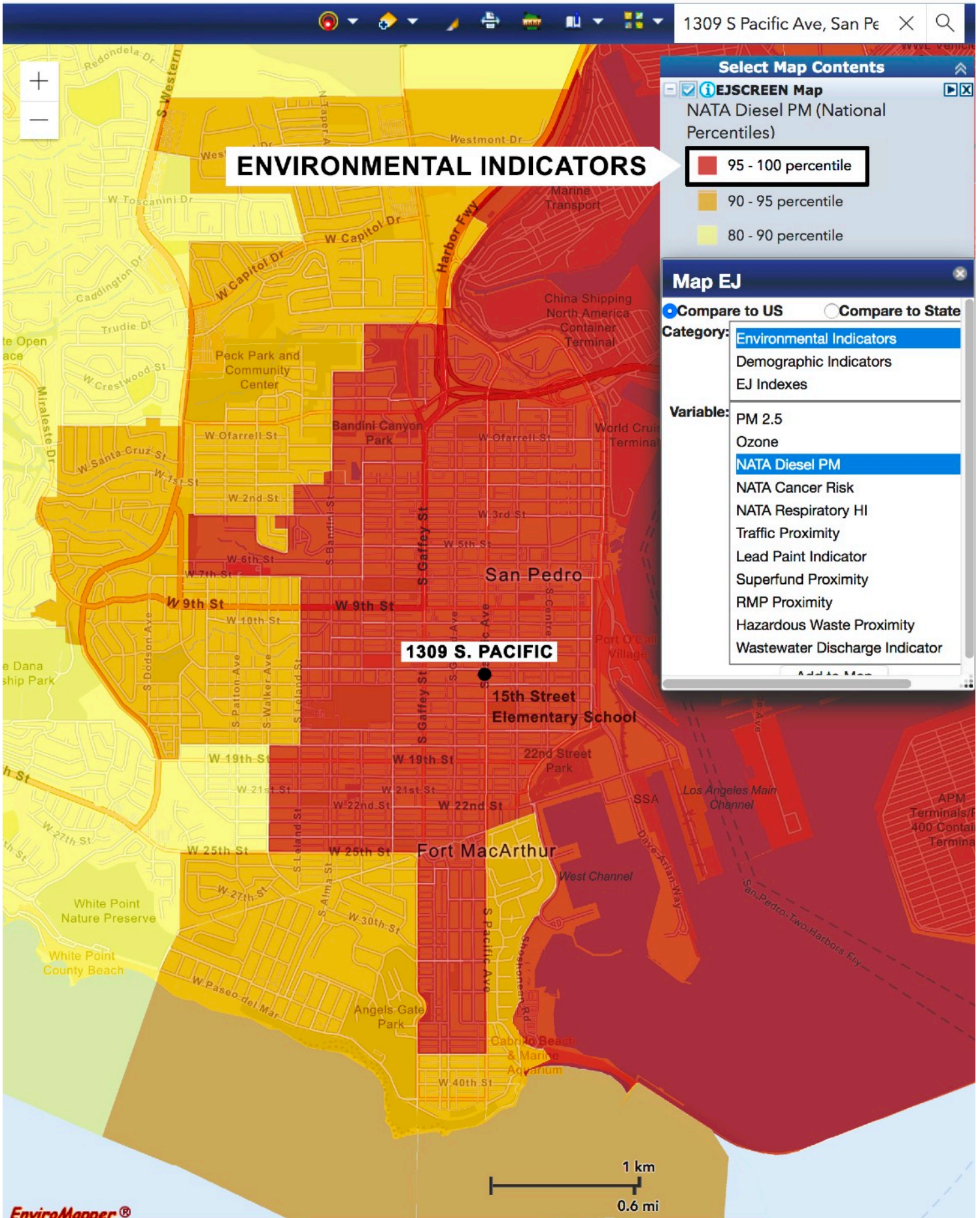
* Citizens Protecting San Pedro (CPSP)

CC:

Honorable Eric Garcetti, Mayor
 Vincent P. Bertoni, Director of Planning, Los Angeles Department of City Planning
 Faisal Roble, Chief Equity Officer, Los Angeles Department of City Planning
 Los Angeles City Planning Commissioners
 Los Angeles City Council Members
 Hilda Solis, Los Angeles County Supervisor
 Nanette Diaz Barragán, U.S. Representative, 44th Congressional District, California
 Steven Bradford, California State Senator, 35th District
 Patrick O'Donnell, California State Assemblymember, 70th District
 Effie Turnbull-Sanders, Environmental Justice Commissioner, CA Coastal Commission
 Mike Feuer, City Attorney, City of Los Angeles
 Camilo Cruz, Director, Community Justice Initiative, Los Angeles City Attorney's Office

EXHIBITS:

Environmental Justice Maps
with Statistics



ENVIRONMENTAL INDICATORS

1309 S. PACIFIC

Select Map Contents

- EJSCREEN Map
 - NATA Diesel PM (National Percentiles)
 - 95 - 100 percentile
 - 90 - 95 percentile
 - 80 - 90 percentile

Map EJ

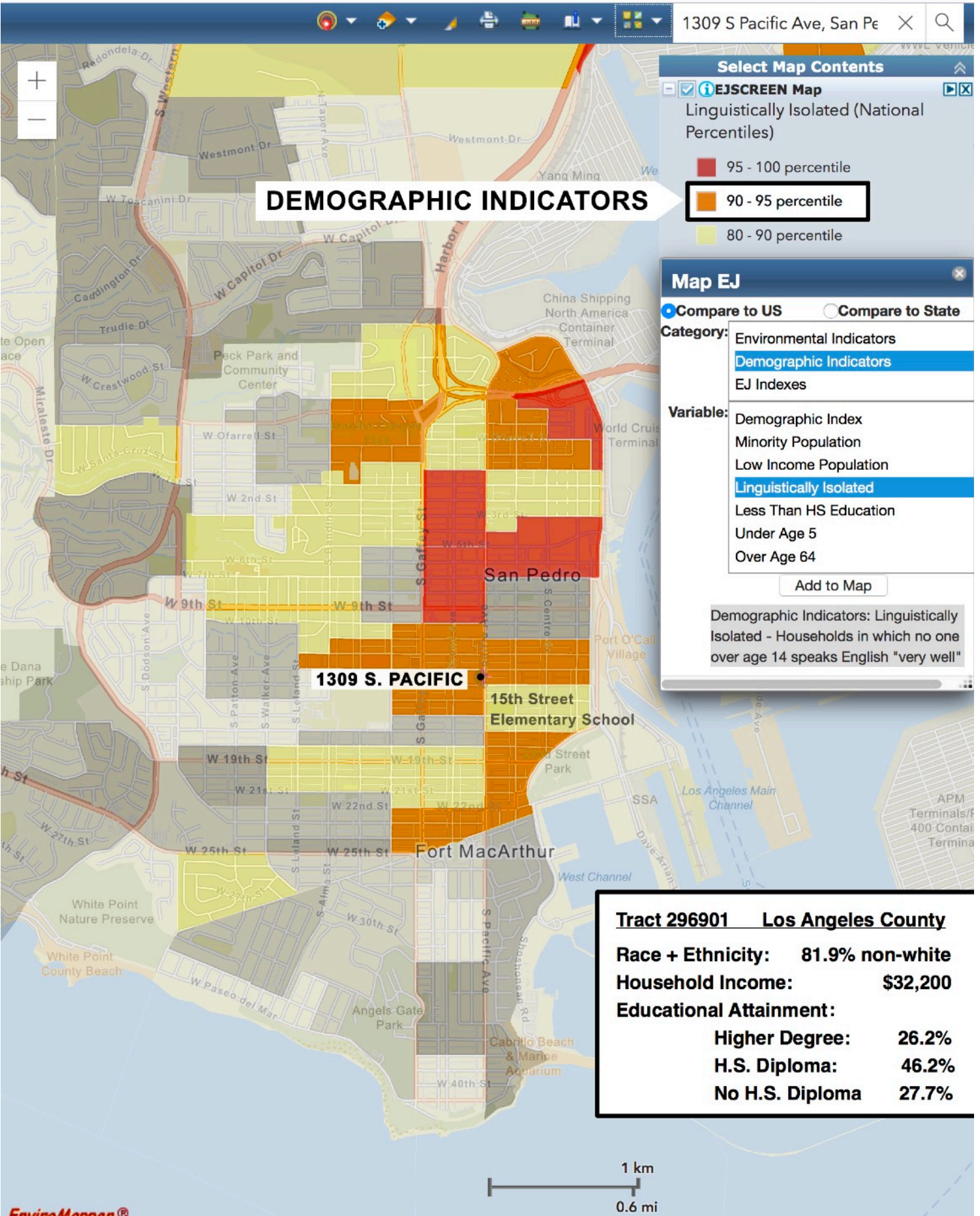
Compare to US Compare to State

Category: **Environmental Indicators**

- Demographic Indicators
- EJ Indexes

Variable:

- PM 2.5
- Ozone
- NATA Diesel PM**
- NATA Cancer Risk
- NATA Respiratory HI
- Traffic Proximity
- Lead Paint Indicator
- Superfund Proximity
- RMP Proximity
- Hazardous Waste Proximity
- Wastewater Discharge Indicator



DEMOGRAPHIC INDICATORS

Select Map Contents

- EJSCREEN Map
 - Linguistically Isolated (National Percentiles)
 - 95 - 100 percentile
 - 90 - 95 percentile**
 - 80 - 90 percentile

Map EJ

Compare to US Compare to State

Category: Environmental Indicators

- Demographic Indicators**
- EJ Indexes

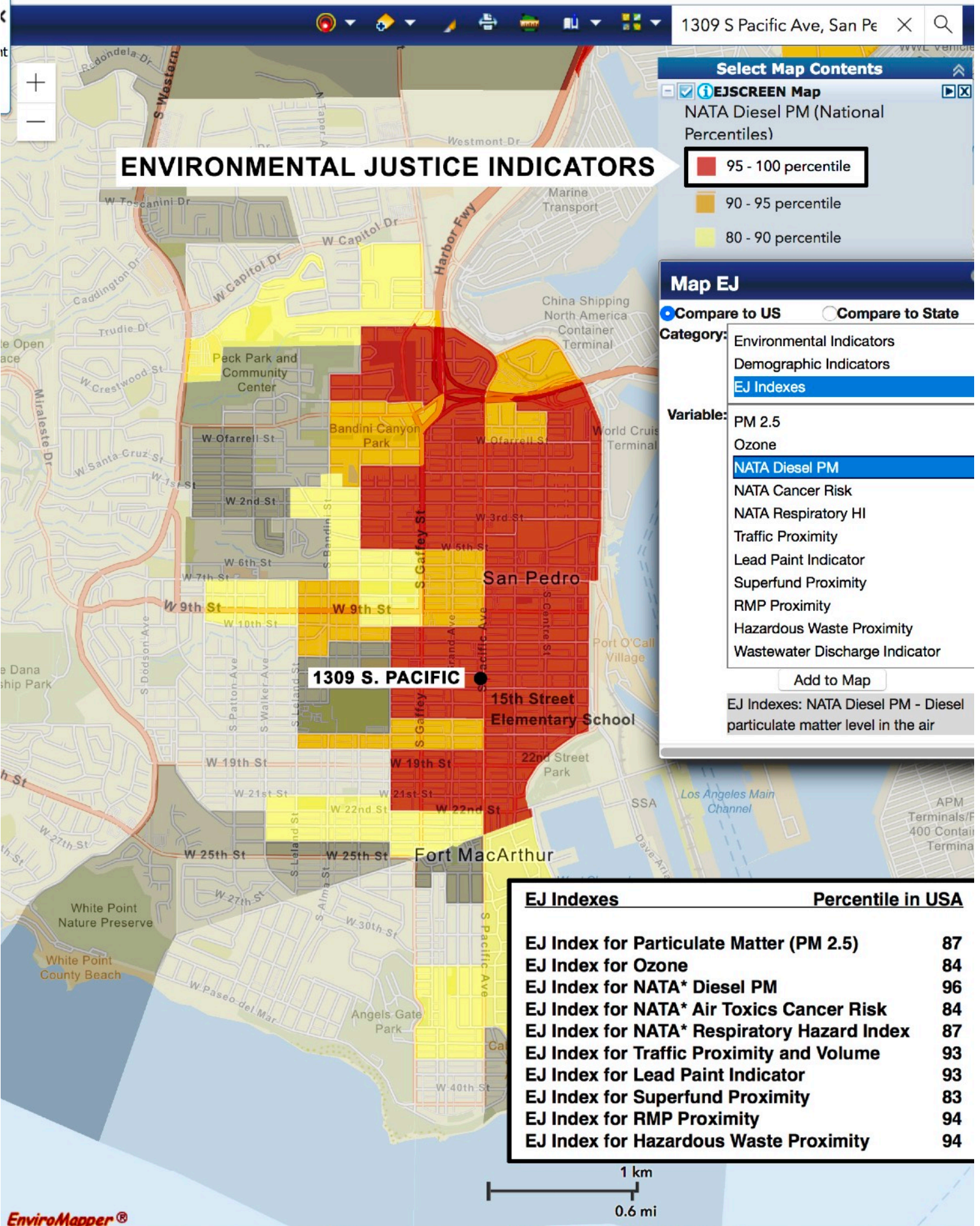
Variable:

- Demographic Index
- Minority Population
- Low Income Population
- Linguistically Isolated**
- Less Than HS Education
- Under Age 5
- Over Age 64

Demographic Indicators: Linguistically Isolated - Households in which no one over age 14 speaks English "very well"

Tract 296901 Los Angeles County

Race + Ethnicity:	81.9% non-white
Household Income:	\$32,200
Educational Attainment:	
Higher Degree:	26.2%
H.S. Diploma:	46.2%
No H.S. Diploma	27.7%



ENVIRONMENTAL JUSTICE INDICATORS

Select Map Contents

- EJSCREEN Map
 - NATA Diesel PM (National Percentiles)
 - 95 - 100 percentile
 - 90 - 95 percentile
 - 80 - 90 percentile

Map EJ

Compare to US Compare to State

Category: Environmental Indicators
Demographic Indicators
EJ Indexes

Variable: PM 2.5
Ozone
NATA Diesel PM
NATA Cancer Risk
NATA Respiratory HI
Traffic Proximity
Lead Paint Indicator
Superfund Proximity
RMP Proximity
Hazardous Waste Proximity
Wastewater Discharge Indicator

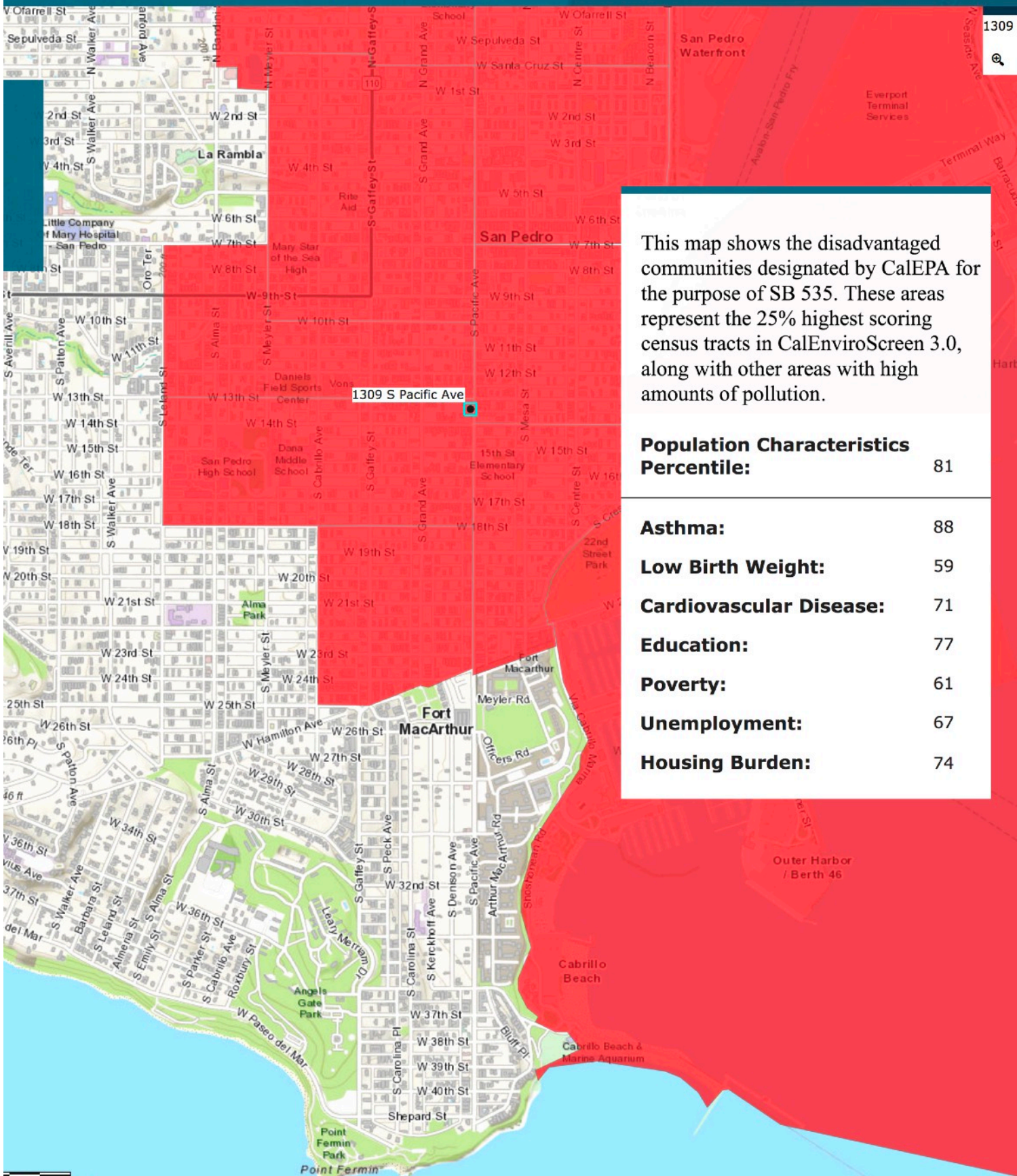
EJ Indexes: NATA Diesel PM - Diesel particulate matter level in the air

EJ Indexes	Percentile in USA
EJ Index for Particulate Matter (PM 2.5)	87
EJ Index for Ozone	84
EJ Index for NATA* Diesel PM	96
EJ Index for NATA* Air Toxics Cancer Risk	84
EJ Index for NATA* Respiratory Hazard Index	87
EJ Index for Traffic Proximity and Volume	93
EJ Index for Lead Paint Indicator	93
EJ Index for Superfund Proximity	83
EJ Index for RMP Proximity	94
EJ Index for Hazardous Waste Proximity	94

SB 535 Disadvantaged Communities

using CalEnviroScreen 3.0 results (June 2018 Update)

1309 S Pacific Ave, San P



This map shows the disadvantaged communities designated by CalEPA for the purpose of SB 535. These areas represent the 25% highest scoring census tracts in CalEnviroScreen 3.0, along with other areas with high amounts of pollution.

Population Characteristics Percentile:	81
Asthma:	88
Low Birth Weight:	59
Cardiovascular Disease:	71
Education:	77
Poverty:	61
Unemployment:	67
Housing Burden:	74

0.15 0.3mi



OEHA
Office of Environmental Health
Hazard Assessment



CalEPA
California Environmental
Protection Agency

Pollution Burden

Population Characteristics

Overall Results











CalEnviroScreen 3.0 Results (June 2018 Update) from OEHA CalEnviroScreen Website

CalEnviroScreen identifies California's most environmentally burdened and vulnerable communities using environmental, health, and socioeconomic information.

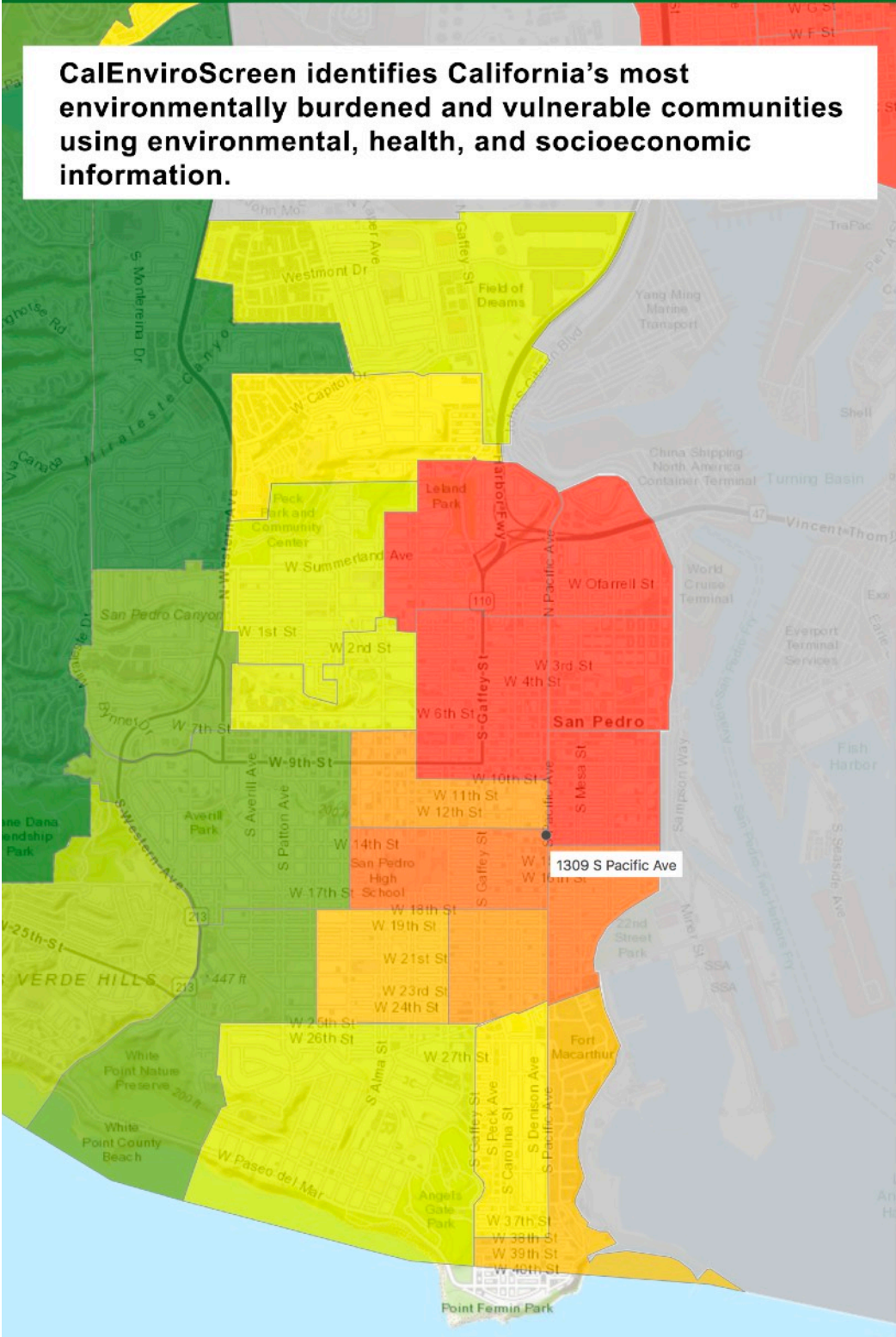
Legend

CalEnviroScreen 3.0 Results

A census tract with a high score is one that experiences higher pollution burden and vulnerability.

-  91 - 100%
-  81 - 90%
-  71 - 80%
-  61 - 70%
-  51 - 60%
-  41 - 50%
-  31 - 40%
-  21 - 30%
-  11 - 20%
-  1 - 10% (Lowest Scores)

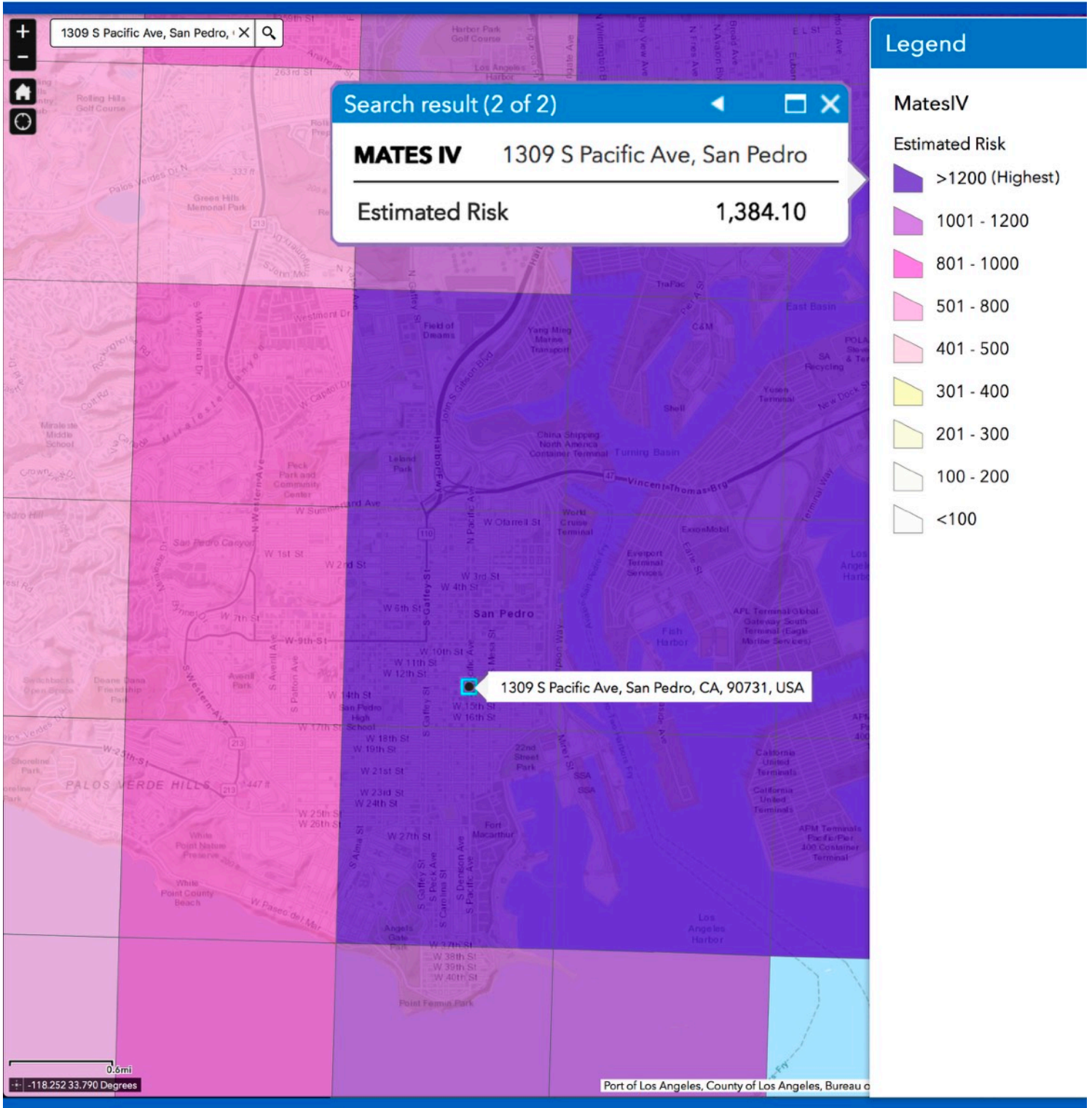
High Pollution, Low Population





CARCINOGENIC RISK:

The MATES IV Study focuses on the carcinogenic risk from exposure to air toxics. An additional focus of MATES IV is the inclusion of measurements of ultrafine particle concentrations.



“Asthma is the most common chronic illness and a leading cause of disability in children.”

Los Angeles County Department of Health Services

Los Angeles County Department of Health Services

Census Tract 6037296901 has 4,127 people. The asthma percentile for this census tract is **87.56**, meaning the asthma rate is higher than **87.56%** of the census tracts in California.

