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LOS ANGELES, CA 90031

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Lincoln Heights  
Neighborhood Council  
of the  
City of Los Angeles

EXECUTIVE COMMITTEE

SARA CLENDENING  
PRESIDENT

BEN WADSWORTH  
VICE PRESIDENT

VINCENT "CHENTE" MONTALVO  
TREASURER

FERNANDA SANCHEZ  
SECRETARY

December 22, 2021

Vincent Bertoni, Director  
Los Angeles Department of City Planning  
200 N. Spring Street, Room 525  
Los Angeles, California 90012

cc: Michelle Carter, Oliver Netburn

**RE: PROPOSED PROJECT 141 W. Ave 34, DIR-2019-6048-TOC-SPR-WDI & ENV-2016-273-MND-REC1**

Dear Mr. Bertoni,

On August 15, 2021, under a Brown Act compliant General Meeting of the Board of Directors, the Lincoln Heights Neighborhood Council took up the following issue:

*Discussion and possible action regarding AVENUE 34. 468 residential units with 16,395 commercial. Mixed-Use Transportation Oriented Community (TOC) project at 141 W. Avenue 34, DIR-2019-6048-TOC-SPR-WDI and ENV-2016-273-MND-REC1*

The Lincoln Heights Neighborhood Council voted to **OPPOSE** the aforementioned project. Yea (17), Nay (x), Abstain (x) on August 15, 2021.

Please add this to the case file and let me know if you have any further questions. You can reach me at sara.lhnc(at)protonmail.com.

Sincerely,

Sara Clendening  
Chair, LHNC Planning & Land Use Committee  
President, Lincoln Heights Neighborhood Council

Cc

Kevin De Leon, CD14 Councilmember-elect  
Gil Cedillo, CD1 Councilmember-elect  
Zoning Commission, City of Los Angeles

BOARD MEMBERS: BUSINESS REPRESENTATIVES: William Rodriguez Morrison, Nancy Soto. COMMUNITY BASED ORGANIZATION REPRESENTATIVES: Benny Madera, Dydia DeLyser, Johanna Iraheta. YOUTH REPRESENTATIVE: Diana Tran. AREA REPRESENTATIVES: Richard W. Larsen, Annalee Harr, Melanie Bellomo Shifflett, Vicente Gonzalez-Reyes, Armida Marrufo, Victor Azanedo, Diego Zapata, Gil Arevalo, Richard Ortiz, Steve Lucero, Lena Ruiz, Selena Ortega

# LINCOLN HEIGHTS NEIGHBORHOOD COUNCIL

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## EXECUTIVE COMMITTEE MEMBERS

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September 2, 2021

## COMMUNITY IMPACT STATEMENT CF 21-0024

The Board Approves This Community Impact Statement Yea (17), Nay (x), Abstain (x) on September 2, 2021

Honorable City Council  
Los Angeles City Hall  
200 North Spring Street, Room 395  
Los Angeles, CA 90012

## SUPPORT APPEAL

### RE: CF 21-0024 UNLAWFUL TERMINATION OF 135-153 WEST AVENUE 34 / 3401-3437 NORTH PASADENA AVENUE / CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) / APPEAL

Dear Honorable City Council members:

Lincoln Heights Neighborhood Council demands the reinstatement of this CEQA appeal. In a letter addressed to the PLUM Committee from City Planning, dated March 3 2021, City Planning incorrectly claimed that the CEQA appeal of DIR-2019-6048-TOC-SPR-WDI-1A / ENV-2016-273-MND-REC1-1A "Has been terminated and requires not further action from the LA City Council." City Planning's letter to the appellant, dated February 26, was filled with misrepresentations of the law which made the erroneous claim that the appeal was "not filed in conformance with the LAMC." These letters are an illegal attempt to silence thousands of Lincoln Heights residents whose lives and health will be negatively impacted by City Planning's attempts to circumvent the California Environmental Quality Act.

City Planning is either misinformed or dismissive of the law. Their Feb. 26 letter cites LAMC Section 11.5.13 to argue that the Feb 5, 2021 appeal application missed the 15-day deadline by some 1,265 days, as the original MND was originally approved in 2017. LAMC Section 11.5.13 actually states that a decision-maker's "determination may be appealed to the City Council provided the appeal is filed within 15 days of the project approval becoming final." This project's final approval was issued on December 22, 2020, and the CEQA appeal was filed on January 4, 2021. As the appeal deadline is tied to the project approval, not to the environmental review, the appeal application was submitted in conformance with the law. The December 22 Determination Letter also adopted the MND and the Addendum, and this is a CEQA determination for which you must allow an administrative appeal pursuant to both the Municipal Code 11.5.13 and CEQA.

Sincerely,

Sara Clendening, President  
Lincoln Heights Neighborhood Council

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COMMUNITY BASED ORGANIZATION REPRESENTATIVES: Benny Madera, Dydia DeLyser, vacant

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July 15, 2021

## COMMUNITY IMPACT STATEMENT

The Board Approves This Community Impact Statement Yea (18), Nay (x), Abstain (x) on July 15, 2021

### LA CITY PLANNING

**RE: AVENUE 34 DTSC RESULTS. 141 W. AVENUE 34, LA, CA 90031**

**(DIR-2019-6048-TOC-SPR-WDI AND ENV-2016-273-MND-REC1)**

**CF 21-0024 SUPPORTING 135-153 W. AVENUE 34 / 3401-3437 N. PASADENA AVENUE / CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) / APPEAL**

Dear LA City Planning,

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 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

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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 Ave 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.

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

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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 and LA City Planning 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 Clendening

President

On behalf of

Lincoln Heights Neighborhood Council

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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 (18), Nay (x), Abstain (x) on July 15, 2021

**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.

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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.

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Sincerely,

Sara Clendening  
President  
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July 15, 2021

## **Community Impact Statement**

Council File 20-1314

The Board Approves This Community Impact Statement Yea (17), Nay (x), Abstain (1) on July 15, 2021

Honorable City Council  
c/o Office of the City Clerk  
Los Angeles City Hall  
200 North Spring Street, Room 395  
Los Angeles, CA 90012

## **RE: CIS in Support of CF 20-1314 Transit Oriented Communities (TOC) Affordable Housing Incentive Program / Guidelines Land Use Regulatory Control Revisions**

Dear Dear Hon. City Council members,

Lincoln Heights Neighborhood Council supports the motion introduced by Council Member Cedillo to revise of the current TOC guidelines. We are presenting recommendations to the Council in regard to equitable land use, environmental racism and violence against communities of color.

Lincoln Heights is explicitly named in Council Member Cedillo's motion from 10/13/20, however we are mentioned in the past tense. Lincoln heights is not a sacrificial lamb, and this motion needs to be revised to reflect that. One size does not fit all. The RHNA numbers are grossly inaccurate and therefore low income communities of color are being inundated with market rate housing for future residents.

The Metro pushes out the demographic it claims it seeks to serve. As it pushes, it pursues, and leaves a trail of devastation on vulnerable, historically marginalized, underserved communities. The land happens to be toxic around many of these communities, and the TOC guidelines allow developers to bypass crucial environmental procedure and safety protocols for massive luxury apartments with hundreds of units in the name of filling a future demand. The people are the ones who suffer.

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The affordable housing element creates housing only for those who meet the thresholds of Affordable, Low Income (LI) or Very Low Income (VLI). Our community does not meet those thresholds, as the median household income is below the Extremely Low Income level (ELI). Those few affordable units that are built only incentivize the developers to add more height and density w/ more market rate units. Residents seeking to obtain an "affordable" unit must participate in a lottery with 45,000 other county residents. Lifelong residents are displaced and even the affordable housing is not built for families. The affordable units are studios and 1 bedroom apartments - The median family size in Lincoln heights is four (4) members. 77% of the inhabitants in Lincoln Heights are renters, and our home ownership rate is the lowest in the city at 23%.

The land in the CASP (Cornfield Arroyo Specific Plan) in Lincoln Heights is some of the most polluted land in Los Angeles; the oldest industrial corridor in the history of LA dating back to the 1850's. This Metro adjacent land has been up-zoned for the market rate dwellings by a city that pretends that its hands are tied, but is complicit with the ethnic cleansing wiping out our people. Lincoln Heights loses not only jobs, but also the children are forced to breathe brownfield contaminants from the sites which are not even beholden to real Phase II DTSC tests, even though its on record that these sites are notoriously toxic for generations and only suited for industrial warehouses to mitigate exposure.

During Lincoln Heights Appeal hearing for the Ave 34 TOC, It was revealed that the developer had paid 22 callers to call in and praise the project. These were white callers claiming to be from "District One", paid to lie and glorify bike racks and electric vehicle charging stations, as well as the "shrubby" and "native soil". There was no punishment for this racist malicious act against our historic struggling community comprised of 78% Brown and 17% Asian brothers and sisters. The city actually protected the developer by trying to hide this. This developer tried to further disenfranchise and already struggling community by doin a racist, discriminatory, white supremacist act. Our Community is not a pawn for pocket fattening. Developer Money is influencing land use decisions in City Hall, the up-zoning of toxic land puts our lives at risk. We are well aware of what's happening and who has the power and who doesn't- therefore we stand up to defend future generations from displacement and death.

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At the AVE 34 TOC appeal hearing on 8/13/20, LA City Planning Commissioner Helen Leung stated:

"To me this case before us is about our role as commissioners on on the type of city all Angelenos want to see and especially working-class communities of color so when we vote we're creating a precedent and when we do that I believe it should be on behalf of serving residents who have continued to invest in the community despite being historically excluded and that is many of the voices we heard today during the hour and a half long public comment. I support the the approval of this appeal and it's because **I can't in good conscience continue to reinforce a system of land use that promotes a structural system of inequity and racism.** I especially can't support a project that will absolutely undermine working class neighbors many of whom are already facing an unfair burden because of the pandemic."

LA City Planning Commissioner Karen Mack then stated on the record:

"**To me this is a case study of how not to do equity.** If we have you know i don't even know how many people came and spoke but if that many of the community is coming to this meeting and saying they have not been heard then that's a problem because to me **the first rule of equity is to listen to the community and what we should be striving for is community self-determination so that we all want housing but we want housing that integrates well with the existing community** so to me it's a conversation and it sounds like the conversation didn't happen so i cannot support this project"

Equitable land use is what Lincoln Heights is demanding. The City of LA must Coordinate with the State to revise the racist inequitable TOC Guidelines to accommodate the needs of the People - especially in Lincoln Heights, aka East Los Angeles, aka Tongva Land Yaangna Village. If the City does not revise the current TOC guidelines, it is complicit in crimes against humanity.

Sincerely,

Sara Clendening, President  
Lincoln Heights Neighborhood Council

## MOTION

## PLANNING AND LAND USE MANAGEMENT

On December 13, 2016, Ordinance No. 184745 (*Affordable Housing and Labor Standards Related to City Planning*), Council File No. 16-0684, became effective, to address the City's homeless and affordable housing crisis. The ordinance was a citizen sponsored ballot initiative (Initiative Ordinance JJJ, also known as "Measure JJJ") that was approved by City voters on November 8, 2016.

Measure JJJ required the creation of a new affordable housing incentive program for developments near major transit stops. The ordinance contains a "Transit Oriented Communities (TOC) Affordable Housing Incentive Program" along with a directive for the necessary TOC Program Guidelines applicable to all housing developments located within a one-half mile radius of a Major Transit Stop. The Guidelines became effective on September 22, 2017, and were revised on February 26, 2018. As specified in the ordinance, each one-half mile radius along a Major Transit Stop constitutes a unique TOC Affordable Housing Incentive Area.

Since its inception, the TOC program has generated 20,721 units citywide, including 6,947 affordable housing units through a tier-based system of incentives for certain residential projects. Projects that qualify can request additional building incentives in exchange for a specific set-aside of restricted affordable units. Now that the program has been in effect for over two years, it is clear that although it is popular and is generating a significant number of new housing units, including covenanted affordable units, the program has failed to take into account the differences, unique characteristics and varying conditions in the diverse communities, neighborhoods and land across the City.

One size does *not* fit all, therefore, the TOC program needs modifications. Developers may utilize the program's incentives to set-aside affordable units in multi-family residential developments, in exchange for being granted City permission to construct buildings which are out of scale, character and incompatible with the local neighborhood's context.

In Council District One, the most recent example was a proposed mixed-use project utilizing TOC incentives that introduced new density into the historic Lincoln Heights community at a former industrial site in proximity to two Gold Line Transit Stations. Upon appeal, the City Planning Commission considered community concerns about the project's potential impact on vehicular traffic, parking and pedestrian safety, design compatibility with the surrounding low-scale neighborhood in terms of density, scale, massing character, soil contamination and most importantly, access to the new housing by the people who live and work in Lincoln Heights.

The City Planning Commission's recommendation was bound by the citywide legal standards prescribed in the TOC program, and also by the *State Housing Accountability Act*, which prohibits the denial of a housing application if the project meets the City's objective General Plan and zoning standards. The proposed project allowed *by-right* was fully compliant with the citywide TOC Program Guidelines, and the Commission had no available policy tools, authority or discretion to exact project modifications to reshape the proposal to be more compatible with the local neighborhood's context or responsive to local housing market needs in terms of affordability. Several Commissioners expressed frustration at being constrained by the limitations of the citywide TOC Program.



The Planning Department should evaluate the TOC Affordable Housing Incentive Program and its TOC Program Guidelines, and explore the feasibility of the formation and implementation of land use and zoning policy tools which may complement the program and facilitate infill transit-oriented development which consider differences in local neighborhood context and unique patterns of development, varying conditions in public infrastructure, local housing market needs and related factors.

Policy decisions on land development proposals based on land use regulatory controls are important and should always be made with strong community stakeholder participation. Council District One's most recent experience demonstrates that developers should be strongly encouraged to incorporate a comprehensive community outreach program into their scope of work not only as a measure of respect, but also as a strategy to solicit meaningful input into shaping a project which enhances the neighborhood in which it is being introduced.

**I THEREFORE MOVE** that the Council instruct the Planning Department, in consultation with the Housing Department, to prepare a report with recommendations on the feasibility of revising the Transit Oriented Communities (TOC) Affordable Housing Incentive Program and its TOC Program Guidelines, and include in the recommendations feasible revisions to land use regulatory controls that impact, but are not limited to, public infrastructure, local housing market needs, scale, density, and that account for the unique and varying characteristics of neighborhood conditions citywide.

**PRESENTED BY:** \_\_\_\_\_

**GILBERT A. CEDILLO** (verbal)  
Councilmember, 1st District

**SECONDED BY:** \_\_\_\_\_

**MONICA RODRIGUEZ** (verbal)  
Councilmember, 7th District

**October 13, 2020**



Lincoln Heights Neighborhood Council  
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Los Angeles, CA 90031  
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Sara Clendening, President; Ben Wadsworth, Vice President;  
Fernanda Sanchez, Secretary; Legier Biederman, Treasurer



## Community Impact Statement

May 16, 2021

The Board Approves This Community Impact Statement Yea (19), Nay (x ), Abstain (x ) (One Absent) on May 16, 2021

**RE: CF 20-1359** City Council Funding Luxury Housing with CSCDA Revenue Bonds for 141 Ave 34

To the Honorable City Council of Los Angeles,

We are submitting this letter regarding Council File 20-1359 asking for California Statewide Community Development Authority (CSCDA) refuse to issue bonds to borrow \$125M of public resources for luxury housing. While we agree there's an urgent need to address the city's housing affordability crisis, we are formally saying this Motion undermines our faith in the City Council's efforts on affordable housing and homelessness. The Housing + Community Investment Department (HCID) Affordable Housing Bond authority must reject funding bonds that allow this flagrant misuse of public funds. WE OPPOSE THIS COUNCIL FILE.

The language in the ordinance / Motion regarding 141 Ave 34 is itself is overly broad and doesn't address the more technical side of the problem. However, the city's housing affordability crisis isn't just a technical problem. We ask that the language of any proposed funding motion include the following aspects:

WE oppose that the City Council hold a Tax Equity Fiscal Responsibility Act (TEFRA) Hearing for the purpose to mistakenly adopt the TEFRA language and allow the CSCDA to issue bonds in an amount of \$125,000,000 supporting luxury housing. This is an illegal use of that funding authority and should be disqualified on the basis of failed public trust of these funding vehicles.

There is no condition that public funding will be provided to spend upwards of \$1,000,000 per unit of affordable housing. And we ask, why would anyone buy such bonds, and the project is not going to pay for it. We ask, who is going to rent on a \$1,000,000 affordable unit? This Motion fails to mention that the 66 units are not constructed, and appears to use funds exclusively for rent restricted units.

L.A. City Hall must utilize more tools to address the current housing affordability crisis. If funding is increased in any way for this project, the percentage of affordable units must be 18%. Thousands of market-rate units near transit were created, but this has resulted in an increase in un-housed residents, more gentrification, and skyrocketing rents. What's been done in the past is not only failing to create the results we desperately need, but it also harms working-class and lower-income residents. We need more housing, not less.

The push to fund more market-rate, or luxury, housing, with CSCDA funds is beyond belief for those on this Council who expect more from our City Council. If city officials want L.A. to be a truly livable city for everyone, then assistance must start at the lowest end of the economic spectrum, not the highest. And certainly not misuse funding authorities meant for entirely different purpose.

The city must focus on producing more homeless housing at a lower price point per unit than traditional homeless housing projects coupled with supportive services where necessary. For example, utilizing the adaptive reuse of city-owned properties. For new development projects, the city must require a sizable percentage of VLI and ELI housing units that are so desperately needed. The city must stop the flow of people into displacement in the first place by looking at broader homelessness preventive measures.

There is so much more that we can do, we just have to want to do it, and without the appearance of corruption.

Thank You.

Sara Clendening

President  
Lincoln Heights Neighborhood Council





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**Sara Clendening, President; Ben Wadsworth, Vice President;**  
**Fernanda Sanchez, Secretary; Legier Biederman, Treasurer**



## **Summary of Community Impact Statement**

5/16/21

RE: CF 20-1359 City Council Funding Luxury Housing with CSCDA Revenue Bonds

To the Honorable City Council of Los Angeles,

Item # 4 would use tax-exempt funding to pay for what is deceptively called an existing 67-unit affordable residential project on Avenue 34. Truthfully, this proposal is entirely unbuilt, and would actually consist of more than 400 market-rate luxury apartments and 16,400 square feet of private commercial retail spaces. This kind of development is not what TEFRA funding is intended for, and therefore we urge you to vote “No” on Item # 4.

First, the city has already awarded these developers huge incentives, including a 70% increase in density, in exchange for the bare minimum of 14% low-income units to be included. The City Council has already approved 20-million dollars in TEFRA funding for this same project in October. This new motion would approve an *additional* 105-million dollars in tax-payer subsidized funding for this very same project. All other TEFRA funded apartments in the last year cost an average 300-thousand dollars per unit. If we are to believe that this is to fund the 67 affordable units, that would mean each apartment would cost more than 1.5 million dollars each; the discrepancy between both amounts is truly alarming. If you vote yes, you will participate in misappropriating tax-exempt funding for the development of a mega private market-rate commercial project.

Lincoln Heights residents have been very vocal about their opposition to this project, as it will absolutely and inevitably contribute to rent insecurity and displacement in our neighborhood. Specifically, the affordable units in this project would be rented at rates much higher than what the median income of Lincoln Heights. The false narrative that this project addresses the need for affordable housing, is nothing but manipulative rhetoric. The affordable units allocated for this project are not within the income brackets that reflect Lincoln Heights, which is that of very low income, and extremely low income. Simply, the low-income residents of Lincoln Heights will not qualify to live in *any* of the units outlined in this project. Lincoln Heights is one of the most rent-overburdened neighborhoods in Los Angeles, and also one of the poorest. If these developers expect our tax dollars to help fund this entire project, then the entire project should serve our community, and not their private profit.

Secondly, it is imperative to note that the City is currently blocked from clearing this project's construction because the Department of Toxic Substance Control is currently investigating the high likelihood of contamination from a century of dangerous industrial chemicals used on this block. Welch's Dry Cleaning operated next to this site for 68 years, and dumped thousands of gallons of toxic waste into the soil. The students and teachers of Hillside Elementary across the street were sickened by Welch's pollution in the past, and we must not excavate this soil again without thorough and transparent testing and clean-up. As of now, it is not a requirement to test the soil of *all* suspected chemicals, and only 22% of testing is required to be submitted, which could allow them to cherry-pick favorable results. The city's blatant attempts to approve this project without proper environmental review is a clear example of the environmental racism our

majority Latino and Asian community continues to face. The current testing plan is incredibly inadequate, negligent, and harmful towards our community.

Lastly, our community strongly opposes this project and does not trust the developers involved with this project; they have been everything but transparent. We learned that the developer had never actually tested for any toxic substance, despite their claims of having done over 30 soil borings that proved the site was clean. We also know that they plan to divide the property into three parcels with separate ownerships, in an apparent violation of TOC guidelines. We also have recorded evidence that they paid actors to support their project at public hearings, as witnessed by this very same council, in an attempt to silence the desperate and genuine voices of our community. These deceptive actions do not deserve to be rewarded with our tax-dollars. These deceptive actions must be met with consequences. These deceptive actions will continue to gravely hurt our community.

We, the people of Lincoln Heights are in danger of being permanently displaced from the community we have called home, for our entire lives. We, the people of Lincoln Heights are the people you swore to protect and represent. The community of Lincoln Heights implores you to vote NO on any tax-exempt funding for this project. Our lives, quite literally, depend on it.

Thank you.

A handwritten signature in black ink, appearing to read 'Sara'.

Sara Clendening  
President  
Lincoln Heights Neighborhood Council

**MOTION**


R Cap Avenue 34 LLC, a Delaware Limited Liability Company (Borrower), has requested that the California Statewide Communities Development Authority (CSCDA) issue one or more series of revenue bonds or notes, in an aggregate principal amount not to exceed \$20,000,000, for the acquisition, development, improvement, and equipping of an existing 67-unit residential housing project located at 141 West Avenue 34 in Council District 1 (Project).

As a condition to the City's approval of the TEFRA Resolution for the Project, the Owner of the property shall enter into a regulatory agreement (Regulatory Agreement) with the City, which Regulatory Agreement shall be recorded, to affirm that (a) the Project will comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq. and the 2010 ADA Standards, Chapter 11A of Title 24 of the California Code of Regulations, Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act of 1968 and the California Building Codes, (b) the Owner will not discriminate in its programs, services or activities on the basis of disability or on the basis of a person's relationship to, or association with, a person who has a disability, and (c) the Owner will provide reasonable accommodation upon request to ensure equal access and effective communication to its programs, services, and activities.

As provided in the Outside Issuer Guidelines of HCID's Affordable Housing Bond Policies & Procedures (Bond Policies) the City generally requires that all Qualified Residential Rental Projects in the City issue bonds through HCID. The Bond Policies allow outside issuers to issue tax-exempt multifamily bonds for projects located in the City subject to conditions including execution of a Regulatory Agreement. The outside issuer and Borrower must agree to comply with all requirements of the City's Bond Policies. The Project will be funded primarily through 4% Federal Low-Income Housing Tax Credits and tax-exempt bonds or notes. No City funds will be directed to this Project.

**I THEREFORE MOVE** that the Council hold a TEFRA Hearing at the City Council Meeting to be held on Tuesday, October 27, 2020 and adopt the attached TEFRA Resolution to allow CSCDA to issue bonds in an amount not to exceed \$20,000,000 to provide financing for the acquisition, development, improvement, and equipping of an existing 67-unit residential housing project located at 141 West Avenue 34 in Council District 1.

PRESENTED BY:

  
GILBERT A. CEDILLO  
Councilmember, 1<sup>st</sup> District

SECONDED BY:

BOB BLUMENFIELD (verbal)  
Councilmember, 3rd District

OCT 20 2020

**RESOLUTION  
CITY OF LOS ANGELES**

A RESOLUTION APPROVING FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986 THE ISSUANCE OF BONDS OR NOTES BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO FINANCE THE ACQUISITION, REHABILITATION, CONSTRUCTION AND EQUIPPING OF A MULTIFAMILY RESIDENTIAL RENTAL PROJECT LOCATED WITHIN THE CITY OF LOS ANGELES.

WHEREAS, the City of Los Angeles (the "City") is a charter city and political subdivision of the State of California; and

WHEREAS, California Statewide Communities Development Authority (the "Authority") is authorized by the Joint Powers Act, commencing with Section 6500 of the California Government Code (the "JPA Law"), and its Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988, as the same may be amended (the "Agreement"), to issue revenue notes or bonds for the purpose of financing, among other things, the acquisition and construction of multifamily rental housing projects in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code (the "Housing Law"); and

WHEREAS, the Authority intends to adopt a plan of financing providing for the issuance for federal income tax purposes certain bonds or notes (the "Bonds") in one or more series issued from time to time, the proceeds of which will be used to finance the acquisition, construction, rehabilitation and equipping of a multifamily rental housing project described in paragraph 3 hereof (the "Project"); and

WHEREAS, the City is a member of the Authority; and

WHEREAS, the Project is located wholly within the City; and

WHEREAS, it is in the public interest and for the public benefit that the City authorize the financing of the Project for purposes of the below-defined Code; and

WHEREAS, the interest on the Bonds may qualify for a federal tax exemption under Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code"), only if the Bonds are approved in accordance with Section 147(f) of the Code; and

WHEREAS, pursuant to the Code, Bonds are required to be approved, following a public hearing, by an elected representative of the governmental unit having jurisdiction over the area in which the Project is located; and

WHEREAS, this City Council is the elected legislative body of the City and is the applicable elected representative required to approve the issuance of the Bonds within the meaning of Section 147(f) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, the City caused a notice to appear in the *Los Angeles Daily Journal*, which is a newspaper of general circulation in the City, on October 14, 2020, to the effect that a public hearing would be held with respect to the Project on October 21, 2020 regarding the issuance of the Bonds; and

WHEREAS, such public hearing was conducted by this City Council on such date, at which time an opportunity was provided to present arguments both for and against the issuance of the Bonds; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Angeles, as follows:

1. The recitals hereinabove set forth are true and correct, and this City Council so finds. This Resolution is being adopted pursuant to Section 248, as amended, of the City Charter of the City and Article 6.3 of Chapter 1 of Division 11 of the Los Angeles Administrative Code, as amended.

2. Pursuant to and solely for purposes of Section 147(f) of the Code, the City Council hereby approves the issuance of the Bonds by the Authority in one or more series up to the maximum amount below and a like amount of refunding bonds, pursuant to a plan of financing, to finance or refinance the Project. It is intended that this Resolution constitute approval of the Bonds by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located and as a member of the Authority, the issuer of the Bonds, each in accordance with said Section 147(f).

3. The "Project" referred to hereof is as follows:

| Project Name: | Address  | #Units:                       | Project Sponsor      | Maximum Amount: |
|---------------|--|-------------------------------|----------------------|-----------------|
| Avenue 34     | 141 West Avenue 34,<br>Los Angeles, California 90031 | 67 (including 1 manager unit) | R Cap Avenue 34, LLC | \$20,000,000    |

4. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this Resolution and the financing approved hereby.

5. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_ day of October, 2020 at Los Angeles, California.

I certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting on \_\_\_\_\_, 2020.

By \_\_\_\_\_  
Title \_\_\_\_\_