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Applicant/Property Owner
11601 Dunstan Partners, LP
PO Box 491485
LA, CA 90049

Representative
Nakada+Associates
550 S. Hope Street, Suite 1740, Los
Angeles, CA 90071.

Case No.: ENV-2016-457-MND
CEQA: ENV-2016-457-MND
Location: 11601 Dunstan Way
Council District: 11 – Mike Bonin
Neighborhood Council: None
Community Plan Area: Brentwood-Pacific Palisades
Land Use Designation: Medium Residential
Zone: R3-1

California Environmental Quality Act (CEQA) Findings

On October 4, 2016, the Los Angeles Board of Building and Safety Commissioners approved a haul route permit ("2016 Haul Route Permit") and a Mitigated Negative Declaration (No. ENV-2016-457-MND) for the construction of a 54-unit, four story, multifamily structure with two subterranean levels of parking located at 526 and 536 South Barrington Avenue and 11600 West Dunstan Way. The 2016 Haul Route Permit was for excavation and export of 33,120 cubic yards of soil associated with the construction of the Project. The approved Haul Route is as follows:

Loaded Trucks: Exit the Project Site northbound on Barrington Avenue, turn right (east) on Sunset Boulevard, enter northbound I-405 Freeway and continue to the disposal site outside the City limits.

Empty Trucks: From the disposal site, travel southbound on I-405 Freeway, exit onto Wilshire Boulevard off ramp, turn right (west) on Wilshire Boulevard, right (north) on San Vicente Boulevard, right (north) on Barrington Avenue and continue to the Project Site.

On October 11, 2016, the Project Approvals were appealed to the Los Angeles City Council. The City Council denied the appeal on November 8, 2016.

On December 6, 2016, a petition for writ of mandate and complaint for damages was filed in the case entitled, *Harel Simon v. The City of Los Angeles et al.*, Los Angeles Superior Court case number BS166574 (the "Action") challenging the Project Approvals.

On March 24, 2017, the Action was dismissed with prejudice. At that time the MND became a final, legally valid document for CEQA purposes beyond further challenge.

On or about March 24, 2018, the 2016 Haul Route Permit expired; all other Project Approvals, namely the adoption of the MND remain valid and enforceable and beyond legal challenge.

The Applicant has applied for a new haul route permit ("2018 Haul Route Permit") for the same route as set forth above and same excavation and export (33,120 cubic yards of soil). The Project remains the same, and no changes to the Project have been made or are sought.

The Los Angeles Board of Building and Safety Commissioners now finds, based in its independent judgment, and after consideration of the whole of the administrative record, the Project and the 2018 Haul Route Permit were assessed in the adopted MND and pursuant to CEQA Guidelines 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the 2018 Haul Route Permit.

15162 findings

- (1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

The 2018 Haul Route Permit is for the exact same Haul Route (route, excavation and export of 33,120 cubic yards of soil) and Project. The Project remains the construction of a 54-unit, four story, multi-family structure with two subterranean levels of parking. The Project and Haul Route were fully considered and analyzed in the Project's previously adopted MND, which concluded that with required mitigation, no significant impacts would result from the implementation of the Project or the issuance of the Haul Route Permit. With the dismissal of the Action, the adoption of the MND is final and beyond legal challenge.

No changes have been made to the uses, height, density, intensity or design of the Project. All mitigation measures previously adopted by the MND would continue to apply to the Project. Therefore, because no changes, substantial or otherwise, have been proposed for the Project or its associated Haul Route, there can be no corresponding new or different environmental effects. As a result, no revisions are required to the previous MND, and no subsequent environmental analysis is required pursuant to CEQA Guidelines Section 15162.

- (2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

As noted above, with the dismissal of the Action, the adoption of the MND is final and beyond legal challenge. Since that time, there have been no substantial changes with respect to the circumstances under which the Project is being undertaken. Specifically, there have been no changes to the Haul Route (route and excavation quantity are exactly the same). The exact same zoning, land use, environmental, and public health and safety regulations continue to apply to the Project Site. Previously adopted mitigation measures continue to apply and do not require any changes or modifications. Similarly, there have not been any changes to the existing conditions of the Project Site. Because the circumstances under which the Project would be undertaken have remained exactly the same since the adoption of the MND became final, there can be no new environmental effects, or any increase in the severity of previously identified potentially significant effects.

As a result, no revisions are required to the previous MND, and no subsequent environmental analysis is required pursuant to CEQA Guidelines Section 15162.

(3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

The Project and the Haul Route were fully considered and analyzed in the Project's previously adopted MND, which concluded that with required mitigation, no significant impacts would result from the implementation of the Project or the issuance of the Haul Route Permit. No changes have been made to the uses, height, density, intensity or design of the Project. Therefore, because no changes, substantial or otherwise, have been proposed for the Project or its associated Haul Route, there can be no corresponding new or different environmental effects. As a result, no revisions are required to the previous MND, and no subsequent environmental analysis is required pursuant to CEQA Guidelines Section 15162.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

No changes have been made to the uses, height, density, intensity or design of the Project or to the Haul Route. Therefore, because no changes, substantial or otherwise, have been proposed for the Project or its associated Haul Route, there can be no increase in severity of environmental effects the adopted MND determined could be mitigated to less than significant. As a result, no revisions are required to the previous MND, and no subsequent environmental analysis is required pursuant to CEQA Guidelines Section 15162.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

In connection with the adopted MND, no mitigation measures were found to be infeasible. Moreover, as described in detail above, since the adoption of the MND, no new potential environmental impacts have been identified that would require new mitigation measures. Accordingly, no further environmental analysis of the Project is required.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In connection with the adopted MND, certain mitigation measures were adopted and required as Project conditions of approval. As described in detail above, since the adoption of the MND, no new or different potential environmental impacts have been identified, and accordingly, no new or different mitigation measures are required. Therefore, no further environmental analysis of the Project is required.



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