

May 19, 2022

LA City Council
Los Angeles City Hall
200 N. Spring Street Rm 435
Los Angeles, CA 90012

Re: Appeal of Area Planning Commission Approval of Case No. ZA 2019- 7192-ZAD

Dear Los Angeles City Councilmembers,

Pursuant to Section 11.5.3 of the Los Angeles Municipal Code, I am writing on behalf of the Santa Fe Art Colony Tenants' Association ("SFACTA") to appeal the Central Area Planning Commission's (APC) April 12, 2022 determination that the proposed warehouse redevelopment project located at 2345 – 2421 South Santa Fe Avenue in the City of Los Angeles (the "Project Site") is exempt from CEQA. Driven by the current owner and applicant, Art Colony Property LLC (the "Applicant"), the warehouse redevelopment project includes conversion of an existing 20,200 square-foot warehouse into 18 joint live-work units for artist housing (the "Project").

The APC's approval of a CEQA exemption for the Project was inappropriate for several reasons. The Class 32 infill exemption is inappropriate given the history of contamination on the Project Site, the lack of mitigating design criteria to protect current and future residents from environmental contaminants, and likely impacts to a designated Historic Cultural Monument. The Project has also not been reviewed by the Cultural Heritage Commission as required by the Los Angeles Administrative Code.¹

For these reasons, we urge that City Council reverse the APC's determination with regard to the Class 32 categorical CEQA exemption. In addition, we respectfully request that City Council require the Applicant to complete preliminary environmental review, and to ensure and that no further action in this matter is taken until the Applicant complies with Cultural Heritage Commission hearing requirements.

I. The Class 32 Infill Exemption is Inappropriate

The California Environmental Quality Act ("CEQA") codified at Pub. Res. Code § 21000 *et seq.* requires a lead agency to evaluate a project for potentially significant impacts to the environment. CEQA also provides that limited project types known as Categorical Exemptions are exempt from these environmental review requirements. If a project falls within one of these

¹ Los Angeles Administrative Code § 22.171.14.

Categorical Exemptions, it is exempt from the provisions of CEQA, and no further environmental review is required. However, if an exception to the exemptions applies to the project, the lead agency must proceed with environmental review. It is well established that Categorical Exemptions are prohibited on “Hazardous Waste Sites,” or sites with known contaminants that appear on the State Cortese List.² In addition, a Categorical Exemption “shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.”³

A. There is Substantial Evidence of Hazardous Waste on the Project Site.

CEQA prohibits Categorical Exemptions when the project is located on a “hazardous waste site” and appears on the State Cortese List.⁴ Although the Project is not currently listed on the Cortese list, there is substantial evidence indicating ongoing contamination from historic sources. The Applicant has failed to conduct thorough environmental analysis of the Project Site, or to address known carcinogens in the vicinity of the existing residences. The Applicant has acknowledged that TCE and PCE have been detected on the Project Site. These contamination issues are directly adjacent to the proposed Project and located within the Project Site. Although they have not yet been addressed by a State Agency, the Applicant’s continued failure to address this contamination on the property may prompt intervention in the future. The testing that has been completed on the site exceed residential and commercial screening levels established by the State of California. For example, a 2017 Phase II Report prepared by EFI Global notes that the concentration of PCE from the warehouse is 855x the residential screening level, making the site unsafe for future tenants. This is where the proposed residences will be located. More recently, an August 20, 2021 Phase II Report conducted by Fulcrum contains data showing excessive levels of PCE in soil vapor samplings from probes on the Art Colony Property at levels up to 463X the residential screening level. Even minimal exposure to TCE or PCE has been linked to an increased risk of cancer.⁵ The Applicant has provided no additional testing or documentation to establish that these contaminants have been or will be remediated.

In addition, there are substantial concerns arising from the Project Site’s location adjacent to a concrete processing facility, and the impacts that concrete dust will have on current and future residents. The concrete manufacturing facility is immediately adjacent to the Project Site.⁶ Dust and contaminants from the concrete facility consistently blow onto the Project Site, impacting the residents who currently reside on the property. The Applicant provided no information addressing how the dust and contaminants would be addressed for existing residents during construction, or for future residents upon Project completion. The devastating impacts of respirable concrete dust on human health is well documented by the Occupational Safety and Health Administration

² Cal. Code Regs. tit. 14 § 15300.2(e).

³ Cal. Code Regs. tit. 14 § 15300.2(f).

⁴ Cal. Code Regs. tit. 14 § 15300.2(e).

⁵ Agency for Toxic Substances and Disease Registry: *Health Effects Linked with Trichloroethylene (TCE), Tetrachloroethylene (PCE), Benzene, and Vinyl Chloride Exposure*, last accessed (6.18.21) available here: https://www.atsdr.cdc.gov/sites/lejeune/tce_pce.html

⁶ See June 10, 2021 Zoning Administrator’s Determination, pg. 19 (hereinafter, “ZAD”).

("OSHA"),⁷ and the Centers for Disease Control and Prevention ("CDC").⁸ Further, the California State Legislature is currently considering a bill proposing additional environmental review for schools because of a recent development next to a concrete processing facility.⁹ Coupled with the threats posed by known soil vapor intrusion at the immediately-adjacent Santa Fe Art Colony residential structures located within the Project Site, this compounded threat to future tenants is unacceptable.

B. The Project Will Irreversibly Damage a Designated Cultural Historic Resource.

On February 4, 2020, the Los Angeles City Council adopted recommendations from the City's Planning and Land Use Management Committee to designate the Project Site as an Historic Cultural Monument ("HCM"), now known as the C.B. Van Vorst Co. Manufacturing Plan/Santa Fe Art Colony. Most buildings on the property have also been identified as eligible for listing in the National Register for Historic Places and the California Register of Historic Places. The existing warehouse is the last industrial facility remaining on the project site. The Project involves drastic interior and exterior redevelopment, including 18 separate exterior entrances, creation of an interior mezzanine level, window replacement, service door updates, ramp removals, and creation of a concrete deck. The Zoning Administrator acknowledges that most, but crucially, not all of the existing window openings, loading dock openings, canopies and stepped parapets at the roofline would be preserved.¹⁰ However, the Project as described is a complete overhaul of the interior and exterior of the Project Site, through which character-defining elements that contribute to the historical value and cultural charm of the building will be lost. The Project will have a demonstrably negative impact on historic elements of the warehouse, and accordingly, will result in a substantial adverse change in the significance of the warehouse as a historical resource. For this reason, the Class 32 exemption is not applicable to the Project.

II. The New Units Should Be Designated As Affordable Housing.

The affordable housing crisis is well documented throughout California and particularly, in Los Angeles. As the City continues to refine development objectives and strategies to facilitate

⁷ Occupational Safety and Health Administration: Silica, Crystalline, last accessed (6.18.21) available here: <https://www.osha.gov/silica-crystalline> ("Activities such as abrasive blasting with sand; sawing brick or concrete; sanding or drilling into concrete walls; grinding mortar; manufacturing brick, concrete blocks, stone countertops, or ceramic products; and cutting or crushing stone result in worker exposures to respirable crystalline silica dust" This exposure can result in "Silicosis, an incurable lung disease that can lead to disability and death; lung cancer; chronic obstructive pulmonary disease (COPD), and kidney disease.")

⁸ Centers for Disease Control and Prevention: *Preventing Silicosis and Deaths in Construction Workers*, last accessed (6.18.21) available here: <https://www.cdc.gov/niosh/docs/96-112/default.html>

⁹ Bigad Shaban, Robert Campos and Michael Horn, NBC Bay Area: *Parents Fear Kids at Risk From Dangerous Dust at Silicon Valley School*, (May 21, 2021) available here: <https://www.nbcbayarea.com/news/local/stratford-school-concrete-controversy-in-fremont/189810/>

¹⁰ ZAD, pg. 9.

additional affordable housing units, all new developments – particularly those like the Project – with the potential to result in gentrification and displacement, should be viewed as opportunities to meet state and local affordable housing objectives. In a June 15, 2021 letter to the Los Angeles City Planning Commission, Councilmember Kevin de Leon acknowledged increasing affordable housing production in Downtown Los Angeles as one of his “highest priority goals.”¹¹ Similarly, Mayor Eric Garcetti’s Executive Directive No. 13 urges the City to “employ as many tools as possible to provide an increased supply of affordable housing.”¹² Given the dire need for affordable units in Los Angeles, it is irresponsible and inconsistent with state and local housing directives to allow private developments to gentrify existing affordable enclaves without providing additional affordable units. The Project incorporates 18 new market rate units without any dedication for affordable housing units. For this reason, the Project should not be approved unless a significant percentage of the proposed units are dedicated for use as affordable housing.

For the reasons stated above, we respectfully request that this council reverse the APC’s CEQA determination and require documentation that the known contaminants on the Project Site have been remediated, and that the Project Site is safe for residential uses. We reserve the right to provide additional legal foundation for appeal prior to the Area Planning Commission hearing.

Sincerely,

Sylvia Tidwell

¹¹ June 15, 2021 letter from Councilmember Kevin de Leon to Los Angeles City Planning Commission re: *Downtown Los Angeles Community Plan Update “DLTA 2040.”*

¹² Executive Directive No. 13, Mayor Eric Garcetti: Support for Affordable Housing Development (October 23, 2015) available here: https://www.lamayor.org/sites/g/files/wph1781/files/page/file/ED_13_-_Support_for_Affordable_Housing_Development.pdf?1445984955