



Erika Pulst &lt;erika.pulst@lacity.org&gt;

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**CF NO. 14-1606 and 14-1438 (BS145096LASC)**


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homeowners-encino@sbcglobal.net &lt;homeowners-encino@sbcglobal.net&gt;

Sat, Dec 13, 2014 at 2:39 PM

To: City Clerk &lt;clerk@lacity.org&gt;, City Clerk Wolcott &lt;clerk.webfeedback@lacity.org&gt;

Cc: robert Silverstein &lt;robert@robertsilversteinlaw.com&gt;, Erika Pulst &lt;Erika.Pulst@lacity.org&gt;



## Homeowners of Encino

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 ♦ Serving the Homeowners of Encino ♦

 GERALD A. SILVER  
 President  
 PO BOX 260205  
 ENCINO, CA 91426  
 Phone (818)990-2757

December 13, 2014

Los Angeles City Clerk	LA City Council Hearing
200 N. Spring St. Room 360	Date: 12/16/2014 – 10 am
Los Angeles, CA 90012	Room 340, Agenda item 18

**CF NO. 14-1606 and 14-1438 (BS145096LASC)**

Sherman Oaks Residents For a Safe Environment

Il Villaggio Toscano (IVT) Sepulveda and Camarillo, Sherman Oaks

Homeowners of Encino opposes the City Council authorizing a three-year contract to hire a panel of outside Land Use/CEQA Counsels to defend the City in land use, CEQA and Brown Act litigation. We oppose retaining (1) Jenkins & Hugin, LLP; (2) Remy Moose & Manley, LLP; (3) The Sohagi Law Group, PLC; (4) Burke Williams & Sorensen, LLP; and (5) Meyers Nave and strongly object to authorizing the City Attorney, *without the need for further Council approval*, to employ individual firms on the Land Use/CEQA Panel, to defend the City in Real Party litigation.

The above referenced lawsuit was filed against the City of Los Angeles because residents in good faith believe that the entitlements granted by the City were invalid on land use, environmental approvals and Brown Act violations.

On August 28, 2013 over the strong community objections, the Los Angeles City Council voted unanimously to approve the 325 residential unit Il Villaggio Toscano (IVT) project at Sepulveda Blvd. and Camarillo. The IVT developer received entitlements to build 325 multi-family residential units and 52,000 square feet of commercial with 1,206 parking spaces. Height of the buildings would be 82 feet. The gross floor area for the project would be 582,359 feet. The project adds 5,800 new daily car trips.

Attorney Robert Silverstein, was hired by the Sherman Oaks Residents For a Safe Environment to protect the public interest. The City Attorney now seeks to hire an army of outside lawyers to fight the residents who believe that the land use and environmental entitlements were granted improperly.

Residents rightly objected to the traffic, noise, congestion, infrastructure damage and pollution that the massive 8-story, 325 unit apartment buildings would bring. The EIR was devoid of meaningful mitigation measures and contained many flawed conclusions. The lengthy document obfuscated traffic, congestion and infrastructure problems while going on at length about tangential matters and ignored mitigation measures that are required by CEQA. The EIR reached faulty conclusions claiming impacts were reduced to "less than insignificant" when in reality the impacts are significant.

City Attorneys have historically defended the City in these types of cases. However, the frequency of these Real Party lawsuits has increased over the past few years because the City has failed to adhere to the requirements of CEQA and the Brown Act. Their failure has strained the capacity of the City Attorneys to handle CEQA cases and for them to provide CEQA advice to City departments and defend CEQA litigation impacting the City's own public projects.

It is indefensible for the City to spend precious taxpayer dollars to retain outside counsel in the cases of Sherman Oaks Residents for a Safe Environment v City, and others (BS145096LASC).

The solution to this dilemma is to scrupulously abide by State law, stop granting faulty entitlements and avoid engaging in fruitless litigation with the public. It is irresponsible to hire outside counsel to gang up on the residents who file good faith litigation believing that the entitlements were granted improperly.

It is fallacious to assume that the City will actually recover the cost of hiring outside counsel relying upon the speculative fact that land use entitlement approvals granted by the City included a condition requiring the project applicant to defend and indemnify the City in the event of Real Party litigation.

This rush to hire outside counsel to fight residents will in fact have major fiscal impacts. The City will incur massive legal expenses hoping it will be reimbursed by developers. No Fiscal Impact Statements have been submitted by the City Attorney or the City Administrative Officer nor the Chief Legislative Analyst who have not submitted a financial analysis of this report.

This change of practice by having the City exercise its rights to the defense and indemnification provided by project developers have not been tested nor a guarantee of all or part reimbursement.

We ask that the City Council not spend another dime ganging up on residents or hiring outside law firms to defend environmental and land use entitlements that were approved improperly.

Cordially yours,



Gerald A. Silver, President  
Homeowners of Encino

Cc: Council Offices, HOA's

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