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July 15, 2021

Community Impact Statement

DIR-2019-6048-TOC-SPR-WDI and ENV-2016-273-MND-REC1

The Board Approves This Community Impact Statement Yea (x), Nay (x), Abstain (x) on July 15, 2021

DTSC & LA CITY PLANNING

RE: Re: AVENUE 34 DTSC Results. 141 W. Avenue 34, LA, CA 90031
(DIR-2019-6048-TOC-SPR-WDI and ENV-2016-273-MND-REC1)

Dear DTSC Director Meredith Williams and US EPA Assistant Director Dana Barton,

The Lincoln Heights Neighborhood Council is writing to express our deep concerns with a project that is currently under DTSC's review. This massive mixed-use project would be built at Avenue 34 and Pasadena Avenue in Lincoln Heights ("Avenue 34" - Cortese listing #60003112). Since this project was proposed at the beginning of 2020, our neighbors have been very vocal in their opposition to the project due to its inaccessibility to our neighborhood's residents, and the risks of contamination. Recent testing has confirmed dangerously high levels of toxic contaminants on the site. We are calling on you to insist that no approvals of the site's use be made prior to the most thorough and transparent investigation, and not before successful remediation of the existing contamination.

We recently learned that DTSC required testing at Avenue 34, which revealed dramatically high levels of PCE and TCE in the soil gas, as well as elevated levels of toxins including arsenic, lead, mercury, benzene, bromodichloromethane, chloroform, 1,1-dichloroethane, 1-2 dichloroethane, cis-1,2-dichloroethene, trans-1,2-dichloroethene, and vinyl chloride.

This news follows more than a year of many people in our community voicing their opposition to this project for the environmental dangers they suspected it would present. Their objections were countered by the project developers, who you should be aware have acted with complete dishonesty and impunity towards Lincoln Heights. They lied at Neighborhood Council meetings, at City Planning Commission hearings, in meetings with community members, in emails, and on their website, repeating the claim

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that they had tested the site more than 30 times, and that the site was free of contamination. They paid actors to attend hearings to support this project, silencing our community's genuine voices. They hired consultants to walk door-to-door in Lincoln Heights, spreading misinformation about the affordability and safety of the property. The developer's Phase 1 report made grossly incorrect statements about the site and the impact from adjacent sites, including the conclusion that Welch's contamination was travelling away from the Avenue 34 property, rather than directly through it as it does. Furthermore, the environmental review for this project (ENV-2016-273-MND) made no mention of the likely impacts from Welch's Dry Cleaning releases on the adjacent lot. For this omission, neighboring residents filed an appeal under CEQA (Council File 21-0024), which LA City Council has so far neglected to hear, and which DCP recommended dismissing, in an apparent push to approve this project at great risk to human health. Now that the contamination is confirmed, it is clear that these developers have gone to great lengths to put their profits ahead of our community's safety.

We understand that DTSC wrote a letter in November, 2020 which concluded that contaminants from the adjacent property, the former Welch's dry cleaner, would not pose a risk to this project's future inhabitants. That conclusion appears to conflict with this recent testing data. We also know that a vapor extraction system was decommissioned on Welch's site in 2016. DTSC said they would require a Land Use Covenant restricting Welch's site to "commercial use only" as a condition for that equipment's removal. That determination for the adjacent property is in stark contrast to the current proposed use at Avenue 34, which lies in the path of the plume from Welch's, and has its own long history of industrial uses.

In light of the developer's clear disregard for environmental safety, and the troubling history of this lot, the neighboring lot, and the history of determinations regarding both, we are calling on your agency to take a more aggressive position for environmental protection. We understand that the most recent round of testing, conducted within the last few weeks, was executed on the site without DTSC having reviewed or approved any plans before work started. This is an unacceptable way for DTSC to oversee an investigation at such a problematic site in our neighborhood. We call on DTSC to actively lead this investigation, rather than simply approve work plans - sometimes even after the fact - prepared by these clearly untrustworthy developers.

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Lincoln Heights suffers from enduring inequity. One of the oldest neighborhoods in Los Angeles, it also has a history of unchecked industrial uses that gives us a pollution burden percentile of 99%, according to the Office of Environmental Health Hazard Assessment. Additionally, we suffer some of the highest traffic impacts, unemployment rates, poverty rates, education deficits, and housing burdens in our city. It is a community of mostly Latino and Asian residents, with many of our community not fluent in English. These conditions provide background for Lincoln Heights' broad opposition to this project ever since it was introduced at a Lincoln Heights Neighborhood Council meeting on February 12, 2020. This project would only include 14% affordable housing, at a rate above median income in our neighborhood. This project will not serve our low-income residents. We need projects that serve our community, not ones that heighten inequities while ignoring environmental dangers to our residents, workers, and schoolchildren.

We ask that DTSC inform the Lincoln Heights Neighborhood Council about their plans for future testing or remediation on the site. Furthermore, we ask your agency to clarify what potential health risks this contamination poses to our community. What is the risk of vapor intrusion at Hillside Elementary across the street, where students and teachers were impacted by the pollution from Welch's in the '80's and '90's? With hundreds of current neighboring residents, workers, and five schools within 1,200 feet, what happens at this site has an impact well beyond the property boundaries. We urge your agency to reserve approving any use of this site until there is a comprehensive understanding of the nature and full extent of this contamination, and also not until after the contamination has been successfully remediated to levels meeting State and Federal standards for residential safety.

We hope your agency will fulfill your mission to defend the health and safety of our community, and will give this project the close scrutiny it has evaded so far.

Sincerely,

Sara Clending

President

Lincoln Heights Neighborhood Council