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May 24, 2017

By Overnight and Email

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Re: APPEAL- From Approval By the Board of Building and Safety
Commissioners of Haul Route Permit Application for Archer
School, 11725 West Sunset Boulevard; Board File No. 1700033 At
Hearing May 16, 2017

Honorable President and Members of the City Council:

On behalf of the Sunset Coalition, Brentwood Residents Coalition, and Brentwood Hills Homeowners Association, we appeal from a decision by the Board of Building and Safety Commissioners (the Board) on May 16, 2017 to approve a haul route for the Archer School expansion. This appeal is made pursuant to the Los Angeles Municipal Code and Public Resources Code section 21151 subdivision (c).

On May 15, 2017, we submitted a letter to the Board objecting to the potential approval of the haul route. That letter is incorporated by reference.

In summary, while an EIR was prepared for a conditional use permit (CUP) for the Archer School expansion project for which the haul route is required, there is significant new information and changes in circumstances that require preparation of a subsequent EIR as we discuss below. This new information includes evidence that a significant neighborhood protection mitigation measure is no longer feasible and will not be implemented. Other new evidence shows that the South Coast Air Quality Management District has adopted new, more protective air pollution guidelines that when applied to

the project would reveal significant health impacts to children and the elderly in the surrounding areas. These impacts were not previously analyzed by the City or disclosed in the EIR. Furthermore, the EIR has various shortcomings and because the adequacy of the Archer expansion EIR is currently being challenged in pending litigation, the haul route review and potential approval should be deferred until the merits of that challenge are resolved.

A. Subsequent Environmental Impact Reports Are Required When New Information and Changes in Circumstances Occur Following Approval of an EIR.

While the City may intend to rely upon the Archer School expansion EIR that was approved in 2015 as it reviews the Haul Route application, a subsequent EIR is required. The California Environmental Quality Act (CEQA) requires preparation of a subsequent EIR if any of the following conditions is met:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

(Pub. Resources Code, § 21166.)

The CEQA Guidelines elaborate upon what constitutes a substantial change to the project or the circumstances, requiring a subsequent EIR when major revisions of a previous EIR or negative declaration are required “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” (CEQA Guidelines §15162, subd. (a)(1).) New information requiring preparation of a subsequent EIR includes:

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (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

(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.

(CEQA Guidelines §15162, subd. (a)(3).) For the reasons set forth below, a subsequent EIR is required before a haul route may be approved.

B. Construction Truck Traffic Will Be Far More Intense Than Was Reported Previously in the EIR.

The requested haul route will potentially include heavy truck hauling on Sunset, Chaparral, and Barrington between the hours of 7 am to 3 pm on weekdays and 8 am to 6 pm on Saturdays. The Haul Route Questionnaire accompanying the haul route application states the “**Estimated trucks per hour: 10**” and “**Estimated trucks per day: 80.**” (Haul Route Questionnaire, p. 1, emphasis added.) Because the truck projections are for round trips, *these projections represent one double bottom dump truck trip every three minutes for at least 70 days.* These are extensive, previously undisclosed amounts of truck traffic which will have extensive, previously undisclosed impacts.

The amount of material to be removed is stated to be “80,632 cubic yards of earth from the project site.” With typical dump truck capacity of 10 cubic yards (Class V), or 15 cubic yards (Class VI) (see EIR appendix C-2) that would require 8,063 (Class V) or 5,375 (Class VI) truck roundtrips. Since construction is projected to be conducted between months 3 and 23 of the Matt Construction schedule that was not released until August 2015, this would span 20 months, or approximately 480 working days (6 per week for 80 weeks), resulting in a requirement of at least or 11 (Class VI) truck roundtrips per day or 2 truck roundtrips every hour every day for 20 months. This equates to approximately 66 Class VI truck trips daily (the product of 11 truck trips times 6 workdays) every week for 20 months. The maximum number of daily truck trips stated in appendix C-2 of the EIR purporting to report vehicle roundtrips is **10 Class V and 36 Class VI in week nine** of a 74-month schedule. (Brohard Declaration, Exhibit C.) Most other weeks have much lower projections of Class V and Class VI truck trips in EIR Appendix C-2. The EIR (see EIR, p. I-11) did not report the intensity of construction truck movement to be conducted so this is significant new information which increases the severity of environmental impacts, and thus requires analysis and mitigation in a subsequent EIR under Public Resources Code section 21166 before the haul route is approved.

C. The Department of Transportation Has Stated Condition 32c of Archers' CUP Cannot Be Cleared.

We have obtained email correspondence pursuant to the Public Records Act that demonstrates that the Department of Transportation has objected to clearing condition 32c. (Enclosure 1.)¹ The City has improperly refused to provide us with any documents dated after May 2016. Therefore, we renew our request for all documents related to this condition and object to any haul route approval until a full explanation is provided of how this objection was resolved, if it was resolved at all.

Condition 32c, part of the Neighborhood Protection Plan, states:

c. Prior to the issuance of a certificate of occupancy for the North Wing Renovation, the School shall coordinate with the Department of Transportation to obtain approval for and, if approved, fund Department of Transportation installation of a "no right-turn-on-red" restriction on the northbound approach of Barrington Avenue at Sunset Boulevard to facilitate eastbound through traffic along Sunset Boulevard

In a Friday May 13, 2016 email, the Senior Transportation Engineer Mohammad Blorfroshan confirmed the following characterization of DOT's position was accurate:

"The No Right Turn per condition 32c will NOT be approved by DOT since this request has been repetitively denied by DOT at this intersection and they will NOT approve it for our [Archer's] project."

(See Enclosure 1.)

Condition 32c was imposed as a mitigation measure for the Archer expansion project. This condition was included as "Project Design Feature K-2" in the "Mitigation Monitoring Program" adopted for the Project. (Mitigation Monitoring Program, p. 37; see AR 113.) The project applicant argued at the Board's hearing that this so-called design feature is not a mitigation measure. However, measures that mitigate impacts of a project are properly regarded as mitigation measures, no matter what label an applicant or public agency chooses to apply to them. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 657 ["Simply stating that there will be no significant impacts because the project incorporates 'special construction techniques' is not adequate or permissible."])

¹ Enclosure references are to enclosures that are attached to the May 15, 2017 letter from appellants to the Board, which is incorporated by reference. These enclosures are not reattached to this letter.

As a mitigation measure, it must be enforced. (Pub. Resources Code § 21081.6(b); *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2007) 155 Cal. App. 4th 425, 445 [“mitigation measures must be feasible and enforceable”]; *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508 [“[m]itigating conditions [were] not mere expressions of hope”]; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1173; *Federation of Hillside & Canyon v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 126 [“The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded”].)

D. Cumulative Traffic Impacts From Concurrent Major Projects Nearby Must be Analyzed.

The Archer CUP EIR did not analyze cumulative impacts from several nearby projects that will contribute construction vehicle and operational traffic to local streets such as Sunset Boulevard and Barrington. Subsequent to the approval of the Archer CUP, the City also approved the expansion of the Brentwood School and a major construction project on Dunstan Avenue.

The City Council approved the conditional use permit (CUP) for the Brentwood School CUP on February 21, 2017. (See Council File 17-0020.) 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)

A haul route for demolition of an existing building and construction of a proposed 54-unit apartment project at 11600 West Dunstan Way was approved in November 2016 in Board File number 160040, City Council File number 16-1155. The excavation and export of dirt for the Dunstan project will require the movement of 33,120 cubic yards of dirt including on Barington.

Additionally, a major expansion of Mount Saint Mary's University has been proposed, and a Notice of Preparation for an EIR for that expansion has been released.

The traffic analysis of the Archer CUP EIR must be supplemented in a subsequent EIR before a haul route permit can be granted.

A subsequent EIR must be prepared which addresses these projects as potential contributors to cumulative impacts that could be significant.

E. The EIR for the Archer School Expansion Omitted Information in Two Key Respects that is Necessary to Understand the Impacts of the Proposed Haul Route.

Currently, the Sunset Coalition and others are challenging the adequacy of the EIR for the Archer School expansion in *Sunset Coalition et al. v. City of Los Angeles* (Court of Appeal Case no. B279644). Among other deficiencies in the EIR relevant to the haul route permit review process, the EIR failed to adequately disclose traffic impacts associated with the three year construction schedule and the health implications of air quality impacts of a major construction project adjacent to residential neighborhoods. The shortcomings of the prior EIR are detailed below.

1. Updated Breathing Rates Data for Schoolchildren and Elderly People Must Now Be Used to Analyze the Archer Project.

Archer shares a city block with five apartment complexes totaling over 200 units. Archer is also located near the highly-congested intersection of Sunset and Barrington, with the attendant high ambient levels of vehicle emissions.

In approving the Archer EIR, the City declined to use updated OEHHA guidelines as part of the environmental review of the Project. However, the SCAQMD has now determined that the new guidelines must be used for CEQA significance analysis. The City must use the updated Office of Environmental Health Hazard Assessment guidelines

as part of the environmental review of the Project. The South Coast Air Quality Management District (SCAQMD) as recently as November 2016 has determined that the new guidelines should be used for CEQA significance analysis. The updated SCAQMD guidelines are posted at this link: http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588_guidelines.pdf. This entire document is incorporated by reference. Potential impacts of these guidelines are explained at this link, which is incorporated by reference: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/may-specsess-8b.pdf>. Supplemental guidelines promulgated in November 2016 are at this link (<http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-supplemental-guidelines.pdf?sfvrsn=9>) and are incorporated by reference.

In the CEQA context, the use of current factual information (here, current breathing rates data for schoolchildren and nearby elderly residents) is required. *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344 is directly on point regarding the requirement to use the most current, scientifically accurate information available. In *Berkeley Keep Jets Over the Bay*, the court set aside an analysis of Toxic Air Contaminants based on outdated California Air Resources Board (CARB) guidance about speciation profiles (a comprehensive profile of the organic species of gases contained in jet exhaust) after comments pointed out this flaw and the agency in the EIR declined to provide corrected analysis. (*Id.*, at p. 1367.) Thus, the agency's errors in *Berkeley Jets* included using scientifically outdated information despite expert comments pointing out error and attempting to discredit best current science by arguing it had not yet been published. (*Id.*) An EIR must use the best information available. (*Neighbors for Smart Rail v. Exposition Metro Line Const. Authority* (2013) 57 Cal.4th 439, 455 ["public and decision makers are entitled to the most accurate information on project impacts practically possible"].)

The exposure parameters in the OEHHA Guidance Manual reflect the best current scientific assessment of the existing environment when it comes to evaluating air pollution impacts that affect children's health. OEHHA's updated Guidance represents the most scientifically accurate facts about the "environmental setting" or "affected environment." These exposure parameters include breathing rates, exposure time, exposure frequency, exposure duration, averaging time, and intake factor for inhalation. Thus, the frequency of permitted arrivals, onsite dwelling times, and departures of construction vehicles, added to emission rates of onsite construction equipment plus ambient NO₂ and particulate matter from the heavy traffic on adjacent Sunset Boulevard must be analyzed, as well as mitigation measures, before informed haul route decisions can be made.

Without an accurate baseline assessment of the existing environment, an EIR is deficient because the true impact of the project cannot be ascertained. (*Cadiz Land Co. v.*

Rail Cycle (2000) 83 Cal.App.4th 74, 87 [“Without accurate and complete information pertaining to the setting of the project and surrounding uses, it cannot be found that the FEIR adequately investigated and discussed the environmental impacts of the development project.”]; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952 [“Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.”]]

As stated by Marcia Baverman, “while an applicant does not have to offer a construction HRA [Health Risk Assessment], if an applicant volunteers to provide one, the HRA must use the most current scientific data.” (Enclosure 3, Declaration of Marcia Baverman for Motion for New Trial, para. 17.)

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 impacts. (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>.)

The City in CUP mitigation measure PDF-B2 has required that Archer conduct an analysis using the updated OEHHA Guidance to be submitted to the Department of City Planning prior to construction using heavy duty construction equipment. That analysis must be conducted and shared with the public before the Haul Route is approved.

Air quality impacts to young children and the elderly living nearby the project can be especially problematic. Numerous sources of reliable information demonstrate the particular vulnerability of school age children to air pollution. These include the following:

- 1) Agency for Toxic Substances & Disease Registry [part of CDC], Environmental Health and Medicine Education - “Preconception Exposures and In Utero Exposures” and “Special Considerations Regarding Toxic Exposures to Young and School Age Children and Adolescents,” <http://www.atsdr.cdc.gov/csem/csem.asp?csem=27&po=10> [“[T]he rapid growth, division, and differentiation of many cells [during puberty] may result in vulnerabilities. ... Metabolic rate of some xenobiotics [(foreign chemical substances in a body)] is reduced in response to the increased secretion of growth hormone, steroids, or both that occur during the adolescent years.” (Citing Gitterman and Barer, “A Developmental Approach to Pediatric Environmental Health” 2001).];

2) American Academy of Pediatrics, “Ambient Air Pollution: Health Hazards to Children” (2003), appearing in *Pediatrics*, the official journal of the AAP. <http://pediatrics.aappublications.org/content/114/6/1699.full#R8> and <http://pediatrics.aappublications.org/content/114/6/1699.full.pdf> [“Children are more vulnerable to the adverse effects of air pollution than are adults. ... Children have increased exposure to many air pollutants compared with adults because of higher minute ventilation and higher levels of physical activity. ... Children in communities with higher levels of urban air pollution (acid vapor, nitrogen dioxide, particulate matter with a median aerodynamic diameter of less than 2.5 μ m) and elemental carbon [a component of diesel exhaust] had decreased lung function growth”];

3) Gilliland, FD, *et al.*, “The Effects of Ambient Air Pollution on School Absenteeism Due to Respiratory Illness,” appearing in *Epidemiology* 2001[increase in ozone levels associated with increase in absenteeism due to respiratory-related symptoms]; Chen *et al.*, “Elementary School Absenteeism and Air Pollution” in *Inhalation Toxicology* (2000);

4) Children’s Health Study by USC, a longitudinal study of the impact of air pollution on children’s health. <https://healthstudy.usc.edu/findings.php>; Findings published by, inter alia, Gauderman *et al.*, “Childhood asthma and exposure to traffic and nitrogen dioxide,” appearing in *Epidemiology* (2005).

Each of these studies is incorporated by reference.

2. Circulation of a Subsequent EIR with Critical Details Is Required to Address the Compressed Three Year Construction Schedule.

The numbers and types of construction vehicles, including haul trucks, were detailed by week in Appendix C-2 to Archer's Draft EIR, which analyzed the project assuming the construction activities were stretched out over 74 months. Archer subsequently chose to compress the construction activities, including two phases of heavy hauling, into 36 months, but the final EIR did not update the weekly data to reflect that two or more major project elements will now take place concurrently in different parts of the small worksite, and will involve airborne contaminants from construction equipment (see Appendix C-1 to the Archer DEIR) as well as vehicle contaminants.

A failure to disclose and analyze information required by CEQA is a failure to proceed in the manner required by law. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435; *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99,118; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 212.) “[W]hether an EIR is sufficient as an informational document is a question of law subject to independent review by the courts.” (*Madera Oversight Coal., Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102.)

A subsequent EIR is required to address the informational deficiencies of the original EIR. The City received a series of substantive submissions (some of which were misleadingly labeled “Errata” when they actually reflected substantial changes to the Project itself) within days of the final City Council vote on August 4, 2015. (AR 35E:5598-35F:5698.) The very day before the final City Council hearing approving the Project, the City apparently received a memorandum that for the first time illustrated in a one-page graph how the original 74-month schedule would be compressed into a 36-month schedule. (AR 5:140.) This graph showed the overlap that would occur among various major construction activities that formerly had been sequential but would now be concurrent. As discussed in the next section, the very significant evidence the City received very late in the process compels the conclusion that recirculation was required. But (as detailed in the Declarations of Brohard and Baverman) even the final submissions did not provide the details of the compressed 36-month construction schedule (such as had been provided for the original 74-month schedule) that are absolutely necessary for meaningful analysis of the traffic, air quality and health impacts of that new schedule. (Brohard ¶ 5; Baverman ¶ 7).

References to a possible “accelerated construction schedule” in the Archer DEIR of February 2014 did not give the public, public agencies such as Caltrans, or decisionmakers the notice they needed to evaluate and analyze the possibility of a specifically 36-month construction schedule with specific phase overlaps. In Errata 2,

page 10 (AR 35B: 5493) and many places thereafter, the documents submitted by Archer and/or incorporated into City documents such as the so-called Errata repeat the opaque and meaningless assertion that “the 3-year construction schedule tiers off of the accelerated construction schedule”. (e.g., page A-9 [AR013164] of Attachment A to the Aug. 3, 2015 Latham & Watkins letter, page 3 [AR013170] of the Eyestone Environmental memorandum which is Exh. 1 to that letter, and page 5 [AR013186] of the Fehr & Peers memorandum which is Exh. 2 to that letter, page 5 of Errata 6 (AR 35F; 5669), page 2 (AR 35F:5676) of the Matt Construction letter which is page 11 of Errata 6.) The latter appears to refer to Appendix C-3 to the DEIR, titled “Accelerated Construction Schedule Assumptions”, a short two-page letter from Matt Construction (with three one-page attachments) that contains no specific length of time, no supporting details, and indeed specifies that such accelerated schedule was “not proposed by Archer.”

On a closely related point, the Matt Construction letter in Errata 6 contains a statement on page 2 that cannot be reconciled with the construction schedule chart attached to it. (Brohard Declaration, Exhibit D). The letter states that for various reasons “the maximum on-site activities cannot be increased,” (AR 5:138) but then the chart shows the North Wing Restoration project element now overlapping the previously concurrent Underground Parking Garage/Aquatic Facility and Multipurpose Facility elements for fourteen months. (AR 5:140.) Clearly the concurrent onsite activities (and the construction vehicles needed to support them) *could* be increased, very substantially (compare Brohard Exhibit C with Exhibit D.) – thereby certainly increasing their impacts on air quality, health risks and nearby traffic. (Brohard Declaration, ¶ 18; Baverman Declaration, ¶ 13.)

With the EIR specifically informing the public an accelerated schedule was “not proposed by Archer,” there was no reason the public would have examined it or commented upon it. Having told the public that an accelerated schedule was not proposed, when Archer decided on a specific 36-month timetable (without any supporting analysis of the types and detail included in the DEIR for the 74-month schedule), the City was required to update the relevant analyses and recirculate the EIR, not just assert that there would be no new significant impacts. (CEQA Guidelines § 15088.5(a)(4)[“The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)”].)

With regard to air quality and health impacts from an “accelerated schedule”, Appendix C-3 to the February 2014 Archer DEIR consists simply of a short two-page letter from Matt Construction with three attachments. (AR 41: 7086.) At the foot of page 1 of the letter, Matt states that under an accelerated schedule, the onsite construction

equipment would be “modified” from that in the body of the DEIR, and attaches a single table, “Assessment of Peak Noise from Construction Equipment” – which only lists some equipment and presents no “assessment.” (AR 41:7089.) Importantly as to air quality and health impacts, no details are presented as to what all the referenced onsite equipment “modifications” would be, week to week (as in Appendix C-1), for any “accelerated” schedule, much less a specific three-year schedule.

With the overlap of various construction phases, greater traffic impacts would be created in the form of higher daily construction vehicle trips than if the phases were sequentially conducted. (Brohard Declaration, ¶ 18.) Because onsite equipment operations would be much greater than what was anticipated by the DEIR, and construction traffic would be much greater than what was anticipated, air pollution impacts would also be much greater than what was what which was anticipated by the DEIR. (Baverman Declaration, ¶ 13, 21.) A subsequent EIR is required to address these changes.

3. A Subsequent EIR is Required to Give the Public an Adequate Opportunity to Review Significant New Information.

A subsequent EIR is required to address late-filed significant changes to the project that the public had no notice of, let alone a chance to review and comment upon.

Applications for various entitlements such as temporary modular classrooms were filed on July 24, 2015. (Administrative Record in *Sunset Coalition v. Archer* case, hereinafter (AR) 118:13187-13200.) Errata 5 was posted on or about July 27, 2015. (AR 35E:5598-5664; AR 892:30703.) Errata 6 was not prepared until August 2015 and apparently not circulated until the day of City Council approval on August 4, 2015, when it was part of the motion made by Councilmember Bonin to approve the project. (AR 5:52-159 [over 100 pages].)

Revised health risk calculations using mathematically corrected values were not prepared until August 3, 2015. (AR 5:142-146.) A 35-page letter (AR 116:13152-13186) from Archer’s counsel submitting a June 15, 2015 email (AR 116:13180) allegedly disclaiming the need to use new OEHHA guidance was not submitted to the City until August 3, 2015.

In addition, as discussed above, although Archer compressed the project from 74 months to 36 months, Archer has not provided a current phase diagram showing the overlaps of hauling with other project construction traffic. Further, all haul vehicles will need to exit the Archer worksite via the unsignaled driveways that open directly onto Sunset, and Archer has not presented information as to how often it will need

flagmen to block traffic in both directions so that the haul trucks and other vehicles can turn left across traffic to reach the 405 Freeway.

Because the EIR for the CUP for the Archer expansion provided insufficient meaningful information about this major project's traffic, air quality, public safety and other impacts, a subsequent EIR is required.

F. Public Safety Impacts Could be Significant.

The use of double-bottom haul trucks along Sunset can create significant safety and traffic impacts. The use of such haul truck and on the residential streets of Chaparral and Barrington could create unacceptable safety impacts and should be prohibited altogether with a requirement that only smaller 10 wheeler dump trucks be used if residential streets are used at all.

We have been informed that in January 2017 a double bottom truck overturned on Sunset. More recently, in May 2017, a double-bottom dump truck attempting to make a turn on Barrington from Sunset was involved in a multiple car accident. We reserve the right to submit more information regarding the circumstances of these accidents and others as such information becomes available. The City's Department of Transportation should investigate the causes of these accidents and how to prevent them through conditions on the haul route approval.

CONCLUSION.

Before further considering the issuance of a Haul Route permit for the Archer expansion project, the City must require preparation of a legally adequate subsequent EIR. Furthermore, we ask that instead of issuing the haul route permit, the City defer a decision on the haul route application until the conclusion of the litigation on the adequacy of the Archer expansion EIR and propriety of the CUP for it.

Thank you for your consideration of these comments.

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

Sincerely,

Douglas P. Carstens

Cc: Ms. Cora Johnson (cora.johnson@lacity.org)

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