



Sharon Dickinson <sharon.dickinson@lacity.org>

FW: File number 16-1155

1 message

Pesla Sonabend <peslasonabend@gmail.com>
To: sharon.dickinson@lacity.org

Tue, Oct 25, 2016 at 6:35 AM

From: Sheri A Saperstein [mailto:sherisaperstein@gmail.com]
Sent: Tuesday, October 25, 2016 12:10 AM
To: Sharon.dickerson@lacity.org
Subject: File number 16-1155

I STRONGLY OPPOSE the construction proposed for Dustan Way in Brentwood (zip code 90049). It is too large for the area. 54 families and 198 additional cars is at least twice the size of any reasonable project for this property.

I have been a resident of this neighborhood since 1992, and have watched it become ever more congested and difficult to navigate. It would be unconscionable (definition: "not right or reasonable," "unreasonably excessive") for this project to be approved as proposed. This neighborhood is already one of the most congested neighborhoods in our City. The congestion is not just inconvenient - it is dangerous.

I am disabled. I have Multiple Sclerosis and use a walker. I hate going past Dustan Way and some of the other blind curves on Barrington Ave. Even when wearing a fluorescent vest. It is tricky for cars to navigate this - it is illogical to expect large trucks to navigate the narrow degraded alley that is Dunstan Way.

It regularly takes an hour to drive a fraction of a mile on the portion of Sunset Blvd. onto which at least half of the new tenants would be driving. In the other direction, it has taken me a half-hour to make a left turn from San Vicente Blvd. onto Barrington Ave. This neighborhood has already reached saturation-point with residents; it is also the location of multiple private schools, and proximate to Mt. St. Mary's College, UCLA, and the West Los Angeles VA Medical Center and residences. Delivery trucks are usually parked up and down the streets.

Attempts have been made for years to mitigate the traffic, and yet it only gets worse. Until the City has a proven solution to the problem, no new construction that increases parking should be permitted.

For these reasons, I oppose the project as opposed, including the Haul Route for export of 33,120 cubic yards of earth from the project site, and the associated Mitigated Negative Declaration ENV 21016-0457-MND. This project has far too many negative impacts, and the owner has inappropriately minimized them.

Thank you.

Sincerely,

Sheri A. Saperstein

500 So. Barrington Ave., #6

Los Angeles, CA 90049



Sharon Dickinson <sharon.dickinson@lacity.org>

File number 16-1155

1 message

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To: sharon.dickinson@lacity.org

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Thank you.

Sincerely,

Sheri A. Saperstein
500 So. Barrington Ave., #6

Los Angeles, CA 90049

Martha Burton
First Vice President
Lic. # 01848486

CBRE, Inc.

CBRE

1840 Century Park East
Suite 900
Los Angeles, CA 90067-2108
T 310.550.2649
F 310.203.9624
C 917 375 0658

16-1155

To Honorable Members of the City Council
City Hall Office
200 N. Spring Street
Los Angeles, CA 90012

Martha.Burton@cbre.com
www.cbre.com

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

Re: Appeal of Board File 160040
11600 West Dunston Way
Haul Route

Dear Honorable Members of the City Council:

After recently moving to Los Angeles from New York City (Manhattan,) I purchased a lovely condominium located at 500 S. Barrington Avenue, in Brentwood. At the time, I was not aware that Barrington Avenue is "the" commutation route, morning and night, for travelers from West Los Angeles to locations north and south. At those hours, and times in between, one prays that there will not be a fire or ambulance emergency that MUST travel that route. Though there has been a great deal of construction on Barrington Avenue, which will continue and grow this coming year, at least the construction vehicles are relatively careful about leaving room for ingress and egress at all times as the road is wide enough in certain areas.

The outrageous decision to construct a huge building at the end of Dunston Way, a veritable alley which is barely one lane, much less two, boggles the mind. Even in the midst of New York City, there are laws and rules that keep developers and contractors away from property where the process of construction would endanger the citizens of that particular neighborhood! The lies and misinformation or NO information forthcoming from this developer should be considered unlawful and subject to further examination. THIS PROJECT IS NOT BEING DEVELOPED IN A LAWFUL MANNER.

And further, the destruction of the natural habitat for the animals in this area, along with the voluntary DESTRUCTION of trees???? How can that be considered a positive action when this dry, hot, sunny state needs every single tree that can survive this climate to provide clean air, shade and esthetics for we humans.

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I very strongly object to this development. I want to be able to live in my lovely condo, listening to traffic nonetheless, in an environment that contains trees, wildlife, dirt alleys, etc. Otherwise I might just as well return to NYC, where construction rules and regulations are upheld and neighborhoods are protected by the City.

Thank you for your time and attention.

Sincerely,

Martha Burton (duly signed)

#16

Sari Taicher
11963 San Vicente Boulevard #210
Los Angeles, California 90049

October 24, 2016

Honorable Members of the City Council
City Hail Office
200 N. Spring St.
Los Angeles, CA 90012

Date: 10/29/16
Submitted in PLUM Committee
Council File No: 16-1155
Item No. 6
Deputy: _____

C/O 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 for 11600 West Dunstan Way Haul Route

Dear Honorable Members of the City Council:

I am a property owner and resident in Brentwood. I love this neighborhood and feel lucky to have had the opportunity to make this community my home. I am generally not against development. I think it can be a part of the necessary process for growth. However, this development, in particular, I find significantly problematic and concerning for many reasons.

First of which is, the developers attempt to hide the development from the public, as well as the abutting properties, by create an address for a street that literally does not exist. West Barrington simply, does not exist. One example of the problems created by the developer filing under a false address, is that Buyers in escrow when doing their due diligence before making their final decision to purchase a property in this neighborhood, have not be provided access to all the relevant information they were entitled to, for them to make a fully informed decision about whether to purchase the property or pass on the property.

Also, the developer DID NOT send out any of the required notice to the abutting Veterans Administration property, or the Veterans Administration Hospital! This alone mandates that the developer must be made to go back and provide proper notice before anything else can even be considered. All the property owners are entitled to, and therefore should be given the opportunity allowed them by this right to notice, to address any concerns they may have regarding this development. Because of lack of notice, this right was not provided.

Additionally, the developers did not post notices as required. The developers only posted 2 notices, 8 days before the hearing, and not the required 10 days. As proof of the date of posting, the developer was to have provided a photograph with the posted notice and a newspaper with the legible date of the paper. The developer then signed, under penalty of perjury, a document stating that they did post the notice no

less than the minimum 10 days required for proper legal posting. Based on when the notices were posted, the developers could not have legally signed this document. Both notices were posted on a PRIVATE street called Dunstan way. This street is only used by the developer owned properties and 2 additional properties that have access to this private street. None of the other numerous abutting properties have access to this private street.

These is not insignificant issue that can be brushed aside. There is a legal process in place that is required to be followed before a hearing or before demolition and hauling can be granted. In failing to follow the required regulations and procedure, the developer has not met his requirement too proceed with a hearing, much less receiving approval for anything.

Evaluation of Environmental Impact:

State in (2.) All answers must take account of the whole action involved, including off site and well as on site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impact.

States in (9.) The explanation of each issue should identify:

- a. The significance criteria or threshold, if any, used to evaluate each question; and
- b. The mitigation measure identified, if any, to reduce the impact to less than significant.**

Based on the findings in this appeal, the developer has very clearly NOT met his obligation to mitigate the issue below.

The Environmental Report (ENV-2016-457-MND) exhibits multiple flaws

1.) **I Aesthetics: b, d.** (p10): Items marked “less than significant with mitigation incorporated”
I-120 Aesthetics (Light): The proposed project will completely block all the natural sun light from the east and some south facing units of the adjacent building to its west. This will adversely affect these properties and there is no mitigation proposed to resolve this issue. I-130 Aesthetics (Glare) The report states that, “Environmental impact to the adjacent residential properties may result from GLARE of the proposed project”. The proposed project is supposed to be constructed of none-reflective materials, but in fact it is currently being built with approximately 1/3 of the project surface being covered with unpainted metal slat (reflective) siding. Therefore, the proposed project does not meet the require mitigation needed for approval.

2.) **XIII NOISE: c and d** (p12): Items marked “less than significant impact”. With the demo, haul, and construction taking 2 ½ - 3 year to complete, there will be a significant increase in noise. With additional units, many of them expanding from 1 bedroom to 3 bedrooms per units, many additional cars, and the new development being built out to the minimum setback requirement, changing the proximity of the existing structures which now has approximately 80 feet of open space in some areas, to 30 feet of separation between the existing and new development will have a massive increase in noise to the abutting properties. The reports state a less than significant impact with no mitigation solution.

3.) **III Air Quality: b, c, d** (p10) Items marked “less than significant with mitigation incorporated”
Also, **VIII Hazards and Hazardous Materials: a, b, c, g** (p11) Items marked “less than significant with mitigation incorporated” and “less than significant impact” Also, **XVIII Mandatory Findings Of**

Significance: a, b, c (p14)) Items marked “less than significant with mitigation incorporated” and “less than significant impact”

III-90 Air Quality: States that, “Air quality impacts from project implementation due to construction related emissions may occur.”

XVIII-10 Cumulative Impacts: states that, “There may environmental Impacts which are individually limited, but significant when viewed in connection with the effects of past projects, other current projects, and probably future projects. However, these Cumulative impacts will be mitigated to a less than significant level through compliance with the above mitigation measures.”

There are no above mitigation measures listed above as required for approval!

XVIII-20 Effects On Human Beings: The Environmental Impact Report states that, “The project has potential environmental effects which cause substantial adverse effects on human beings, either directly or indirectly. However, these potential impacts will be mitigated to a less than significant level through compliance with the above mitigation measures.”

There are no above mitigation measures listed above as required for approval!

The report further states that the construction activities would produce cumulative considerable emissions as well as exceed localized thresholds of PM10 and PM25, and exceed LST thresholds set by SCAQMD. These small particles of PM10 and PM25, pose an even greater health risk than larger particles. When inhaled, they can penetrate the human respiratory system and damage the respiratory track. These PM10 and PM25 can increase the number and severity of asthma attacks, cause or aggravate other lung disease, and reduce the body’s ability to fight infection. These small particles of substances such as sulfates, nitrates, and Lead, can cause lung damage directly. These substances can be absorbed into the bloodstream and cause damage elsewhere in the body. These are just a list of some of the chemicals that will be produced during demolition, hauling and construction: VOC, Nitrogen Dioxide, Sulfur Dioxide, Carbon Monoxide, and particulates like smoke soot, dust, acids, metal, as well as asbestos and lead and other VOC, Volatile Organic Compounds, PM10 and PM25

The report states that. “Construction of the proposed project could produce air emissions that impact several existing sensitive receptors near the proposed site: The Brentwood School, the Veteran Administration Hospital and other Veteran Administration facilities, Barrington Recreation Center, 514-520 S. Barrington Condo Complex 10 feet from the project, 11610 Dunstan Way 20 feet from the project, and 400 S. Barrington Ave, just to list a few, there are an additional 25 or so residential building all within 300 feet of this proposed development that are not even addressed. The project is in areas with several sensitive receptors the are to Schools within approximately less than 2/10 of a mile of the proposed development. There are city parks for children and adults to play, with tennis courts, basketball courts, playground, picnic area, dog park and other athletic facilities within approximately 300 feet of the proposed development. Additionally, there are several senior residents, as well as newborns and small children living in the area of the proposed development site. There are medically sensitive residents with cancer, recent cancer survivors, asthma sufferers, people with allergies and other pulmonary illnesses that will all be greatly negatively impacted by this development.

Another large problem with all the information provided, is that the assumptions for construction related emissions, were provide by the project developer. Isn’t that just like having the fox guard the henhouse?

But even more ridiculous is, that later in the Environmental Impact Report or ERI, the developer address some of the air quality and Hazards sections by providing a plan where 50% of the developer’s mitigation plan is simple to say GOOD HOUSEKEEPING Measures! Good Housekeeping by the residents is not a

mitigation solution provided by, or implemented by, the developer, as is required but the ERI! How will the developers be implementing this good housekeeping plan? And how does the developer insure that these mitigation requirements will be met and enforced. How will the developers be protecting the neighbors' health and well-being? Neighbors who consist of school children and hospital patients, veterans, athletes, asthmatics, and cancer patients and survivors? Good Housekeeping! Are the developers going to be providing those Good Housekeeping services for all the effect units 24 hours a day 6 days a week, while pollutants are freely consuming our air. Will they be regularly cleaning all the curtains, carpet, linen and clothing in the closets, and all the fabric furniture that will become saturated with these micro particles daily. These same linens that we wrap of babies in when they get out of the shower, or that we rest our heads on for a good night's sleep. Will they be providing everyone affected with whole home air filtration purification system to keep in line with the good housekeeping measures that are now a requirement for their approval? The onus is supposed to be on the developers to mitigate the health hazards that come with these toxins, pollutants and carcinogens that they admit will be contaminating all the neighboring properties?

GOOD HOUSEKEEPING measures is NOT an acceptable mitigation solution! Could there be a more blatant, utter, lack of responsibility and concern for human health and safety. It would be unjust for this development to receive approval on a project that shows such negligence and disregard for human health and well-being.

4.) **IV Biological Resources: a, d, e.** (p10) Items marked "less than significant with mitigation incorporated" and "less than significant impact" Also **X Land Use And Planning: c.** Items marked "no impact" (p12) Also, **XVIII Mandatory Findings Of Significance: a, b, c** (p14) Items marked "less than significant with mitigation incorporated" and "less than significant impact"

IV-20 Habitat Modification: (Nesting Native Birds, Non-Hillside or Urban Areas): States that, if a protected native bird is found, the applicant shall delay all demolition/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species until August 31. There are OWLS, a protected species, within approximately 50 feet of the proposed project. We have them on video. There are baby OWLS as well. The development company must acknowledge this fact. All the XVIII Mandatory Findings of Significance: a, b, c (p14) apply here and the developer does not provide for proper, if any, mitigation for these serious issues.

5.) **XVI Transportation/Traffic: a, c, d, e** (p13) Items marked "less than significant with mitigation incorporated" and "less than significant impact" and "no impact" Also **XIV Public Services: a** (p13) Items marked "less than significant impact"

The report states, "impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan." It also states that the proposed project will "result in inadequate emergency access". Clearly this proposed project compromises the safety of possibly hundreds of residents. However, it is marked as approved based on a mitigation plan, that again, is not provided for by the developer in the report as required. I don't think betting on no earthquake occurring, or no building fire occurring, or no asthma attacking occurring during the demo, hauling or construction phase is considered adequate mitigation.

DOT: Why was no traffic study required for a project of this magnitude, especially with the addition of all the other new developments being built within a few blocks of this proposed project? Additionally, DOT notes that street improvement may be needed on Dunstan Way. Dunstan Way is a Private street. The

proposed project only has access to use this street for ingress and egress, and they do not, by right, have the right to make alterations to the street. There has been no mitigation by the developer of this issue. And there may never be based on the proposed developments lack of rights regarding the easement. Even if the developer had a right to alter the private street Dunstan Way, there is no plan or binding obligation for them to do so.

VIII-40 Hillside Construction Staging and Parking Plan: States that, “PRIOR to the hearing to the Hauling Route Approval the applicant shall submit a Construction Staging Plan and a Construction Parking Plan for review and approval by the board of Building and Safety Commissioners. We have not seen and cannot find any such plan, nor was it provided or discussed at the hearing for the Hauling Route Approval?”

XVI-60 Inadequate Emergency Access: EIR requires that, “All demolition and construction materials shall be stored on site and not within the public right of way during demolition hauling and construction” This does not seem like a possible task for the size of the proposed project. Is there a plan for this? Has this been confirmed with the developer?

The report identifies several factors and issues that the report states have a significant impact, but with mitigation, will be less than significant. The major problem with this is that many of these items with significant impact in the EIR study that are said to have mitigation solutions in place DO NOT ACTUALLY HAVE ANY MITIGATION PROVIDED FOR IN THE REPORT! It looks like the report was glanced at and checked off, because if the report was read word for word, one would clearly see that there are many unmitigated issues that are passed off as having mitigation. This is a major problem, and a flaw in this report, and for that reason the proposed project cannot be approved for the hauling route permit, which is in large part based on the findings of this report.

Remember: Evaluation of Environmental Impact:

State in (2.) All answers must take account of the whole action involved, including off site and well as on site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impact.

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- a. The significance criteria or threshold, if any, used to evaluate each question; and
- b. **The mitigation measure identified, if any, to reduce the impact to less than significant.**

Based on the findings in this appeal, the developer has very clearly NOT met his obligation to mitigate the issue below.

Sincerely,

Sari Taicher

ON-SITE POSTING OF PUBLIC HEARING NOTICES – LAMC 12.20.3 M, 12.24 D 3, 12.27 C 3, 12.28 C 2 (b), 12.32 C 4 (c), 14.00 B 4 (c), 16.50 E 3, 17.07 A 1

City of Los Angeles – Department of City Planning

1. Obtain the blank posting sign and certificate form at the City Planning Development Services Center. Or, make arrangements with BTC, the City's mailing contractor for public hearing notices, at (213) 617-9600 or (818) 779-8866 to post the sign (subject to a service fee).
2. The applicant or designated poster will receive official written notice of the date, time and location of the public hearing (hearing notice or agenda) and a map showing the subject property on the reverse side of the notice sheet. Appeal or other notices may not have maps on the reverse side. It is the responsibility of the applicant/owner or representative to contact the City Planning Department for verification of date, time and location of meeting.
3. Attach a copy of the front (the written hearing notice/agenda) and back (the radius map or, in Land Division cases, the Tentative Tract or Preliminary Parcel Map) of the written notice to the lower half of the sign to be posted. For appeals the radius map need not be affixed to the sign. For other cases without a map of the subject property on the back of the written notice, place the Site or Plot Plan in the referenced location instead. (See illustration A below).
4. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that it can be easily read by the public. The sign must be sturdily attached to a wooden post if it will be free-standing. (See illustration B below).
5. Regardless of who posts the site, it is always the responsibility of the applicant/owner to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire posting period, specified in item #7 below.
6. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres or portion thereof. Each sign must be posted in a prominent location.
7. **YOU ARE REQUIRED TO POST THE SIGN 10 DAYS (5 DAYS IF ONLY GOING BEFORE A DESIGN REVIEW BOARD) BEFORE THE SCHEDULED PUBLIC HEARING, AND 10 DAYS BEFORE THE INITIAL CITY OR AREA PLANNING COMMISSION DECISION MEETING. FAILURE TO POST COULD RESULT IN DELAYING THE PROCESSING OF YOUR APPLICATION.**
8. If a hearing officer holds the public hearing, the applicant/owner must post both the public hearing and the initial commission meeting on the matter.
9. Return the signed and dated Certificate of Posting to the Department of City Planning with the correct case number entered at least two days prior to hearing or meeting.
10. Department policy requires that for verification of the date of posting, a minimum of two photographs must be taken and submitted to the Planning Department along with the completed Certificate of Posting. At least one photo should be the front page of a newspaper next to the sign with the date of the paper clearly readable in the photograph, and at minimum a second photo should show the sign(s) posted on the site from across the street.
1. After the hearing remove the posted sign from the subject property.

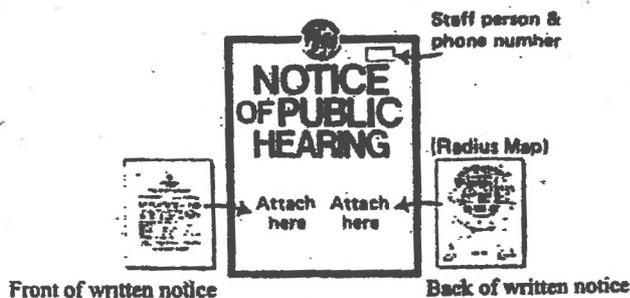


Illustration A

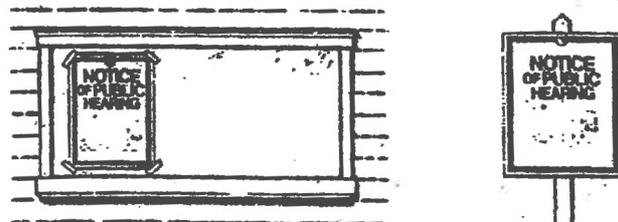


Illustration B

Sari Taicher
11963 San Vicente Boulevard #210
Los Angeles, California 90049

UPDATE

October 25, 2016

Honorable Members of the City Council
City Hall Office
200 N. Spring St.
Los Angeles, CA 90012

C/O 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 for 11600 West Dunstan Way Haul Route

Dear Honorable Members of the City Council:

Please remember that the issue below is in fact relevant to the haul route because the Haul route approval or denial is based on the EIR and mitigation. Air Quality and Hazards and Hazardous Materials are part of the EIR, and therefore requires proper mitigation for haul route approval.

IT HAS COME TO MY ATTENTION THAT 11601 DUNSTAN WAY DOES HAVE BOTH ASBESTOS AND LEAD PRESENT, LIKELY THROUGHOUT THE PROPERTY. THIS IS INFORMATION THE DEVELOPER IS ALREADY AWARE OF, BUT HAS NOT DISCLOSED REGARDING HIS DEMOLITION OR EXCAVATION PROCESS/PROCEDURES. ALLIANCE ENVIRONMENTAL GROUP WAS HIRED TWO (2) TIMES, IN 2014 AND 2016, THAT WE KNOW OF, TO REMOVE ASBESTOS. LEAD AND MOLD THAT WAS DISCOVERED WHEN THERE WAS REMEDIATION WORK DONE BOTH TIMES TO REMOVE MOLD FROM THE PROPERTY.

WHEN THE DEVELOPER HAS BEEN ASKED AT PUBLIC HEARINGS ABOUT THE POSSIBILITY OF ASBESTOS OR LEAD BEING PRESENT ON SITE, EACH TIME THEY HAVE SAID, IF THEY FIND ANY, THEY WILL HAVE IT DEALT WITH PROPERLY. THEY SHOULD HAVE BEEN HONEST AND SAID THAT THEY ALREADY KNOW IT IS PRESENT AND THEY HAVE ALREADY ARRANGED FOR THE DEMOLITION AND EXCAVATION TO BE DONE WITH THE PROPER HAZARDOUS MATERIAL REMEDIATION IN PLACE. PLEASE REQUIRE THEM TO DO SO. OTHERWISE THERE WILL BE A MASSIVE AIRBORNE FALLOUT OF KNOWN CARCINOGENS AND TOXINS OF ASBESTOS AND LEAD, AS WELL AS SOME RIGHTFULLY VERY ANGRY, LITIGIOUS RESIDENTS.

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will be produced during demolition, hauling and construction: VOC, Nitrogen Dioxide, Sulfur Dioxide, Carbon Monoxide, and particulates like smoke soot, dust, acids, metal, as well as asbestos and lead and other VOC, Volatile Organic Compounds, PM10 and PM25

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The onus is supposed to be on the developers to mitigate the health hazards that come with these toxins, pollutants and carcinogens that they admit will be contaminating all the neighboring properties? GOOD HOUSEKEEPING measures is NOT an acceptable mitigation solution!

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Based on the findings in this appeal, the developer has very clearly NOT met his obligation to mitigate the issue below.

Sincerely,

Sari Taicher