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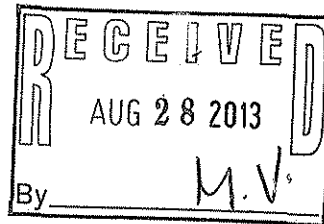
Post Office Box 5223
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Information: (818) 377-4590
www.shermanoaks914.com

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Board of Directors
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August 28, 2013

City of Los Angeles City Council
City Hall Offices
200 North Spring Street
Los Angeles, CA 90012



Case Number: CPC 2010-3152(ZC)(HD)(SPE)(SPR)(SPP)(CUB)
VTT-61216-CN-1A

Subject: Il Villaggio Toscano (IVT)

The proposed project is located at a perfect storm of traffic, noise, and air pollution.

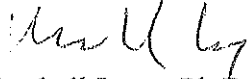
The existing traffic currently on the adjacent streets is totally gridlocked. The junction of Ventura and Sepulveda in Sherman Oaks is one of the worst intersections in the city. The IVT project will add over 1.6 million annual traffic trips to Sepulveda Boulevard near the intersection with Ventura Boulevard. The EIR cites this and other nearby intersections as areas that have negative traffic impacts that cannot be mitigated.

IVT's nearest proposed residential tower is located 35 feet from the 405 freeway near its junction with the 101. As such, the noise levels impacting the proposed structures are 80 dB CNEL, 50% louder than the noise level at the west end of the runways at LAX. These levels exceed standards adopted by the City's Noise Element of General Plan which states that residential uses here are Clearly Unacceptable. The Planning Department states that this will be mitigated by construction methods, however this is not allowed under the Noise Element standards at these high noise levels.

Air pollution is the third major environmental impact. Recently researchers at UCLA and USC have published a study (Ambient Air Pollution and Autism in Los Angeles County, CA, Environmental Health Perspectives, Volume 1211, Number 31 March 2013) linking increased incidences of autism with pollution from freeways. The AQMD has issued a Guidance Document linking cancer risk to the distance between freeways and residences. Their data shows that air pollution at this location is four times the maximum set by the AQMD for residential structures. The developer is proposing to install 12 inch thick air filters on the air handlers in each unit. Unfortunately these have not been shown to be effective against the fine carbon particles that contribute to cancer and autism. This also means that the windows cannot be opened and the fans must run at all times. I presume that the swimming pool users can duct tape filters to their faces, while they are shouting at their friends.

The only possible mitigation is reduction in project size or project elimination. The IVT project violates the Ventura Boulevard Specific Plan. Clearly it is not uncommon for developers to overreach and propose projects well in excess of allowable limits, so that they can later claim to be compromising by reducing the scale of these projects that still remain in excess of allowable limits.

Unfortunately the city itself ignores its own rules and regulations or rewrites them to accommodate developers. In land use decisions the Council members take turns being the lead lemming, while the others fall in behind. It is a shame that the citizens must be responsible for enforcing the laws the City itself violates.



Marshall Long, Ph.D., P.E.
SOHA Land Use Chair
mlacoustics.com

Exhibit I: Guidelines for Noise Compatible Land Use

(Based on the Governor's Office of Planning and Research, "General Plan Guidelines", 1990. To help guide determination of appropriate land use and mitigation measures vis-a-vis existing or anticipated ambient noise levels)

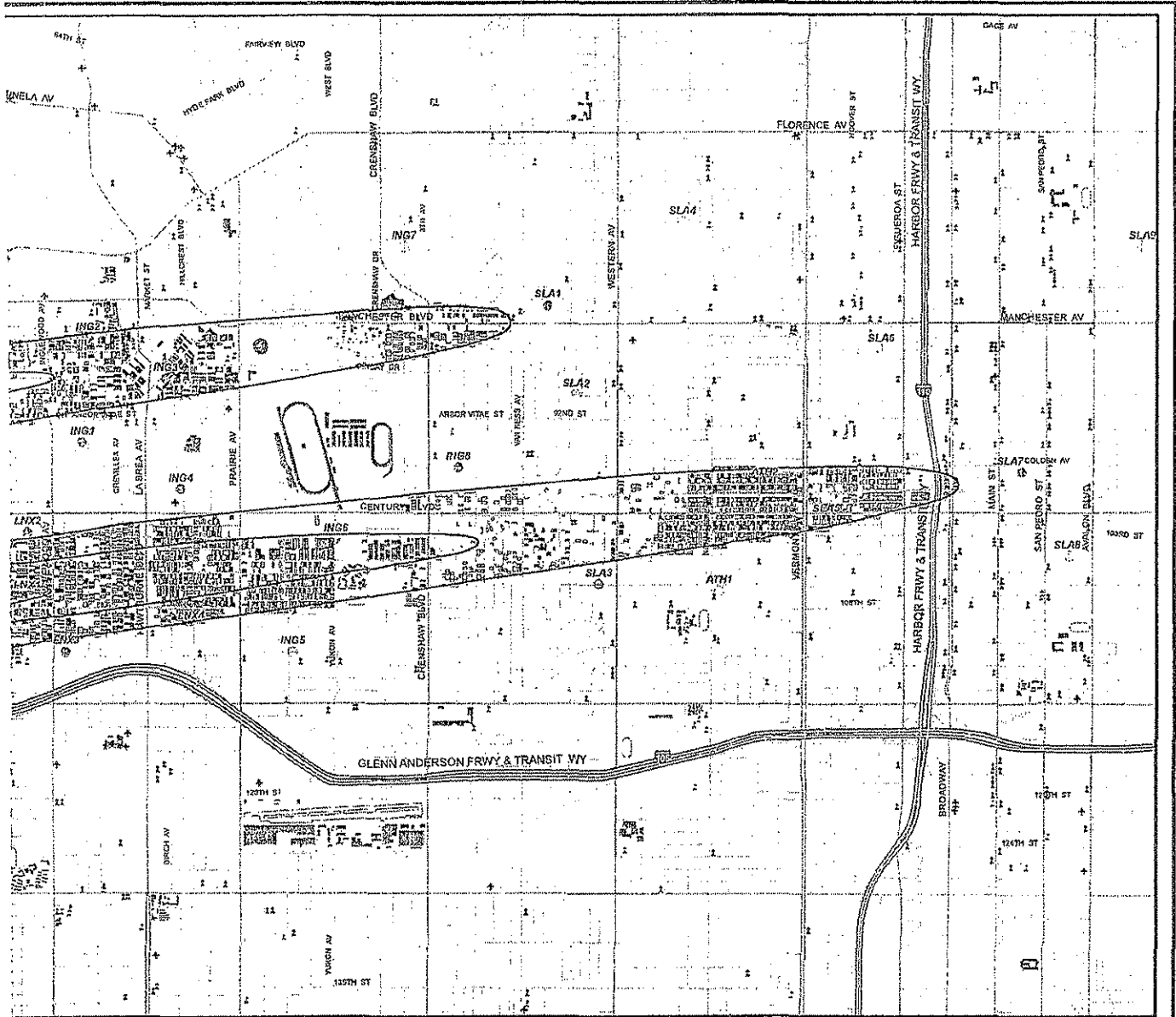
Land Use Category	Day-Night Average Exterior Sound Level (CNEL dB)						
	50	55	60	65	70	75	80
Residential Single Family, Duplex, Mobile Home	A	C	C	C	N	U	U
Residential Multi-Family	A	A	C	C	N	U	U
Transient Lodging, Motel, Hotel	A	A	C	C	N	U	U
School, Library, Church, Hospital, Nursing Home	A	A	C	C	N	N	U
Auditorium, Concert Hall, Amphitheater	C	C	C	C/N	U	U	U
Sports Arena, Outdoor Spectator Sports	C	C	C	C	C/U	U	U
Playground, Neighborhood Park	A	A	A	A/N	N	N/U	U
Golf Course, Riding Stable, Water Recreation, Cemetery	A	A	A	A	N	A/N	U
Office Building, Business, Commercial, Professional	A	A	A	A/C	C	C/N	N
Agriculture, Industrial, Manufacturing, Utilities	A	A	A	A	A/C	C/N	N

A = Normally acceptable. Specified land use is satisfactory, based upon assumption buildings involved are conventional construction, without any special noise insulation.

C = Conditionally acceptable. New construction or development only after a detailed analysis of noise mitigation is made and needed noise insulation features are included in project design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning normally will suffice.

N = Normally unacceptable. New construction or development generally should be discouraged. A detailed analysis of noise reduction requirements must be made and noise insulation features included in the design of a project.

U = Clearly unacceptable. New construction or development generally should not be undertaken.



which supports the Federal (INM) version 7.0. Additional information gathered from the current quarter's aircraft CNEL.













3 Radar Terminal System (ARTS)

made using 2009 assessor data. Population estimates reflect estimates for persons per dwelling unit. This report reflects all progress program (previously the Land Use

with American Datum of 1983 as Coordinate System of 1983.

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LEGEND

-  Residential - Single Family
-  Residential - Multi-Family
-  Residential - Mobile Home
-  Airport Property
-  Landmarks
-  Noise Contours
-  Streets
-  Noise Monitor (Required for Title 21)
-  Noise Monitor (Not required for Title 21)
-  Churches
-  Hospitals
-  Schools



Los Angeles World Airports 3Q12 Los Angeles International Airport

California State Airport Noise Standards Quarterly Report

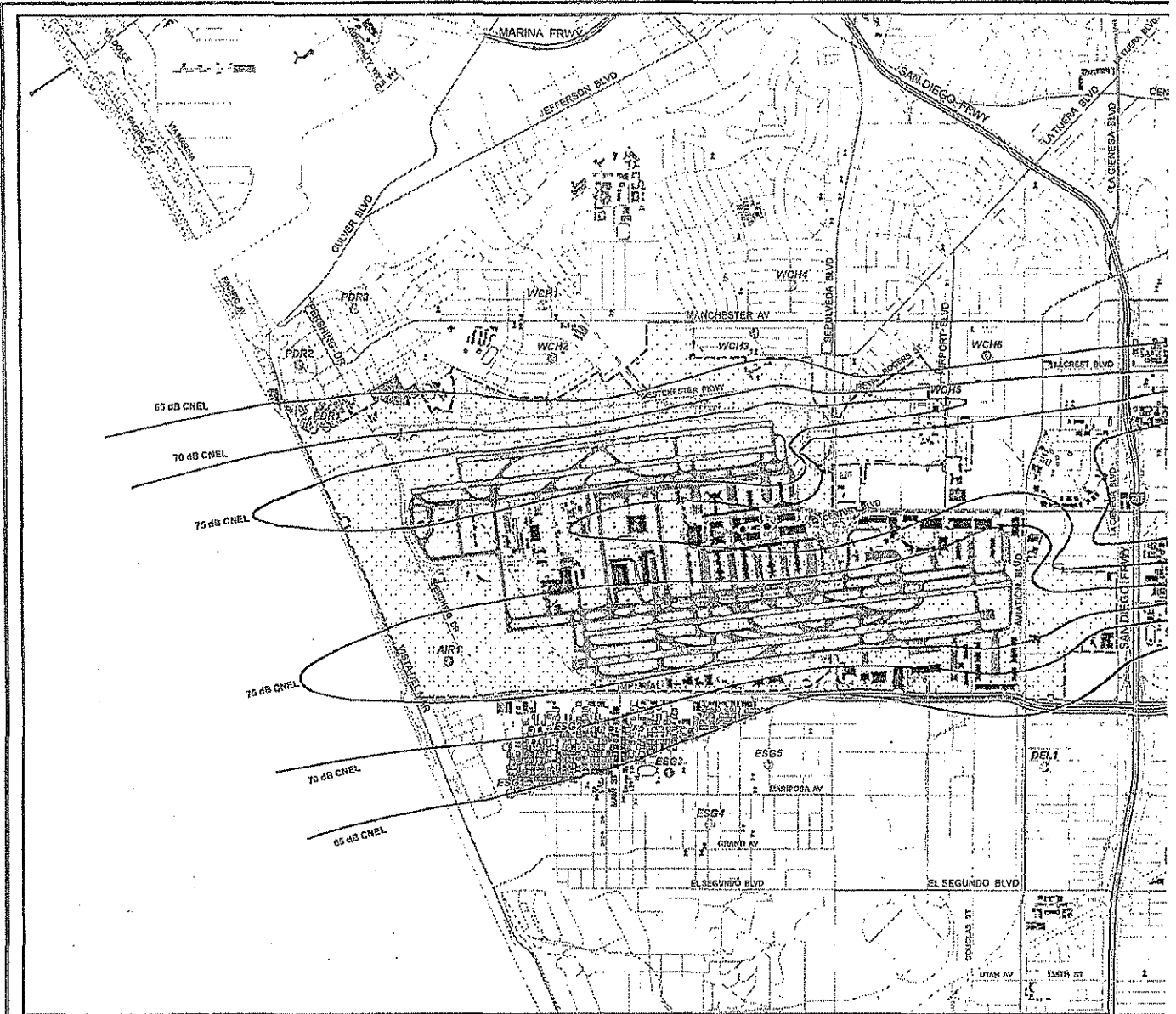
0.5 0 0.5 1 Miles



LAWA Noise Management

Environmental Affairs Officer: Kathryn Pantofa
 Checked by: Dan H. Young, Environmental Supervisor II
 Prepared by: Joanne Y. Choi, Environmental Specialist III
 Prepared On: June 6, 2013





ANNUAL CNEl VALUES (dBA)

AIR1	PDR1	PDR2	PDR3	RS01	ESG2	ESG3	ESG4	ESG5	DE11					
80	68	62	57	65	68	63	58	61	56					
WCH1	WCH2	WCH3	WCH4	WCH5	WCH6	ING1	ING2	ING3	ING4*	ING5	ING7	ING9		
54	62	60	57	74	63	62	66	67	64	70	58	60		
LNX1	LNX2	LNX3	LNX4	ATB1	ATB2	SLA1	SLA2	SLA3	SLA4	SLA5	SLA6	SLA7	SLA8	SLA9
75	64	64	66	61	66	65	60	62	60	64	63	65	62	62

TECHNICAL NOTES

*The annual value shown for ING4 is not a true annual value since it is calculated using less than four quarters of data.

NOTES

Noise Contours are generated using ReelContour Aviation Administration's Integrated Noise Model. The modeled contour is based on annualized operations for the 12-month period ending December 31, 2010 is run yearly and the resultant contour is adjusted Noise Monitoring Station (NMS) annual average.

Sources of Information include: FAA's Automatic Data, and FAA Tower Traffic Records.

Dwelling unit calculations are based on estimate information, supplemented with local land use by the 2000 census data, (including updated 2009 as the new land use database used to generate this map made through LAWA's Sound Insulation Grant Program) through December 31, 2011.

Map projection is in State Plane Feet based on NAD83, and is located in Zone 5 of the California.

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Ambient Air Pollution and Autism in Los Angeles County, California

Tracy Ann Becerra,¹ Michelle Wilhelm,¹ Jørn Olsen,¹ Myles Cockburn,² and Beate Ritz¹

¹Department of Epidemiology, Fielding School of Public Health, University of California, Los Angeles, Los Angeles, California, USA;

²Department of Preventive Medicine, Keck School of Medicine, University of Southern California, Los Angeles, California, USA

BACKGROUND: The prevalence of autistic disorder (AD), a serious developmental condition, has risen dramatically over the past two decades, but high-quality population-based research addressing etiology is limited.

OBJECTIVES: We studied the influence of exposures to traffic-related air pollution during pregnancy on the development of autism using data from air monitoring stations and a land use regression (LUR) model to estimate exposures.

METHODS: Children of mothers who gave birth in Los Angeles, California, who were diagnosed with a primary AD diagnosis at 3–5 years of age during 1998–2009 were identified through the California Department of Developmental Services and linked to 1995–2006 California birth certificates. For 7,603 children with autism and 10 controls per case matched by sex, birth year, and minimum gestational age, birth addresses were mapped and linked to the nearest air monitoring station and a LUR model. We used conditional logistic regression, adjusting for maternal and perinatal characteristics including indicators of SES.

RESULTS: Per interquartile range (IQR) increase, we estimated a 12–15% relative increase in odds of autism for ozone (odds ratio (OR) = 1.12, 95% CI: 1.06, 1.19; per 11.54-ppb increase) and particulate matter $\leq 2.5 \mu\text{m}$ (OR = 1.25; 95% CI: 1.06, 1.24; per 4.68- $\mu\text{g}/\text{m}^3$ increase) when mutually adjusting for both pollutants. Furthermore, we estimated 3–9% relative increases in odds per IQR increase for LUR-based nitric oxide and nitrogen dioxide exposure estimates. LUR-based associations were strongest for children of mothers with less than a high school education.

CONCLUSION: Measured and estimated exposures from ambient pollutant monitors and LUR model suggest associations between autism and prenatal air pollution exposure, mostly related to traffic sources.

KEY WORDS: air pollution, autism, land-use regression, pregnancy, traffic. *Environ Health Perspect* 121:380–386 (2013). <http://dx.doi.org/10.1289/ehp.1205827> [Online 18 December 2012]

Autistic disorder (AD) is a serious developmental condition characterized by impairments in social interaction, abnormalities in verbal and nonverbal communication, and restricted stereotyped behaviors thought to be attributable to insults to the developing fetal and/or infant brain (American Psychiatric Association 2000; Geschwind and Levitt 2007). The prevalence of autism has risen for the past 20 years, partly due to changes in case definition and improved case recognition. Hertz-Picciotto and Delwiche (2009) suggested the observed rise in incidence in California between 1990 and 2001 may partially but not fully be explained by younger age at diagnosis (12% increase) and inclusion of milder cases (56% increase). Although evidence for genetic contributions is considered quite strong, twin concordance research recently suggested that environmental causes are also important (Hallmayer et al. 2011), and it is quite conceivable that multiple genes interact with environmental factors (Cederlund and Gillberg 2004; Glasson et al. 2004).

Few studies to date have examined the impact of air pollution on brain development in general during pregnancy, although air pollution exposure during the prenatal period has been associated with a variety of adverse birth outcomes (Ritz and Yu 1999; Ritz et al. 2000; Srám et al. 2005; Williams

et al. 1977) and neuropsychological effects later in childhood (Calderón-Garciduenas et al. 2008; Edwards et al. 2010; Pereira et al. 2006, 2012; Suglia et al. 2008; Tang et al. 2008; Wang et al. 2009). The biological mechanisms by which air pollution may cause autism are largely unknown, although the immune system has been implicated as possibly playing a role (Hertz-Picciotto et al. 2008). Only three studies to date have examined associations between autism and air pollution exposures during the prenatal period (Kalkbrenner et al. 2010; Volk et al. 2010; Windham et al. 2006). In one study, autism was associated with ambient air concentrations of chlorinated solvents and heavy metals near birth residences (Windham et al. 2006). Another study of autism reported elevated odds ratios (ORs) for methylene chloride, quinoline, and styrene exposures in ambient air, but near-null effect estimates for ambient air metals and other pollutants (Kalkbrenner et al. 2010). A third study reported that children born to mothers living within 309 m of a freeway during pregnancy were more likely to be diagnosed with autism than children whose mothers lived > 1,419 m from a freeway (Volk et al. 2010).

We derived air pollution exposure measures using data from government air monitoring stations that provide information on

spatial and temporal variations in criteria pollutants, and from a land use regression (LUR) model we developed for the Los Angeles Air Basin. The LUR model allowed us to greatly improve our spatial characterization of traffic-related air pollution. Because heterogeneity of the autism phenotype and its severity may be attributable to influences on different critical gestational windows of brain development (Geschwind and Levitt 2007), we also seasonalized these traffic measures to investigate vulnerable trimesters of development. Here we examine associations between measured and modeled exposures to prenatal air pollution and autism in children born to mothers in Los Angeles County, California, since 1995.

Methods

In this population-based case-control study, our source population consisted of children born in 1995–2006 to mothers who resided in Los Angeles County at the time of giving birth.

Case ascertainment and definition. In Los Angeles, children with autism are identified through seven regional centers, contracted by the California Department of Developmental Services (DDS), whose staff determine eligibility and coordinate services in their respective service areas. Cases are children given a primary diagnosis of AD, the most severe among the autism spectrum disorders (ASD) diagnoses, between 36 and 71 months of age at a Los Angeles Regional Center during 1998–2009. During our study period, eligibility for DDS services did not depend on citizenship or financial status—services were available to all children regardless of socioeconomic, health insurance status, or racial/ethnic identification. Referrals to the regional centers are usually made by pediatricians, other clinical providers, and schools, but parents may also self-refer their children.

Address correspondence to B. Ritz, Department of Epidemiology, Fielding School of Public Health, 650 Charles E. Young Dr., Los Angeles, CA 90095-1772 USA. Telephone: (310) 206-7458. E-mail: britz@UCLA.edu

Supplemental Material is available online (<http://dx.doi.org/10.1289/ehp.1205827>).

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The authors declare they have no actual or potential competing financial interests.

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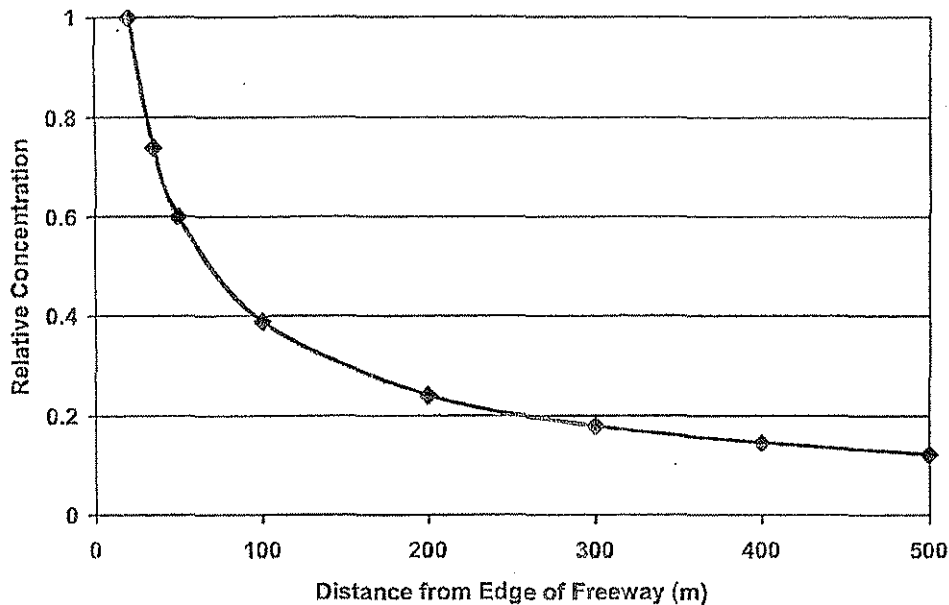


Figure 2-1

**Relative Concentration of Diesel Particulate Matter
in Relation to the Distance from The Edge of a Freeway**

Source: South Coast Air Quality Management District. Adapted from the California Air Resources Board's Diesel Risk Reduction Plan.

A comparison of total cancer risk and cancer risk from diesel particulate matter emissions in rural and urban areas shows that cancer risk associated with elevated levels of diesel particulate both decrease rapidly within the first 100 – 150 meters from the edge of a roadway (Table 2-2). Estimated cancer risk from diesel particulate matter along rural and urban roadways is decreased approximately 68 percent at a distance 150 m (492 ft) from the edge of the roadway. Clearly, these data demonstrate that a minimum distance that separates sources of diesel emissions from nearby receptors is effective in reducing potential cancer risk. The AQMD recognizes that physical separation of the receptors from the pollution sources is not always reasonable or feasible particularly in mature communities. For example, in southern Los Angeles county a sequence of land use decisions in urban areas allowed freeway construction through existing neighborhoods.

Table 2-2

**Cancer Risks from Diesel Particulate Matter at the
Edge of Roadways in Rural and Urban Areas**

Distance from Edge of Roadway (meters)	Diesel Particulate Matter Cancer Risk (in one million)		Total Cancer Risk (in one million)*	
	Rural	Urban	Rural*	Urban*
20 m	475	890	589	1104
150 m	151	277	187	343
500 m	86	159	107	197

Source: South Coast Air Quality Management District. Adapted from the California Air Resources Board's Diesel Risk Reduction Plan.

*To account for gasoline vehicle emissions, the diesel PM risk was multiplied by 1.24. This represents the relative risk contribution from benzene, 1, 3 butadiene, formaldehyde, and acetaldehyde on a basin-wide basis. It is assumed that the vast majority of benzene, 1, 3 butadiene, formaldehyde, and acetaldehyde emissions come from on-road gasoline vehicles.

The AQMD provides guidance for analyzing cancer risks from diesel particulate matter from mobile sources at facilities such as truck stops and warehouse distribution centers in the document titled Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. This document may be downloaded at <http://www.aqmd.gov/ceqa/hdbk.html>. This guidance describes analysis of potential cancer risks associated with diesel particulates from truck idling and movement (such as truck stops, warehouse and distribution centers, or transit centers), ship hotelling at ports, and train idling. It is suggested that projects with diesel-powered mobile sources use this health risk guidance document to quantify potential cancer risks from the diesel particulate emissions.

Projects that incorporate transit nodes may include a range of multiple services ranging from a bus or light rail stop to a combination of services that may include bus, shuttles, light and heavy rail systems. The concept of a "clean" transit node refers to transit services that predominately operate with zero emission vehicles (e.g., electric light rail), clean fuel vehicles (e.g., compressed natural gas or hydrogen), or vehicles powered with low-emission engines (e.g., California certified Super Ultra Low Emissions Vehicles). Projects that emphasize "clean" transit nodes not only minimize VMT, but also reduce the potential health impacts associated with transit-related emissions on individuals living near transit services.

Current USEPA regulations establish fuel registration and formulation requirements. All diesel fuels and all additives for on-road motor vehicles are required to be registered with the USEPA, and all new diesel-fueled on-road and off-road engines and vehicles sold in California are required to meet both federal and state emission certification requirements. In addition, the Carl Moyer Program, administered by CARB and local air

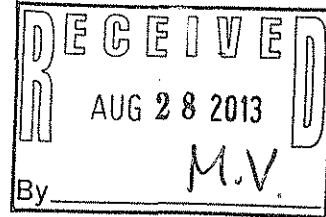
#8

Bradly S. Torgan, JD, AICP
927 Kings Road #220
West Hollywood, CA 90069
Phone 323.574.7554
Fax 323.417.7151
btorgan@ix.netcom.com

VIA HAND DELIVERY AND EMAIL

August 27, 2013

Mayor Eric Garcetti
Los Angeles City Council
c/o City Clerk
200 N. Spring Street, Room 395
Los Angeles CA 90012-4801



Re: CF 13-0877 - Further Objections to and Appeal of VTTM 61216, CPC-2010-3152 and ENV-2004-6000-EIR (Il Villagio Toscano)

Dear Mayor Garcetti and members of the City Council:

I. INTRODUCTION.

This office represents Sherman Oaks Residents for a Safe Environment (“SORSE”), whose members live in Sherman Oaks and who will be adversely impacted by development of the proposed Il Villagio Toscano project (“Project”). This correspondence constitutes additional written comments on and objections to the proposed EIR and entitlements for the Project that supplement comments previously submitted. Please ensure that notice of all hearings, actions, events and decisions related to the Project are timely provided to this office. All objections, including those regarding proper notice and due process, are expressly reserved.

II. THE CITY CANNOT MAKE THE FINDINGS REQUIRED FOR EXCEPTIONS TO THE SPECIFIC PLAN.

Much of the opposition to the Project stems not from development of the site *per se*, but from the exceptions being sought from the Specific Plan. Many area residents see the specific plan as a compromise between competing community interests. One speaker before PLUM actually referred to the Specific Plan as “a contract with the community.” Granting exceptions of the scope of those sought here – including a 50% increase in the Floor Area Ratio – upsets that compromise and effectively dismantles the specific plan, project by project.

Additionally, the proposed findings before you are not appropriate for exceptions, which are simply variances by another name. In this regarding I have attached to my letter a memo from the City Attorney regarding a recent variance case the City lost called *Chazanov v. Los Angeles*. (**Exhibit 1.**) The memo quoted from the Court’s ruling:

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Some city council members made eloquent and compelling statements about the need for the city to preserve and increase its housing stock. These laudable goals, however, may not be used to dismantle the city's zoning scheme in a piecemeal fashion.

So it is here. The city may not use purported benefits of this project to dismantle the specific plan through the use of exceptions.

III. THE CITY SHOULD NOT GRANT EXCEPTIONS TO INCREASE RESIDENTIAL DENSITY NEXT TO FREEWAYS.

The significant and adverse impacts to public health that will result from placing a high concentration of multi-family units within 500' of a freeway are well-documented and need not be addressed here. What must be addressed here, however, is how the City has addressed these well-documented impacts, most recently with the Casden West project near the 405 freeway.

The CPC recommended approval of Casden West, but only after imposing a project condition requiring the applicant to move all residential units outside of 500' from the freeway. (pp. Q-6, F-44.) Contrast that with the situation here, where the closest units are as close as 35' from the freeway.

The Casden West findings noted health risk impacts, and specifically identified outdoor air quality as a concern as a basis for the condition. (pp. F-114-116.) During the course of a February 28, 2013 public hearing the CPC expressed numerous health risk concerns. These included:

- The general health concerns of putting residential units within 500 feet of a freeway;
- The difficulty in relying on a HEPA filter of Merv-13 to achieve 0.1 micron diameter filtration, the particulate matter that poses the greatest health risk, according to the air quality consultant who testified at the hearing; and
- The reduction in the effectiveness of any filter with windows (and, as here, balcony doors) that open.

Project opponents appealed and PLUM recommended denial of the appeal. In doing so, PLUM made no changes to the CPC action. The project as approved by the Council upheld the CPC findings and approved a project even smaller than that approved by the CPC.

The City Council should demand no less of this Project.

The Project applicant has gone out of his way to try and distinguish this Project from Casden West. The projects, though, are similar in the most fundamental of ways – the applications for both sought to put a high concentration of multi-family units within a few

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hundred feet of a major freeway. If the original Casden West project was bad policy and bad for public health, so is this Project, but magnified.

That does *not* necessarily mean prohibiting all multi-family residential development within 500' of the freeway. We have acknowledged that a portion of the property is zoned residential and that most of the property is within 500' of the 101 and 405 freeways. A prohibition on multi-family residential development within 500' of freeway would preclude residential development entirely on the property; that is not what SORSE is advocating. What it does mean, though, and what SORSE advocates, is that the City should not be granting exceptions to increase FAR and accompanying density within 500 feet of not just one, but two freeways, essentially putting more people in harm's way.

Before PLUM, comments were made by Project representatives and staff that the Project has the most extensive air quality mitigation ever for a residential project and that the EIR contains one of the most comprehensive health risk assessments the City has ever seen. Those comments should actually give the Council pause. To have to go to such extraordinary lengths – which are dubious in their effectiveness in any event – to attempt to protect public health is a pretty good indication that exceptions to increase density next to a freeway, much less two freeways, and much less the busiest freeway intersection in the country, are bad policy and contrary to the air quality goals of the General Plan.¹

Within the last week, the L.A. Times reported that SCAQMD will begin monitoring pollution levels near major freeways. (**Exhibit 3.**) This is a further indication of a public health hazard that the City is dismissing in granting exceptions to increase the size of the Project. We urge that the Project and its EIR be denied at least until that significant new data from SCAQMD is made available, and is included in the EIR.

IV. THERE ARE SIGNIFICANT TRAFFIC IMPACTS THAT HAVE YET TO BE ADEQUATELY ADDRESSED.

There is no disagreement over the extent of the traffic impacts, with significant and unavoidable impacts to every intersection along Sepulveda from the 101 to Ventura Boulevard. Where there are disagreements over transportation impacts, the applicant has cast it as a battle of experts. For two traffic safety hazards created by the Project that we have identified, though, expert opinion is not necessary. They are simply a matter of common sense.

First we noted a design flaw that creates a traffic hazard. When commercial trucks headed to the loading dock make a right turn off of Camarillo on to the fire lane at the rear of the

¹ The Project applicant has also sought to malign the air quality and noise expertise of Mr. Hans Giroux, who has opined on behalf of SORSE. His curriculum vitae is again attached as **Exhibit 2**. It clearly establishes his professional experience with respect to noise and air quality (both highly dependent on atmospheric conditions), and includes specific projects in Los Angeles in which he has rendered opinions based on his expertise.

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Project, they have to swing into oncoming traffic. That is a safety impact that the EIR never discussed, let alone analyzed.

The response implied that this was, indeed, a potentially significant impact. Rather than saying there was no impact, the response instead was that the "Project" (without specifying who) will arrange for supermarket deliveries off peak to the extent possible and personnel will be out at the intersection of Camarillo and the fire lane – some 500' away from the loading dock – directing traffic whenever there is a delivery.

This response does not pass the common sense test. First, no condition or other enforcement mechanism has yet been provided. Second, this response came from the applicant's traffic consultant whose expertise likely does not extend to grocery store logistics. We are told that the way to mitigate an impact that has been implicitly acknowledged is to have a flag man essentially keeping people from exiting the Project site every time a delivery is being made. I think the Council owes it to itself as decision makers and to the public to find out if this is feasible before approving the Project.

The second hazard is the very real possibility of traffic trying to turn left onto Camarillo from Sepulveda getting stuck in the intersection. The access to parking for the motel and nearby apartments is off the south side of Camarillo very close to the Camarillo/Sepulveda intersection – close enough that eight or nine cars queued up on eastbound Camarillo will be enough to block the alley. In the evening peak hours the alley will get blocked by cars leaving both the Project and the Sherman Oaks Galleria. As a consequence, cars waiting to make the left turn into the alley will stack up traffic trying to make a left turn on to Camarillo from northbound Sepulveda. This will likely back up into the Camarillo/Sepulveda intersection, creating a significant traffic hazard.

The response was to suggest putting "do not block" markings on Camarillo and to assume that people will not do stupid things like get stuck in the middle of an intersection because it is a violation of the Vehicle Code.

This response also doesn't pass the common sense test. Common knowledge tells us that those pavement markings are honored more in the breach than the observance except, thankfully, in front of fire stations.

That also goes for getting caught in an intersection when the light changes. In our collective knowledge we have all seen someone try to be the last person through an intersection, only to get stuck in the intersection when the light turns red because traffic isn't moving. In this case, that means southbound Sepulveda traffic – much of it exiting the 101 – could be blocked. The impact remains and needs to be discussed and analyzed before final action on the project.

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V. THE COUMULATIVE IMPACTS ANALYSIS IS INADEQUATE AND OUTDATED.

We previously noted that the cumulative impacts analysis for circulation fails to take into account the I-405 Sepulveda Pass Improvements Project, which will widen the freeway and make other improvements north to the 101. See <http://www.metro.net/projects/I-405>, click "overview" and "interactive maps" (incorporated herein by reference). Construction will occur through at least mid-2014, creating impacts to Sepulveda Blvd. and other area streets that will have overlapping and cumulative impacts with Project construction. None of that was disclosed, analyzed or mitigated, thus further rendering the EIR defective under CEQA. As of the date of this correspondence, no revised cumulative impact analysis has been made publicly available.

As also previously noted, the I-405 Sepulveda Pass Improvements Project is not the only project to have been improperly omitted from the related projects list and cumulative impacts analysis. The list also excludes the NBC Universal City Vision Plan (1.56 million square feet of commercial space plus approximately 500 hotel rooms and approximately 2,000 multi-family units) and the Fashion Square Expansion (172,000 square feet of new commercial space), even though Il Villagio Toscano is included in both of those project's respective related projects lists. The Fashion Square Expansion related projects list itself also lists other projects in relatively close proximity to Il Villagio Toscano that do not, but must, appear in the Il Villagio Toscano related projects list.

While SORSE believes that the list of related projects is some five years old and should be updated and the cumulative impact analysis revised, updating is not even an issue with respect to these related projects. The related projects list for Il Villagio Toscano was not generated until October 2008. The Draft EIR for the I-405 project was released in May 2007. The Notices of Preparation for the Universal City project and the Fashion Square project were released in July 2007. The preparers of the Draft EIR knew or should have known of these other significant projects at the time the related projects list was generated. The EIR cannot be properly certified until this information is provided and analyzed.

VI. CONCLUSION.

There is a project appropriate for this site – just not this one. It is simply too large and its impacts have not been correctly disclosed, analyzed and mitigated. We respectfully urge the Council to reject the Project and the EIR in their current form.

Sincerely,



Bradly S. Torgan, AICP

Los Angeles City Council.
August 27, 2013
Page 6 of 6

cc: Sharon Gin
Attachments

EXHIBIT 1

City Hall East
200 N. Main Street
Room 701
Los Angeles, CA 90012

(213) 978-8069 Tel
(213) 978-8214 Fax
amy.brothers@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 13 - 0090
MAR 29 2013

REPORT RE:

**COURT-ISSUED WRIT COMMANDING THE CITY COUNCIL TO SET ASIDE AND
RECONSIDER ITS OCTOBER 4, 2011 DETERMINATION GRANTING VARIANCES
AND AN ADJUSTMENT FOR 1100-1102 STEARNS DRIVE**

CHAZANOV v. CITY OF LOS ANGELES, et al.
LASC CASE NO. BS 135382 (COUNCIL DISTRICT 5)

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 11-1556

Honorable Members:

We are presenting to you for your action, consistent with its terms, a court-issued writ in *Chazanov v. City of Los Angeles, et al.*, LASC Case No. BS135382. A copy of the writ is attached. The writ of mandate commands the City Council of the City of Los Angeles to set aside and reconsider its October 4, 2011, determination granting three variances and an adjustment for 1100-1102 Stearns Drive, in light of the Court's January 17, 2013, order in this case.

Background

Eric Hammerlund and Terrence Villines, Real Parties In Interest in the lawsuit, purchased the property at 1100-1102 Stearns Drive on December 27, 2005. The property was improved with a duplex, a garage and a separate recreation room in a single-family residential neighborhood, zoned R1. The Los Angeles Housing Department issued an Order to Comply to the Real Parties for illegal use of the

recreation room as a third dwelling unit. On June 29, 2009, Real Parties sought three variances and an adjustment in order to legalize the recreation room as a dwelling unit. Specifically, the application sought a variance to allow use of the recreation room as a dwelling unit; a variance to forgo the required parking space for the third unit; a variance to allow automobiles to back out of the garage onto the street; and an adjustment to allow a smaller rear yard than the required 15 feet. The Zoning Administrator denied the requests for the variances and adjustment. The Real Parties appealed the Zoning Administrator's determination to the Central Area Planning Commission (APC). The APC denied the appeal and sustained the Zoning Administrator's determination. The APC determination was mailed August 30, 2011.

On September 13, 2011, the City Council asserted jurisdiction over the matter pursuant to Charter provision 245. On October 4, 2011, the City Council voted to grant the variances and the adjustment.

On January 9, 2012, the Chazanovs initiated a writ petition against the City of Los Angeles and Real Parties in Interest Hammerlund and Villines in the matter entitled *Chazanov v. City of Los Angeles*, LASC Case No. BS135382. After holding a hearing and considering the briefing of the parties, the Court issued a decision and order finding that the City Council abused its discretion in granting the three variances and adjustment, and granted the Chazanovs' request for a writ. [The Court held that substantial evidence did not support the first and third elements for granting a variance to use the recreation room as a dwelling unit.

The first element requires a finding that a variance is necessary because strict application of the zoning ordinances would result in practical difficulties or unnecessary hardships inconsistent with the purpose of the zoning ordinance. The Court explained that there was insufficient evidence that the Real Parties would suffer unnecessary financial hardship unless the variances were granted. No evidence was presented that Real Parties would not be able to pay their mortgage, taxes or insurance unless they continued to receive rental income from the illegal third dwelling. The Court also held that the City Council's finding that the Real Parties' tenant and the City would suffer a hardship due to a decrease in rental housing stock unless the variances were granted was neither relevant as a matter of law nor supportable as a matter of fact. The Court emphasized that the first element looks only to burdens placed upon the variance applicant, not the applicant's tenant or other third parties.

The third element requires a finding that the variance is necessary for enjoyment of substantial property right which, because of special circumstances and practical difficulties, is denied to the property in question. The Court held that the City Council's acknowledgement that, "No other similarly situated zoned properties in the same vicinity have been granted any variances to allow for conversion of more units beyond those which are currently permitted by the zoning or those which were permitted by prior

zoning," was fatal to the Real Parties' application, as it demonstrated there were no special circumstances for 1100-1102 Stearns Drive.

In conclusion, the Court noted that some City Council "members made eloquent and compelling statements about the need for the City to preserve and increase its housing stock. These laudable public policy goals, however, may not be used by the City Council to dismantle the City's zoning scheme in a piecemeal fashion."

The writ issued on February 15, 2013. The writ commands the City Council to set aside and reconsider its October 4, 2011, determination granting the three variances and an adjustment, in light of the Court's January 17, 2013, decision and order, within 90 days of the date of the writ's issuance. The writ is transmitted with this Report.

Recommendation

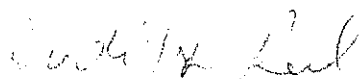
We request your action consistent with the enclosed court-issued writ, to set aside and reconsider the City Council's October 4, 2011, determination in light of the Court's decision and order.

If you have any questions regarding this matter, please contact Deputy City Attorney Amy Brothers at (213) 978-8069. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By



PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:AB:gl
Attachment

RECEIVED
City Attorney
Land Use/Real Property

MAR 05 2013

RECEIVED
CITY CLERK'S OFFICE

2013 MAR -4 PM 4:13

CITY CLERK

BY EGG
P/S CITY CLERK

REFERRED TO CITY ATTORNEY
FOR DISPOSITION
MAR -5 2013 @ 7:30am

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DONNA CHAZANOV, an individual;)

MATHIS CHAZANOV, an individual)

Petitioners)

vs)

CASE NO. BS135382

CITY OF LOS ANGELES, etc, CITY)

COUNSEL OF THE CITY OF LOS)

ANGELES, et al)

WRIT OF MANDATE

Respondents)

ERIC HAMMERLUND, an individual,)

TERRENCE VILLINES, an individual)

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TO THE CITY OF LOS ANGELES AND THE CITY COUNCIL OF THE CITY OF LOS ANGELES, Respondents:

WHEREAS a judgment on petition for writ of mandate having been entered in this action, ordering that a writ of mandate be issued from this Court,

YOU ARE HEREBY COMMANDED immediately upon receipt of this writ to set aside the determination of the City Council of October 4, 2011, to grant Real Parties In Interest's application for three variances and an adjustment and to reconsider your actions in light of the Court's decision and order in this case. Nothing in this writ shall control the discretion legally vested in the Respondent in accordance with Code of Civil Procedure Section 1094.5(f).

YOU ARE FURTHER COMMANDED to file a return to this writ not later than ninety days after the date of issuance.

LET THE FOREGOING WRIT ISSUE.

John A. Clarké

Kelly Encinas

DATED: FEB 15 2013



[Handwritten signature of Kelly Encinas]

CLERK OF THE SUPERIOR COURT

EXHIBIT 2

HANS D. GIROUX

SUMMARY OF QUALIFICATIONS AND EXPERIENCE

EDUCATION:

- Bachelor of Arts in Physics, University of California (Berkeley), 1965.
- Bachelor of Science in Meteorology, University of Utah, 1966.
- Graduate studies in Meteorology, University of Wisconsin, 1967-68.
- Masters of Science in Meteorology, UCLA, 1972.
- Candidacy for Doctorate in Meteorology, UCLA, 1974.

PROFESSIONAL EXPERIENCE:

- Weather Forecaster, U.S. Air Force, Truax AFB, Madison, WI, 1966-67.
- Staff Weather Officer/Chief Forecaster, McChord AFB, WA, 1968-69.
- Teaching Assistant, Basic Meteorology/Advanced Dynamics, UCLA, 1969-71.
- Research Assistant, California Marine Layer Structure, UCLA, 1971.
- Research Assistant, Remote Air Pollution Sensing by Satellites, UCLA, 1972.
- Research Assistant, Climate Change - Aircraft Pollution, UCLA, 1973.
- Instructor, Basic Meteorology, Cal State Northridge, 1972-74.
- Air Pollution Meteorologist, S-Cubed, LaJolla, CA 1973-75.
- Senior Meteorologist, Meteorology Research, Inc., Altadena, CA 1975-77.
- Instructor, Weather for Flight Aircrews, Orange Coast College, 1976.
- Instructor, Basic Meteorology, Golden West Community College, 1976-81.
- Instructor, Basic Meteorology, Orange Coast College, 1977-81.
- Consultant, Atmospheric Impact Processes, Irvine, CA, 1977-present.

PRINCIPAL PROFESSIONAL RESPONSIBILITIES:

Military: Performed operational weather forecasting for jet aircrews; trained new personnel; responsible for ground safety, security, records administration, quality control, forecasting methodology research, and liaison with other base units; air defense battle staff weather officer; and deputy detachment commander.

University: Conducted laboratory sessions; instructed students in the use of meteorological instrumentation; demonstrated weather analysis techniques; supervised student weather observation programs; gave lectures and tests.

Private: Prepared air quality impact assessments for coal- and oil-fired, nuclear, solar geothermal and wind energy power generation systems; prepared impact assessments for transportation systems, industrial emissions sources, wastewater treatment plants, landfills, toxic disposal sites, oil processing facilities, mining operations, commercial, residential, institutional and recreational land uses, airports and harbors; conducted atmospheric gas tracer experiments; developed numerical airflow analyses; and conducted numerous meteorological and air quality data acquisition programs with a very strong emphasis in arid environments, geothermal development, odors and nuisance and in regional pollution impacts from Southern California urbanization.

Noise Developed impact assessments for roadways sources, construction equipment, sand and gravel plants, wineries, industrial equipment, gas recovery plants, railroads, recreational activities and oil refineries; monitored ambient noise levels from above sources, calibrated highway traffic noise model (FHWA-RD-77-108), and calculated sensitive receptor noise exposures; wrote community noise ordinances, purchased monitoring equipment and trained city staff; performed noise mitigation studies including barrier design, location, equipment noise control, and residential building retrofits.

PROFESSIONAL REFERENCES

Mr. Rich Ayala, Senior Planner, City of Ontario, 909-395-2421
Mr. Jerry Backoff, Planning Director, City of San Marcos, 760-744-1050
Mr. Albert Armijo, Planning Director, City of Aliso Viejo, 949-425-2527
Ms Alia Hokuki, Senior Planner, AECOM, Inc., 949-660-8044
Dr. Joyce Hsiao, President, Orion Environmental Associates, 415-951-9503
Ms. Valerie Geier, President, Geier & Geier Consulting, 510-644-2535
Mr. Tom Dodson, President, Tom Dodson & Associates, 909-882-3612
Mr. David Tanner, President, EARS, 949-646-8958
Mr. Primo Tapia, Vice-President, Envicom Corp., 818-879-4700

City of Los Angeles Project Experience:

- Boyle Hotel Redevelopment Project
- Bellevue Rec. Center Noise Studies
- Hollywood Bungalows Noise Compliance Study
- 2700 S. Figueroa Noise Compliance Study
- Mardinian Armenian School Expansion
- Lorena Condos Initial Study (noise & air)
- Imperial/115th Freeway Exposure Air Quality Study
- Rosecrans/Figueroa Charter School Air Quality Study
- Little Tokyo Block 8 Redevelopment Study
- Little Tokyo (2nd & Central) Redevelopment Study
- Chinatown Redevelopment Plan
- Westchester Neighborhood School Expansion
- LAUSD Primary Center #1
- L. A. Mart Expansion
- Sunset/Olive Mixed Use Project
- Hollywood Marketplace
- SCRRA Positive Train Control (Los Angeles River Subdivision)
- Villagio Project Peer Review
- Pacoima/Panorama City Redevelopment Area Expansion

EXHIBIT 3

latimes.com

Air board will start monitoring pollution next to SoCal freeways

Under EPA requirements, monitors will be installed at four sites, providing data about what the 1 million Southern Californians who live within 300 feet of a freeway are breathing.

By Tony Barboza

6:39 PM PDT, August 25, 2013

Air quality regulators will begin monitoring pollution levels near major Southern California traffic corridors next year, for the first time providing data important to nearly 1 million Southern Californians who are at greater risk of respiratory illness because they live within 300 feet of a freeway. advertisement

Under new U.S. Environmental Protection Agency requirements, air pollution monitors will be installed at four sites next to some of the region's busiest freeways. Similar steps will occur in more than 100 big cities across the country.

Scientists have linked air pollution from traffic to a long list of health problems, including asthma, heart disease, bronchitis and lung cancer.

Though tens of millions of people nationwide live within a few hundred feet of a major road, monitoring stations established to measure common air pollutants typically have been placed away from such thoroughfares and other obvious sources of contamination. That's because the monitors are intended to measure pollution across entire regions to determine if they are within health standards set by the state and federal government.

Of the South Coast Air Quality Management District's 35 air quality monitoring stations measuring pollutants across a four-county basin of 17 million people, none sits close to a major roadway. Environmental groups say that system underestimates exposure levels in many neighborhoods.

The new monitoring is likely to have broad implications. If, as expected, the new data show higher pollution levels, environmental organizations and neighborhood activists almost certainly will call for local officials to take more aggressive steps to reduce emissions and curtail residential development near freeways.

"We will do everything possible to make sure people who live near those roadways get the protections they're entitled to," said Angela Johnson Meszaros, an attorney for Physicians for Social Responsibility-Los Angeles, one of several advocacy groups that sued the EPA last year to force it to require fine-particle pollution monitoring near Southern California freeways.

Air quality regulators are now moving in that direction.

"In a place like Los Angeles where a lot of people live next to busy freeways, what you measure near a roadway may actually be representative of what people are exposed to in the basin," said Philip Fine, who is in charge of the South Coast air district's network of monitors.

Scott Fruin, a professor of preventive medicine at USC, believes the EPA's action is long overdue.

"We have known about the adverse health impacts of living near freeways for almost 20 years but don't routinely monitor air quality there," said Fruin, whose studies have found that pollution concentrations along Los Angeles freeways that are five to 10 times higher than elsewhere in the city.

Health studies show that the most vulnerable are children, whose developing lungs can be harmed for life by air pollution. In the landmark Children's Health Study, USC researchers found that children living near busy freeways have higher asthma rates and reduced lung function.

Complicating the picture are new findings by UCLA and the California Air Resources Board that pollutants from cars and trucks can drift more than a mile from Southern California freeways, suggesting that air pollution's effects could be more widespread than previously thought.

Gledy Martinez, who moved into an apartment a block from the 110 Freeway in downtown Los Angeles four years ago, said in Spanish that at the time, "I didn't think about how there was a freeway close by."

The 30-year old cafeteria worker has learned to sleep through the noise from the more than 260,000 vehicles that pass by each day, but she now fears that the exhaust fumes and fine particles that drift over from traffic are unhealthful for her family.

Her 2-year-old son Bryan suffers from bronchitis, and his doctor can't pinpoint the cause. It could be that their studio apartment is too humid or has too many bugs — or it could be from the pollution from the freeway.

Under EPA rules to be phased in over three years, starting in January, the largest metropolitan areas must put four monitors within about 160 feet of major roadways to measure nitrogen oxides, fine particulates and carbon monoxide. Smaller areas will be required to have between one and three monitors.

The EPA said it has required monitoring near urban roads before, notably for lead and carbon monoxide in the 1970s and '80s, when vehicles were fueled with leaded gasoline.

Air monitors in Southern California have tracked pollution at a distance from major roads for decades, documenting the sharp improvement in the region's smog levels in response to ever-tightening pollution controls. One station in Azusa has been running since 1957, not long after Caltech scientist Arie Jan Haagen-Smit first linked smog to automobile tailpipes. Cars, trucks and buses now account for nearly half the region's smog-forming pollution.

For the new roadside monitoring sites, the South Coast air district is using a formula taking into account traffic volume, particularly diesel trucks, which pollute more than cars. Some of the top candidates include I-5 near Lincoln Avenue in Anaheim and a two-mile stretch where the 57 and 60 freeways join near the agency's headquarters in Diamond Bar.

Another potential site is an experimental air monitoring station inside a graffiti-covered shipping container next to the 710 Freeway in Long Beach. The station has been used for scientific studies in recent years, pumping air into

a stack of instruments that can track pollution levels 50 feet from the rush of traffic.

Back in her small apartment, Martinez said she welcomes the new monitors.

"You can see there are too many cars, a lot of exhaust, and we don't breathe clean air," she said in Spanish. "For me that's a big worry, more than anything, for my kids, because they are the ones who are still developing."

tony.barboza@latimes.com

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