

## Communication from Public

**Name:**

**Date Submitted:** 05/17/2021 11:50 PM

**Council File No:** 20-1359

**Comments for Public Posting:** A letter dated May 11 from Lincoln Heights community advocates to Department of Toxic Substance Control, addressing inadequacies in the soil sampling plan for the Avenue 34 site.

May 11, 2021

Hello Director Williams,

On behalf of our neighbors in Lincoln Heights, we want to share our deep disappointment that your agency has neglected our requests for the inclusion you promised at our meeting on April 14, regarding assessment of the Avenue 34 project. Our primary request then, and in writing immediately after, was for DTSC to send us any proposed workplans for this project immediately upon receipt, so that we could have time to review them, and so that your agency might have the benefit of understanding and incorporating community concerns before approval of such workplans. We were shocked to learn at our most recent meeting on Friday May 7 that a sampling workplan had not only been submitted, but had gone through three rounds of revisions, had received the department's approval, and was already being acted upon at the site for at least three days - all without informing or engaging the community.

We must repeat that our community has been dismissed by multiple City agencies and blatantly deceived by the developers, and your agency has an opportunity to restore the trust that is currently lacking. This project will have an enormous impact on our neighborhood, one of the most disadvantaged and environmentally impacted in Los Angeles. The project is situated on a problematic site adjacent to a known massive spill. It is in a residential neighborhood, and across the street from an elementary school. Therefore, we are depending on your agency to do the valuable work of making a meticulously thorough assessment of the risks this project might invite.

We appreciate Mr. Cope's invitation to submit comments on the workplan, and his assurance that the agency will inform the project proponents that more work may be required based on the community's input. We have reviewed the workplan and made a list of immediate concerns. Understand that this may not be a comprehensive list, as we have not had the benefit of time or of independent analysis to review the workplan, which were two things we stressed would be necessary at our meeting with you on April 14.

We offer the following comments and recommendations, and look forward to your agency's response:

**Comment A:** The scope of the proposed investigation needs to be substantially expanded in view of elevated levels of volatile organic compounds (VOCs) in soil and groundwater on the Welch's site, and evidence that this contamination has migrated beneath the project site and beyond its southern boundary. The migration of subsurface vapors in soils and shallow groundwater, and their intrusion into homes of the proposed development, is an important

exposure pathway that could place the health of future occupants at risk. We believe that conditions on the former Welch's site, including the off-site migration of contaminants in groundwater, are dynamic as evidenced by data in the monitoring reports for May and October 2020. The October 2020 report indicated that contaminant levels in Monitoring Well 15, located downgradient and beyond the southwest boundary of the project site, were three times higher than those reported earlier that year in May. It is also noteworthy that in 2016, the owner of Welch's requested approval from DTSC to permanently shut down and decommission the soil vapor extraction (SVE) system, even though the targeted cleanup levels had not been achieved. DTSC informed the owner that, as a condition of approving the SVE decommissioning, the owner would be required to record a Land Use Covenant restricting future use of the site to commercial/industrial (i.e., non-residential) purposes. The proposed construction of 468 residential units on the adjoining project site (which is downgradient of the toxic plume, and has not been remediated) demands that the site be fully characterized before DTSC provides the regulatory clearance required for the development to proceed.

**Recommendation 1:** Expand the workplan to include a Vapor Intrusion Investigation (VII) which adheres to applicable State and Federal guidance (*Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air, California DTSC / CalEPA, October, 2011; Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air, US EPA, Office of Solid Waste and Emergency Response, June 2015*). The VII should consider all information generated to date on-site and the findings of all prior investigations on the adjoining Welch's site.

**Recommendation 2:** Expand the workplan to include development of a preliminary conceptual site model (CSM). The preliminary CSM will provide an understanding of current conditions and risks based on all information generated on the subject property and the adjoining Welch's site. The preliminary CSM will also identify data gaps to guide subsequent investigative work and refinement of the CSM.

**Comment B:** The proposed workplan indicates that less than 25% of all soil and soil vapor samples collected during the investigation will be submitted to the lab for analysis (see table on p. 6 of the workplan). We find this proposal to be inadequate based on the following factors: the high potential for contamination to have migrated from the Welch's site via preferential pathways in soils, groundwater and especially along narrow utility corridors that could escape detection with the limited soil matrix and vapor sampling points currently included in the workplan; the absence of a CSM to guide the identification of existing data needs; and the need for timely assessment of identified areas of concern on the subject property. In addition, the proposed chemicals of concern in the workplan do not include several emerging chemicals of interest at the site, i.e., 1,4-Dioxane and PFOA/PFOS. 1,4-Dioxane, for example, is a necessary chemical of interest based on its prior use as a stabilizer for chlorinated solvents. In summary,

this approach could lead to a premature determination of “no further action required” based on a limited set of analyses.

**Recommendation 3:** The workplan should require submission of *all* collected soil matrix and soil gas samples to the lab for analysis.

**Recommendation 4:** Expand the list of chemicals of concern in this current investigation to include PFAS/PFOA and 1,4-Dioxane.

**Recommendation 5:** The Sampling Workplan calls for *“a report detailing the sampling methodology and results of soil vapor and soil matrix sampling will be prepared, and it will provide conclusions of the assessment and recommendations.”* We would like confirmation that DTSC will receive and review this same report of all sampling results as part of the public record.

**Comment C:** The workplan on p. 4 states *“Four areas of concern were identified on the north adjacent property”* (i.e., the Welch’s site), but only one of the areas was described. Please provide information on the three other areas of concern, and whether the workplan includes investigation to assess the impact of these off-site areas on the development property.

**Comment D:** The workplan on p. 4 indicates that by 1920 occupancy on the industrial areas of the site included *“the Los Angeles Sand & Gravel Company, which operated until at least 1928, and terminated by 1938.”* Please indicate whether this operation involved sand and gravel recovery from the property which is in close proximity to the Arroyo River along the western boundary of the site. Also please note, based on available historic aerial photos, whether an excavation potentially associated with sand and gravel recovery is visible on the project development site, and whether any such excavation was ultimately filled-in and graded. The project developers have told us that they conducted more than 30 soil borings in 2019.

**Comment E:** The groundwater monitoring reports for Welch’s have identified a long list of contaminants. As no testing has ever been performed on the project site, and as contaminants have certainly migrated southwest of Welch’s, it is imperative that *all* chemicals that have been identified on Welch’s property be part of the scope of this investigation on the project site.

**Comment F:** We strongly believe it is vital that DTSC establishes a presence on the site during all field work in order to provide sufficient oversight. Given the track record of the developer and its environmental consultant, this action would help to restore community confidence that the work is being conducted appropriately.

**Comment G:** Finally, we reiterate our original request to be fully apprised of any incoming work plans, reports from the project applicant, or sampling results *as soon as* those documents are in your possession. Please let us know now how soon you expect to receive the results of the sampling that is currently being collected. We also ask that no final determination be made until the community has been given adequate time to assess the workplan as well as the results of the sampling. We also reiterate our previous request that community residents, and the staff and parents of Hillside Elementary and other schools in proximity of the site be provided with advance notification of all field work to be conducted, and advised that testing is being performed and may result in noise, or dusts and other emissions being released to the air. They should also be advised of a number they may call to report any problems or complaints.

Thank you for hearing these comments and recommendations. We recognize the importance of DTSC's work, which is why it is so critical that it be executed in a way that builds, rather than corrodes, the community's trust.

Sincerely,

Michael Henry Hayden  
President  
Lincoln Heights Community Coalition  
Los Angeles, CA

Angelo J. Bellomo  
Former Deputy Director, LA County Department of Public Health  
Los Angeles, CA

Jane Williams  
Executive Director  
California Communities Against Toxics  
Rosamond, CA

Robina Suwol  
Executive Director  
California Safe Schools  
Los Angeles, CA

## Communication from Public

**Name:**

**Date Submitted:** 05/17/2021 11:54 PM

**Council File No:** 20-1359

**Comments for Public Posting:** A second letter, dated May 17, from Lincoln Heights community advocates to Department of Toxic Substance Control, addressing further concerns of inadequacies in the soil sampling plan for the Avenue 34 site.

May 17, 2021

Dear Director Williams,

Thank you for your email today. We continue to be concerned that one week has passed since we offered our community's reactions regarding the Subsurface Investigation Proposal for 141 W Avenue 34. While work on-site has proceeded, we have still heard no response to any of our comments or recommendations from DTSC. We look forward to that.

In the meantime, we offer further concerns:

The approved May 4 Proposal appears to be a proposed, unsigned contract between Fulcrum Environmental and DLA Piper. Nowhere in the Proposal do Fulcrum, DLA Piper, or R Cap 34 LLC agree to share the full results and analysis of the sampling with DTSC. Notably, DTSC's May 5 letter approving the Proposal also does not mention sharing the sampling results and analysis with DTSC. Can DTSC confirm in writing that the full sampling results and analysis are required to be submitted to DTSC, and will be part of the public record?

One point that we have emphasized in meetings, and which we wish to re-emphasize in writing, is that we find this proposal to be inadequate based on the high potential for contamination to have migrated from the Welch's site via preferential pathways in soils, groundwater, and especially along narrow utility corridors that could escape detection with the limited soil matrix and vapor sampling points currently included in the Proposal. In fact, the Proposal makes a point of identifying utilities before sampling so as to avoid them.

We are concerned that this one-time sampling plan is unlikely to yield accurate results. The *OSWER Technical Guide For Assessing And Mitigating The Vapor Intrusion Pathway From Subsurface Vapor Sources To Indoor Air* assessed the likelihood of single tests detecting accurate readings of subslab soil gas "for a building that overlies shallow groundwater that is contaminated with a suite of vapor-forming chemicals." The study found that "a single, randomly drawn, one-day sample had an approximately eighty percent chance of being less than the true mean." More disturbing still, even "four quarterly, one-day samples had a twenty percent chance of all not detecting the exceedance" entirely. This plan only calls for a single sampling event, and then only calls for submitting test results for a small fraction of those samples. DTSC must not approve a plan that - by EPA guidance - is designed to have an eighty percent chance of failing to detect the true levels of harmful gasses.

Furthermore, this site's history combined with the abbreviated testing being proposed invites comparison to other sites in California that have evaded accurate assessment of toxic contamination. Diceon Electronics in Orange, CA manufactured electronic circuit boards from 1986-1995, in a building similar to 141 W Avenue 34, and in a similarly mixed residential/light industrial neighborhood. The Diceon site has dangerously high levels of 1,4-Dioxane, exceeding 190 ppm, and levels of VOC's at thousands of times the state limits. The Avenue 34 project site's past use as the home for ITT Canon Electronics also manufacturing circuit boards, as well as the

presence of a clarifier on-site, suggest that 1, 4-Dioxane may be a contaminant of concern. 1, 4-Dioxane was also used historically as a stabilizer for solvents in dry-cleaning applications, raising the prospect that it is additionally a concern due to the releases from Welch's on the adjoining property. We raised this concern in our meeting with you on April 14, and we urge DTSC again to test for 1, 4-Dioxane at the Avenue 34 project site.

Similarly, we are compelled to draw comparisons to the Pasadena Gateway development. Like the Avenue 34 site, that site is being managed by the property owners under a Voluntary Agreement with DTSC. The owners of Pasadena Gateway have deceived the residents and the City of Pasadena, by representing that they would remove all contaminants, when in fact toxins remain thousands of times above acceptable levels. The developers of Avenue 34 assured us for the past year that they had done more than thirty tests which proved the site was clean. As you are well aware, they had never tested for any toxic contaminants, and so we have no reason to trust them or the work they do. That is why we are relying on DTSC to ensure that the required environmental assessment work be performed to the highest standards, adhering to all State and Federal guidelines, as required in the terms of the Voluntary Agreement. For the reasons we have raised concerns, we do not believe this plan meets those standards.

We will continue to study this Subsurface Investigation Proposal while we wait for DTSC's response to the concerns we have raised in this letter and in our April 11 letter.

Sincerely,

Michael Henry Hayden  
President  
Lincoln Heights Community Coalition  
Los Angeles, CA

Angelo J. Bellomo  
Former Deputy Director, LA County Department of Public Health  
Los Angeles, CA

Jane Williams  
Executive Director  
California Communities Against Toxics  
Rosamond, CA

Robina Suwol  
Executive Director  
California Safe Schools  
Los Angeles, CA

## Communication from Public

**Name:**

**Date Submitted:** 05/18/2021 12:04 AM

**Council File No:** 20-1359

**Comments for Public Posting:** A story in the LA Times, dated May 16, 2021, highlighting the continued controversy and unresolved questions of contamination at the Avenue 34 project site.



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CALIFORNIA

## Toxic chemicals sullied a Lincoln Heights site. Now, new housing is planned next to it





Patricia Camacho and Michael Henry Hayden stand in front of a Lincoln Heights lot where a 468-unit development is planned. The project has raised concerns among residents about toxic risks. (Dania Maxwell / Los Angeles Times)

By EMILY ALPERT REYES | STAFF WRITER

MAY 16, 2021 7:33 AM PT



Nancy Smith remembered that children had called it “the sick land” — the wedge of property alongside the 110 Freeway where a dry cleaning facility had laundered aprons and uniforms for decades across from a Lincoln Heights elementary school.

“We were all up in arms about it because of the children getting sick,” said Smith, who has lived in the northeast Los Angeles neighborhood for more than half a century.

Decades after the old Welch’s laundry was shuttered, California regulators worked to clean up the soil and check the groundwater for the chemicals used there — volatile organic compounds such as tetrachloroethylene that could damage the human [liver](#) and [nervous system](#) and have been tied to an increased risk of [cancer](#). The Department of Toxic Substances Control oversaw a cleanup effort that lasted for years and has continued to monitor groundwater at the site.

Now, neighbors are worried about what lies beneath the land next to it — a plot where real estate developers are planning a five-story housing project with underground parking. The plan has generated concerns about contamination and gentrification in an area that the state has deemed especially vulnerable to and burdened by pollution.

## ADVERTISEMENT

The development site “has never been tested for pollution, despite lying directly in the path of a well-documented toxic plume that has been flowing for as long as 100 years from the bordering property,” the Lincoln Heights Community Coalition [wrote](#) in April. “We are not endeavoring to stop this project, but only to enforce the proper environmental assessment and testing required.”

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**As gentrification closes in, immigrants in Lincoln Heights find their American dream slipping away**

April 3, 2018

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The project, planned by a real estate development team that includes RMS Corp. and Pinyon Group, could bring 468 housing units along Pasadena Avenue and Avenue 34, including 66 for households with “very low” incomes — around \$53,000 or less for a Los Angeles family of three.

Project representatives said that they had seen no evidence that serious contamination had spread underneath the site and that they were proceeding carefully under the guidance of the Department of Toxic Substances Control, which has agreed to their plan to handle any contaminated soil detected during excavation. If gases are found to be rising from the groundwater, barriers will be put in to stop

them from permeating the building, they said.



PAID CONTENT

## The Next Challenge in Combatting COVID-19

By Pfizer

Despite the success of creating effective vaccines for COVID-19 in such a short time, the nation is now facing a second challenge: ensuring that everyone eligible to receive the vaccines feel comfortable getting vaccinated when it's their turn.

“I’ve worked on a lot of sites that were very contaminated. This is not one of them,” said Andrew Brady, one of the project representatives. “All of the professionals who analyzed it thought there was not a major issue.”

In a November letter, toxic substance regulators said they didn’t believe that residual chemicals at the Welch’s property posed a risk to future residents of the property next door, citing low levels of chemicals in groundwater at the laundry site.

The state agency later said, however, that more testing was needed to determine if the Avenue 34 site was suitable for the planned project. In April, it said it had decided “in an abundance of caution” to collect data on soil and soil gas to check for hazardous substances at the project site, noting that the land had once been used as an electronics assembly site.

Soil gas must be sampled “to support the previous conclusion that there are no impacts from the adjacent Welch’s property,” agency spokesman Russ Edmondson said in an email.

Brady said this month that testing was getting under way and would have happened anyway as a part of the building process. He estimated that results could be processed within a month or two. Critics have raised concerns, however, about the adequacy of the testing plan.

Jane Williams, executive director of California Communities Against Toxics, argued that the Lincoln Heights project was an example of a “constant problem” of regulators failing to check neighboring properties for contamination. Neighborhood activists have pointed out that some of the chemicals that sullied the Welch’s property have been detected in a monitoring well beyond the Avenue 34 site.

“Contamination doesn’t stop at the property line,” Williams said.

In October, the city’s Planning Commission rejected an appeal against the Avenue 34 project after an unusually heated hearing that lasted more than four hours. The Lincoln Heights group sought to challenge the decision but was [told this year](#) that it was final and that the appeal had been terminated. It said it is still fighting the plan.

“There’s an elementary school across the street. I have my own children that I’m concerned about,” said nearby resident Patricia Camacho, who filed the initial appeal. “I just can’t believe that it has gotten this far without that site being tested.”

In recent weeks, the group bristled at the news that the Los Angeles City Council was seeking to authorize up to \$105 million in bond funding for the project through the California Statewide Communities Development Authority, which is made up of cities, counties and other government entities. Los Angeles is among its members.

Local governments must authorize this joint-powers authority to issue tax-exempt bonds for chosen projects; the bonds are then purchased by private investors. Such funding is meant for “public benefit” projects such as affordable housing.

Councilman Gil Cedillo, who represents the area, put forward the motion to authorize the bonds, replacing a smaller sum that was already approved. A vote is expected this week. His spokesman, Conrado TerrazasCross, said he made the proposal “because the city is experiencing a severe housing crisis.”

In addition to the “very low” income units, 192 units were designated as “workforce” housing — a level pegged at a maximum of roughly \$160,000 for a family of three. The site is near a Gold Line stop.

Angelenos invested in a rail system so that “we can build density along rail lines to accommodate the increasing need for housing,” Javier Angulo, a Lincoln Heights resident supporting the project, said at the fall hearing. “This is a perfect site. If not here, where? Opposition to this project is a textbook definition of NIMBYism.”

Critics have contended, however, that the Avenue 34 project is still not sufficiently affordable and that new, market-rate units would instead drive gentrification in the majority Latino neighborhood. At the October hearing, Lincoln Heights resident Amanda Ross-Ho called the plan “nothing more than a violent act of gentrification, racism and oppression.”

The plans hit a nerve because a new generation of residents — many of them the children of immigrants — “have seen their parents hiding in the shadows and they’re not going to do that,” said Dydia DeLyser, a longtime resident of the neighborhood. “They have been watching what’s going on their whole lives and they’re not going to take it anymore.”

The Lincoln Heights Community Coalition and advocacy groups including California Communities Against Toxics and California Safe Schools oppose the financing plan, arguing that it is a misuse of the bond money. Williams questioned why the city would help the Lincoln Heights project secure funds when questions remain unanswered about potential hazards.



OPINION

**Editorial: E-commerce pollution is choking Southern California communities**

May 5, 2021

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TerrazasCross said the development authority had “leftover and unused” capacity for bonds that would have been lost if it hadn’t been allocated to a project by June.

Cedillo “shares community concerns about possible soil contamination at the site, given its proximity to the former uniform cleaning facility,” the spokesman added. “Strict compliance with federal and state regulations is required, but more importantly, public transparency is paramount.”

The councilman said last year that he supported the Lincoln Heights project as long as it met key conditions. Among those [conditions](#): It had to obtain a letter from state toxic substance regulators stating that it met their requirements for its planned use — or had a sufficient testing plan for it.

As of early May, city planning officials had not signed off on that condition being met. Project representative Jerry Neuman said the project had satisfied that requirement because the state agency had signed off on its soil management plan for the site, which lays out how the developers will safely handle any contaminated dirt found during excavation.

Michael Henry Hayden, president of the Lincoln Heights Community Coalition, sharply disputed that argument, pointing out that state regulators said they still needed to investigate more to determine if the site is even suitable for the project. Edmondson, the Department of Toxic Substances Control spokesman, said the project proponents had met the terms of their current agreement with the agency but that agreement would be revised to include oversight of the needed testing.

Smith said she remembered children and teachers suffering nausea and breathing problems when Welch’s was still operating. “How can you tell us that the land is safe,” she asked of the project site, “without you testing the soil?”

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CLIMATE & ENVIRONMENT



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**As his murder trial restarts, is Robert Durst's legal saga nearing an end?**

## Communication from Public

**Name:**

**Date Submitted:** 05/18/2021 12:12 AM

**Council File No:** 20-1359

**Comments for Public Posting:** CalEnviroScreen statistics for the Avenue 34 site, which includes a pollution burden percentile of 99%, the highest burden possible.



**AVENUE 34 (60003112)**

[SIGN UP FOR EMAIL ALERTS](#)

WEST AVENUE 34TH AND PASADENA AVENUE  
LOS ANGELES, CA 90031  
LOS ANGELES COUNTY  
**SITE TYPE:** VOLUNTARY CLEANUP

**PROJECT MANAGER:**  
**SUPERVISOR:**  
**OFFICE:**

[DANIEL PHILO](#)  
JOSE DIAZ  
CLEANUP  
CHATSWORTH  
6037199000  
96-100% (highest scores)

**CENSUS TRACT:**  
**CALENVIROSCREEN PERCENTILE SCORE:**

- [Summary](#)
- [Activities](#)
- [Community Involvement](#)
- [Site/Facility Docs](#)
- [Map](#)
- [Related Sites](#)
- [CalEnviroScreen](#)

**CalEnviroScreen 3.0**

CalEnviroScreen data is provided by the Office of Environmental Health Hazard Assessment (OEHHA). To learn more about CalEnviroScreen please go to [www.oehha.ca.gov](http://www.oehha.ca.gov).

**CalEnviroScreen Score**

Census Tract:	6037199000
Population:	5066
<a href="#">CalEnviroScreen Percentile Score</a>	96-100% (highest scores)
<a href="#">Pollution Burden Percentile</a>	99%
<a href="#">Population Characteristics Percentile</a>	75%

**Pollution Burden**

Exposure Indicators	Percentile
<a href="#">Air Quality: Ozone:</a>	53%
<a href="#">Air Quality: PM 2.5:</a>	93%
<a href="#">Diesel Particulate Matter:</a>	85%
<a href="#">Pesticide Use:</a>	0%
<a href="#">Toxic Releases:</a>	78%
<a href="#">Traffic Density:</a>	92%
<a href="#">Drinking Water Contaminants:</a>	60%
Environmental Effects Indicators	Percentile
<a href="#">Cleanups Sites:</a>	97%
<a href="#">Groundwater Threats:</a>	74%
<a href="#">Hazardous Waste Generators &amp; Facilities:</a>	91%
<a href="#">Impaired Water Bodies:</a>	76%
<a href="#">Solid Waste Sites and Facilities:</a>	85%

**Population Characteristics**

Sensitive Population Indicators	Percentile
<a href="#">Asthma:</a>	56%
<a href="#">Low Birth Weight:</a>	79%
<a href="#">Cardiovascular Rate:</a>	27%
Socioeconomic Factor Indicators	Percentile
<a href="#">Education:</a>	92%
<a href="#">Linguistic Isolation:</a>	91%
<a href="#">Poverty:</a>	89%
<a href="#">Unemployment:</a>	37%
<a href="#">Housing Burden:</a>	86%

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2.022003 seconds

## Communication from Public

**Name:**

**Date Submitted:** 05/18/2021 12:17 AM

**Council File No:** 20-1359

**Comments for Public Posting:** a screenshot on 3/11/2021 from the Avenue 34 developer's website for their company The Max Collaborative, in which they describe this project as "468 luxury apartment units."



A34 is a ground up, Opportunity Zone development that sits on a 5.03-acre site at the corner of Pasadena Avenue and Avenue 34 in the Lincoln Heights neighborhood of Los Angeles. Check back for project updates.

**Location**

Los Angeles, California

**Program**

468 luxury apartment units

**Expected Open**

2023



A34 is a ground up, Opportunity Zone development that sits on a 5.03-acre site at the corner of Pasadena Avenue and Avenue 34 in the Lincoln Heights neighborhood of Los Angeles. Check back for project updates.

**Location**

Los Angeles, California

**Program**

468 luxury apartment units

**Expected Open**

2023

## Communication from Public

**Name:** D.Ramon

**Date Submitted:** 05/18/2021 01:59 AM

**Council File No:** 20-1359

**Comments for Public Posting:** TEFRA Violation 5/18/21 LA city council hearing Item #4 CF20-1359 \$105 Million in Bonds (AVE 34 TEFRA/CSCDA) "SATISFYING THE PUBLIC APPROVAL REQUIREMENT OF § 147(f) OF THE INTERNAL REVENUE CODE." Good Morning, This message is to inform Mr. Cedillo, City Council, and HCID of a certain TEFRA hearing notice violation re: Case File: 20-1359, Item #4 on today's 5/18/21 LA City Council agenda, "141 West Avenue 34 / (CSCDA) / (\$105 Million TEFRA)". This hearing does not satisfy the public approval requirement of Sec.147(f) of the Internal Revenue Code. This upcoming TEFRA hearing fails to meet the public notice and approval process under sec.147(f). The "public notice" for this hearing was only posted on the LA City Council agenda which was posted to their website on 5/14/21. Not on a public announcement page either, as required. That only gives the public FOUR DAYS NOTICE for a Tefra hearing if the hearings on the 18th. Tefra regulations have a 7 day public notice requirement. This is a motion seeking \$105 Million in bonds to build 67 "affordable units". This money is being misappropriated to fund the construction of a 468 unit luxury development in an extremely low income neighborhood called Lincoln Heights that adamantly opposes this project. The public has been sidelined and is watching and very aware of what's going on with this CF and the intentional blocking of the public from discourse. Also, this public notice was supposed to be printed in a newspaper, as indicated in Mr. Cedillo's motion- but there is no record of such notice printed. We also submitted an inquiry seeking "proof of publication of public hearing notice" but have received no response (see letter attached below). This Tefra hearing should not be on this Agenda for 5/18 because it doesn't meet the Criteria in terms of TEFRA Public Notification. This Tefra/ CSCDA motion should be Tabled because the PUBLIC has not received adequate NOTIFICATION to Participate in the hearing. Section 5f.103-2(g)(2) states that a public hearing is a "forum providing a reasonable opportunity for interested individuals to express their views, both orally and in writing, on the proposed issue of bonds and the location and nature of a proposed facility to be financed." In defining reasonable public notice, § 5f.103-2(g)(3) states that the public notice must be "reasonably designed to inform

residents of the affected governmental units, including residents of the issuing unit and the governmental unit where a facility is to be located, of the proposed issue.” The notice must state the time and place for the hearing and must contain the information contained in § 5f.103-2(f)(2). Notice is presumed to be reasonable if it is published no fewer than 7 days before the scheduled hearing."The purpose of the public notice and approval requirement of § 147(f) is to ensure that the affected members of the general public will be notified of a pending bond issue and made aware of the intended use of proceeds in order to elicit comments that will ensure a substantial public benefit from issuing the bonds."

**SATISFYING THE PUBLIC APPROVAL REQUIREMENT OF § 147(f) OF THE INTERNAL REVENUE CODE.**

1. Public Hearing Notice Posting Period is Seven Days Under the new TEFRA regulations, a notice of public hearing (or TEFRA notice) published or posted at least seven days prior to the public hearing will be presumed to give reasonable notice to members of the public who might wish to attend the hearing.

2. Website Posting of Public Hearing Notices: In order to use website posting as a means of promulgating a TEFRA notice, the new TEFRA regulations require the notice to be posted on the governmental unit's (or the conduit issuer's) "primary public website" on a webpage that is used to inform residents about events affecting them. In addition, apparently in recognition that websites are frequently updated and changed, the new TEFRA regulations state that issuers will be responsible for maintaining records (presumably for at least as long as the bonds remain outstanding, plus three years) showing that the TEFRA notice in fact was timely posted to an appropriate webpage.

EMAIL SENT 5/15/21 SEEKING PROOF OF PUBLICATION

Good evening, this is a CPRA request . Does the City Clerk have documentation of these GPN's?

We are looking for a "Proof of Publication" /"GPN-Government Public Notice" for **THREE TEFRA HEARINGS** for the same case file **CF 20-1359** to confirm that they are in compliance with **Section 147(f)**. This is for the issuance of a total of \$125 Million in bonds for 141 West Avenue 34. They were likely published by CITY CLERK, COUNCIL AND PUBLIC SERVICES DIVISION 200 N SPRING ST ROOM 395 by JULIA AMANTI but could have been initiated by any CD1 office and staff. The newspapers could be LA times of Los Angeles Daily Journal or any newspaper of general circulation within the city of LA. This would be three receipts for Classified ADS in a newspaper. We are looking for any record of written transaction or receipt of aforementioned Proof Of Publication for ALL THREE TEFRA HEARINGS **5/18/21, 5/4/21 and 10/21/20** (*published 10/14/20/ LA Daily Journal*).

These three documents may reside in the emails of CD1 office and staff . Please search all CD1 office and staff emails or documents pertaining to this request. **The date range for all three items is 10/1/20-5/18/21.**

**TEFRA hearing 1: 5/18/21.** CF 20-1359 \$105 Million "*Whereas, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held*" "

**TEFRA hearing 2: 5/4/21** CF 20-1359 \$105 Million "*Whereas, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held*" "

**TEFRA hearing 3: 10/21/20** CF 20-1359 \$20 Million "*Whereas, pursuant to Section 147(f) of the Code, the City caused a notice to appear in the Los Angeles Daily Journal, on October 14, 2020*" "

Thank You.