

Hermosa Beach, CA 90254

Tel: 310-798-2400 x6

Fax: 310-798-2402

From: Cynthia Kellman [mailto:cpk@cbcearthlaw.com]

Sent: Monday, October 31, 2016 3:34 PM

To: 'sharon.dickinson@lacity.org' <sharon.dickinson@lacity.org>

Cc: Doug Carstens <dpc@cbcearthlaw.com>

Subject: Appeal of Board File 160040; 11600 West Dunstan Way Haul Route Council File 16-1155; Hearing Notice for November 2, 2016

Dear Ms. Dickinson,

Attached please find a letter from Douglas Carstens regarding the above-captioned matter for your review.

Please feel free to contact me with any questions or concerns.

Cynthia Kellman

Chatten-Brown & Carstens

2200 Pacific Coast Highway, Ste. 318

Hermosa Beach, CA 90254

Tel: 310-798-2400 x6

Fax: 310-798-2402



Edwin Grover <edwin.grover@lacity.org>

Fwd: FW: Appeal of Board File 160040; 11600 West Dunstan Way Haul Route Council File 16-1155; Hearing Notice for November 2, 2016

2 messages

Etta Armstrong <etta.armstrong@lacity.org>
To: Edwin Grover <edwin.grover@lacity.org>

Mon, Oct 31, 2016 at 3:56 PM

Etta Armstrong, Sr. Administrative Clerk
213-978-1069
PLANNING AND LAND USE MANAGEMENT COMMITTEE
Office of the City Clerk, 3rd Floor, Room 395
Etta.Armstrong@lacity.org

----- Forwarded message -----

From: **Cynthia Kellman** <cpk@cbcearthlaw.com>
Date: Mon, Oct 31, 2016 at 3:51 PM
Subject: FW: Appeal of Board File 160040; 11600 West Dunstan Way Haul Route Council File 16-1155; Hearing Notice for November 2, 2016
To: etta.armstrong@lacity.org
Cc: Doug Carstens <dpc@cbcearthlaw.com>

Dear Ms. Armstrong,

Attached please find a letter, regarding the above-captioned matter, Douglas Carstens sent to Ms. Dickinson today which I am forwarding to you as she is out of the office.

Thank you in advance for your attention to this matter.

Please feel free to contact me with any questions or concerns.

Very truly yours,

Cynthia Kellman

Chatten-Brown & Carstens

2200 Pacific Coast Highway, Ste. 318

Urban-Blox has failed to have any support from the public for their destructive project. What do they do?

They have their Real-Estate broker attend the October 25 PLUM Committee hearing to speak in opposition of the appeal.

CITY OF LOS ANGELES
PLANNING & LAND USE MANAGEMENT COMMITTEE SPEAKER CARD

THE CITY COUNCIL'S RULES OF DECORUM WILL BE ENFORCED.

DATE 10/25/16 COUNCIL FILE NO. 16-10418 AGENDA ITEM NO. 8

POSITION: Support Project/Proposal Oppose Project/Proposal General or Public Comment
 Support Appeal Oppose Appeal

SPEAKER: Applicant Property Owner(s) Association Representative
 Appellant Surrounding Property Owners Organization Other _____
Check here if you are a paid representative

Name Jon Emrani
Representing _____
Address 12100 W. Olympic #350
City Los Angeles Zip Code 90064

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.
NOTE: THIS IS A PUBLIC DOCUMENT.

Desperate measures. . .

Property Address: 5303 Hermitage Avenue, Valley Village, CA 91607

Date: February 11, 2015

33. ACCEPTANCE OF OFFER: Seller warrants that Seller is the owner of the Property, or has the authority to execute this Agreement. Seller accepts the above offer and agrees to sell the Property on the above terms and conditions, and agrees to the actual confirmation of agency relationships. Seller has read and acknowledges receipt of a Copy of this Agreement, and authorizes Broker to Deliver a Signed Copy to Buyer.

(If checked) SELLER'S ACCEPTANCE IS SUBJECT TO ATTACHED COUNTER OFFER (C.A.R. Form SCO or SMCO) DATED: _____

SELLER By _____ Date _____
(Print name)

Court-Appointed Representative(s) of _____
SELLER By _____ Date _____
(Print name)

Court-Appointed Representative(s) of _____

Additional Signature Addendum attached (C.A.R. Form ASA).

(_____/_____) (Do not initial if making a counter offer.) CONFIRMATION OF ACCEPTANCE: A Copy of Signed Acceptance personally received by Buyer or Buyer's authorized agent on (date) _____ at _____ AM/PM. A binding Agreement is created when a Copy of Signed Acceptance is personally received by Buyer or Buyer's authorized agent whether or not confirmed in this document. Completion of this confirmation is not required in order to create a binding Agreement; it is solely intended to evidence the date that Confirmation of Acceptance has occurred.

REAL ESTATE BROKERS:

- A. Real Estate Brokers are not parties to the Agreement between Buyer and Seller.
- B. Agency relationships are confirmed as stated in paragraph 2.
- C. If specified in paragraph 3A(2), Agent who submitted the offer for Buyer acknowledges receipt of deposit.
- D. COOPERATING BROKER COMPENSATION: Listing Broker agrees to pay Cooperating Broker (Selling Firm) and Cooperating Brokers to accept, out of Listing Broker's proceeds in escrow, the amount specified in the MLS, provided Cooperating Broker is a Participant of the MLS in which the Property is offered for sale or a reciprocal MLS. If Listing Broker and Cooperating Broker are not both Participants of the MLS, in which the Property is offered for sale, then compensation must be specified in a separate written agreement (C.A.R. Form Compensation of Licensee and Tax (C.A.R. Form DLT) may be used to document that tax reporting will be required or that an exemption is applicable).

Real Estate Broker (Selling Firm) Marcus & Millichap Real Estate Investment Services CalBRE Lic. # _____
By Jon Emrani CalBRE Lic. # _____ Date 2/19/2015

Address _____ City _____ State _____ Zip _____
Telephone _____ Fax _____ E-mail _____

Real Estate Broker (Listing Firm) First Team Estates/ Malkin Properties Inc. CalBRE Lic. # _____
By _____ CalBRE Lic. # _____ Date _____

By _____ CalBRE Lic. # _____ Date _____
Address _____ City _____ State _____ Zip _____

Telephone _____ Fax _____ E-mail _____

ESCROW HOLDER ACKNOWLEDGMENT:

Escrow Holder acknowledges receipt of a Copy of this Agreement, (if checked, a deposit in the amount of \$ _____ counter offer numbers _____ Seller's Statement of Information and _____, and agrees to act as Escrow Holder subject to paragraph 23 of this Agreement supplemental escrow instructions and the terms of Escrow Holder's general provisions.

Escrow Holder is advised that the date of Confirmation of Acceptance of the Agreement as between Buyer and Seller is _____

Escrow Holder _____ Escrow # _____
By _____ Date _____
Address _____
Phone/Fax/E-mail _____

Escrow Holder has the following license number # _____
 Department of Business Oversight, Department of Insurance, Bureau of Real Estate.

PRESENTATION OF OFFER: (_____) Listing Broker presented this offer to Seller on _____ (date).
Broker or Designee Initials _____

REJECTION OF OFFER: (_____) (_____) No counter offer is being made. This offer was rejected by Seller on _____ (date).
Seller's Initials _____

CHATTEN-BROWN & CARSTENS LLP

2200 Pacific Coast Highway, Ste. 318

Hermosa Beach, CA 90254

www.cbcearthlaw.com

Telephone: (310) 798-2400

Facsimile: (310) 798-2402

E-MAIL:

dpc@cbcearthlaw.com

October 31, 2016

Via Federal Express

Councilmember Bonin and
Honorable Councilmembers
City of Los Angeles
200 N. Spring Street, Room 360
Los Angeles, CA 90012

Via delivery to:

Ms. Sharon Dickinson, Legislative Assistant
Office of the City Clerk
200 N. Spring St., Room 395
Los Angeles, CA 90012
213-978-1074

Re: APPEAL of Board File 160040; 11600 West Dunstan Way Haul Route
Council File 16-1155; Hearing Notice for November 2, 2016

Dear Honorable Members of the City Council:

On behalf of Zofia Wright, we are writing to object to approval of the haul route for demolition of an existing building and construction of a proposed 54-unit apartment project at 11600 West Dunstan Way (the Project) and adoption of a Mitigated Negative Declaration (MND) for the Project. The excavation and export of dirt for the Project will require the movement of 33,120 cubic yards of dirt.

We have reviewed the appeal of Dr. Harel Simon and Dr. Ryan Mishmash and join their objections. In addition to joining the items identified in Dr. Simon's and Dr. Mishmash's letters, we submit the following observations and objections. We strongly suggest that you prepare an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA) in order to address the objections that have been raised, and to ensure that the potential significant impacts of this proposed project are understood and mitigated.

A. Air Quality and Health Impacts Must Be Analyzed in an Environmental Impact Report.

Construction activities near a school can have significant effects which must be analyzed in an EIR. In this case it appears that the Brentwood school is closer than was accounted for in the MND. Dr. Simon's letter states schools are less than a ¼ mile away.

We note that the Office of Environmental Health Hazard Assessment has recently strengthened the guidance it provides for how public agencies must conduct health risk assessments. The new OEHHA guidance was adopted by the state on March 6, 2015, and adopted on June 5, 2015, by the South Coast AQMD, which governs regional air quality standards in the Los Angeles Basin. The new guidelines, as applied to this project, would increase the risk values substantially above those under prior guidelines. The cancer risk is expected to increase approximately 10 fold for short term events, such as construction, under the new guidelines because of the added sensitivity toward younger populations. The relevant documents are available at these sites on the web: *Office of Environmental Health Hazard Assessment. Air Toxicology and Epidemiology, Adoption of Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. March 6, 2015, available at: http://www.oehha.ca.gov/air/hot_spots/hotspots2015.html. The Manual itself is available at this location: <http://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>.*

Use of the most accurate information available is especially necessary because public health is at stake. The South Coast Air Quality Management District estimated that a six-month construction project for a typical one-acre office project could cause a significant health impact. (SCAQMD Staff Presentation, Potential Impacts of New OEHHA Risk Guidelines on SCAQMD Programs, Agenda Item 8b, Available at <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/may-specsess-8b.pdf>.)

Given the need to move 33,120 cubic yards of dirt, extensive air quality and construction traffic impacts could be created. If a typical dumptruck is used, with its payload of approximately 10 cubic yards, this project would require 3,312 roundtrip truck trips of City of Los Angeles surface streets. The diesel, criteria pollutant, and greenhouse gas emission impacts of these many truck trips must be calculated and their impacts mitigated.

B. Potential Soil Contamination Issues, Including Radioactive Waste, Have Not Been Adequately Addressed in the MND.

We join the serious objections raised by Dr. Ryan Mishmash in his letter to the

City dated October 26, 2016. In addition to the citations included in that letter, we commend to the City's attention the story contained at the following website: <http://www.enviroreporter.com/investigations/va-nuclear-dump/brentwoods-toxic-grave/> This story identifies the serious potential contamination issues present near the site, and possibly migrating onto the site, from historic contamination of nearby soil, including with radioactive material from the UCLA Medical Laboratory. Until adequate investigation of the soil that would be transported as part of this project is conducted, the City must assume there could be significant hazardous material impacts from its disturbance and transport and prepare an EIR. As has been reported by the California State Auditor, the tracking of low level radioactive waste in California is lacking in many respects. (<https://www.bsa.ca.gov/pdfs/reports/2007-114.pdf>.) Therefore, the radioactive waste issue must be treated as significant and fully addressed in an EIR.

C. Cumulative Impacts Were Not Properly Addressed.

The MND fails to list the other projects that would contribute to the cumulative impacts of the Dunstan project. The MND claims there could be some impacts but that they are less than significant. It is not possible to conclude impacts are less than significant if there is no identification of the projects that would be contributing to similar traffic, air quality, and public health impacts in the area. The Brentwood School EIR listed the following as projects potentially contributing to cumulative impacts:

1. 1975 San Vicente Boulevard Mixed use (retail) and Mixed use (restaurant) and Mixed use (office);
2. 11906–11920 San Vicente Boulevard Restaurant;
3. 11711 Gorham Avenue Retail center ;
4. 11669–11677 Wilshire Boulevard Mixed use (condominium) - Mixed use (office) and Mixed use (retail) ;
5. 11600–11620 Wilshire Boulevard Mixed use (office) - Mixed use (medical office);
6. 11900 Santa Monica Boulevard Mixed use (condominium) - Mixed use (retail);
7. 11857-11859 Santa Monica Boulevard -Mixed use (condominium) and Mixed use (retail);
8. 1466 Westgate Avenue YMCA recreation center;
9. 11701 Santa Monica Boulevard Restaurant;
10. 11660 Santa Monica Boulevard Supermarket;
11. 11725 West Sunset Boulevard Archer Forward project;
12. 12029–12035 Wilshire Boulevard Mixed use (residential) and Mixed use (retail);
13. Wilshire Boulevard and Stoner Avenue Mixed use (residential and retail);

An EIR must be prepared for the Project which addresses these projects, and the projects identified in Dr. Simon's Letter (page 4) as potential contributors to cumulative impacts that could be significant.

D. Public and Public Agency Notice Has Been Inadequate.

We object to the lack of adequate notice about the Project, as Dr. Simon's letter explains occurred. Permits filed under a fictitious address and inaccurate notices that did not reach surrounding residents must be corrected before the project can be approved. CEQA requires publication of a public agency's intent to adopt a negative declaration before it is adopted. Because of the inaccuracies in the project notices, this notice did not occur.

E. Relevant Public Agencies Must be Notified of the Project and Potential Adoption of the MND.

CEQA requires that responsible and trustee agencies be notified prior to the adoption of a negative declaration. In this case, it is our understanding from Dr. Simon's letter that the Veteran's Administration (which administers a residence and hospital) has not been notified of the project or the MND. Additionally, we recommend that because of the nuclear waste issues involved, the California Department of Public Health including its Radiologic Health Branch. Furthermore, because of the potential biological resource impacts identified in Dr. Simon's letter, we suggest the California Department of Fish and Wildlife must be notified so it is able to comment. Finally, because of the significant amount of dirt that must be moved, potentially impacting state highways, we believe Caltrans must be notified as well.

We request pursuant to Public Resources Code section 21092.2 copies of any notices related to this project, especially any Notice of Determination regarding the potential approval of this project be sent to the undersigned in a prompt manner.

Thank you for your consideration.

Respectfully submitted,



Douglas P. Carstens

 Letter of Objection.pdf
245K

Etta Armstrong <etta.armstrong@lacity.org>

Mon, Oct 31, 2016 at 4:23 PM

To: Sharon Dickinson <sharon.dickinson@lacity.org>, Edwin Grover <edwin.grover@lacity.org>

Etta Armstrong, Sr. Administrative Clerk

213-978-1069

PLANNING AND LAND USE MANAGEMENT COMMITTEE

Office of the City Clerk, 3rd Floor, Room 395

Etta.Armstrong@lacity.org

----- Forwarded message -----

From: **Cynthia Kellman** <cpk@cbcearthlaw.com>

Date: Mon, Oct 31, 2016 at 4:01 PM

Subject: FW: Appeal of Board File 160040; 11600 West Dunstan Way Haul Route Council File 16-1155; Hearing Notice for November 2, 2016

To: etta.armstrong@lacity.org

Cc: Doug Carstens <dpc@cbcearthlaw.com>

Dear Ms. Armstrong,

Regarding my previous email of a few moments ago, please use the attached revised letter of objection. There was a typo on page two which I corrected.

Thank you,

Cynthia Kellman

Chatten-Brown & Carstens

2200 Pacific Coast Highway, Ste. 318

Hermosa Beach, CA 90254

Tel: 310-798-2400 x6

Fax: 310-798-2402

From: Cynthia Kellman [mailto:cpk@cbcearthlaw.com]

Sent: Monday, October 31, 2016 3:51 PM

To: 'etta.armstrong@lacity.org.' <etta.armstrong@lacity.org.>

Cc: Doug Carstens <dpc@cbcearthlaw.com>

Subject: FW: Appeal of Board File 160040; 11600 West Dunstan Way Haul Route Council File 16-1155; Hearing Notice for November 2, 2016

Dear Ms. Armstrong,

[Quoted text hidden]

 **Letter of Objection - Revised.pdf**
243K