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December 2, 2014

**VIA E-MAIL (brian.walters@lacity.org) AND U.S. MAIL**

Hon. Herb Wesson, President  
and Honorable Members of the City Council  
200 N. Spring Street, Rm. 395  
Los Angeles, CA 90012  
Attn: Brian Walters

Re: Council File 14-1533  
ENV-2014-962-MND  
10830 Chalon Road  
Legal Inadequacy of the Mitigated Negative Declaration  
HEARING DATE: Wednesday, December 3, 2014, Item 16

Dear President Wesson and Honorable Members of the City Council:

This office represents James and Helen Zukin, owners and residents of the immediately adjacent and down-slope property to 10830 Chalon Road (the "Project Site"). As stated in our correspondence to the Board of Building and Safety Commissioners and in our appeal to the City Council, the Zukins do not object to the currently proposed haul route, which proposes to run south from Sarbonne to Bellagio and then to Sunset. However, the Zukins—some of whom suffer from chronic respiratory ailments—would be adversely affected by a range of potential impacts of construction, grading, and hauling activities associated with about 10,000 cubic yards ("c.y.") of exported soil.

Our prior correspondence and appeal described several serious and significant flaws of the mitigated negative declaration ("MND") prepared for the Project, including the failure to include all grading in its unsupported and qualitative air quality analysis and its failure to disclose significant environmental effects. However, in addition to those concerns, discussions with City staff revealed that *the MND did not include all construction-related haul trips* and therefore significantly understated the potential impacts of the Project.


Discussions with Cora Johnson, P.E., Secretary to the Board of Building and Safety Commissioners, confirmed that the MND failed to quantify or account for, among other things: (1) hauling trips associated with removal of 9 of the 12 significant trees, and other smaller trees, on the Project Site; and (2) hauling trips associated with demolition of the existing structures and removal of the associated debris. A Project comprises "the whole of an action" (CEQA Guidelines § 15378(a)) for the purposes of CEQA, and "an *accurate*, stable, and finite

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project description is the sine qua non” of a legally adequate environmental analysis (*Dusek v. Anaheim Redevel. Agency*, 173 Cal.App.3d 1029 (1985) [emphasis added]). Consequently, these omissions—which comprise a substantial number of truck trips—resulted in the MND’s failure to disclose to the public and decisionmakers the true scope of the Project and its environmental effects, particularly air quality, greenhouse gases, noise, vibration, and traffic. Further, these omissions prevent any accurate accounting of the already questionable effectiveness of the proposed mitigation measures in the MND.

Therefore, we request that the Council grant the Zukins’ appeal and direct staff to: (1) revise the MND to include the whole of the action in its analysis; and (2) provide calculations to quantify and substantiate the MND’s conclusions with respect to the environmental effects of the Project and the effectiveness of the proposed mitigation measures. Without this bare minimum of information, the evaluation and conclusions of the MND remain unsupported and unsupportable and the MND remains fatally flawed.

Very truly yours,



BENJAMIN M. REZNIK  
NEILL E. BROWER of  
Jeffer Mangels Butler & Mitchell LLP

BMR:neb

cc: Via E-mail:  
Hon. Paul Koretz, Councilmember, CD5  
Shawn Bayliss, Director of Land Use and Planning, CD 5  
Terry Kaufmann-Macias, Deputy City Attorney