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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 Taxes 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/crnr/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



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October 31, 2016

Los Angeles City Council

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Councilmember Mike Bonin
200 N. Spring St. #475
Los Angeles, CA 90012

Re: Council File 16-1155; ENV-2016-0457-MND; 11600 West Dunstan Way
Item No. 10 on Council Agenda for November 2, 2016

Dear Councilmember Bonin and Other Councilmembers:

The Brentwood Homeowners Association (“BHA”) represents approximately 3,200 single family residences in the geographic area of Brentwood that includes the subject site.

The BHA requests that the Council include this Item for public hearing and hear protests.
In addition to the potential significant impact of the project, public testimony is warranted due to the confusion created by the addresses on Notices. Even today, the LADBS permit application file lists the address as “11600 W Barrington Ave 90049” which does not exist.

The BHA submits that there is substantial evidence that the proposed project, even with the mitigation measures in ENV-2016-0457-MND (“MND”), will have a significant effect on the environment pursuant to the City’s Environmental Guidelines and CEQA, and an EIR must be prepared prior to any decision. **The MND is grossly inadequate and an EIR is necessary.**

The BHA submits that the determination of the Board of Building and Safety Commissioners (“Board”) in this matter, even subject to Conditions of Approval as modified by PLUM, **should be revoked and overturned because it is defective, erroneous, and unlawful. The appeal should be granted.**

The Board erroneously approved a haul permit for 33,120 cubic yards to take place over **460 hauling days**. Although Specific Condition 7 acknowledges that Dunstan Way is a private street, there is no reference to the requirements and consents necessary due to this private street circumstance or due to the fact Dunstan Way has a width of approximately 20 feet (see Initial Study description).

Specific Condition #3 allows staging on site only – a physically impossible condition. The DOT correspondence, dated May 16, 2016, recommended staging on the north side of San Vicente Blvd between Wilshire and Bringham (which is within the Los Angeles County jurisdiction and subject to County review and approval – an approval not obtained). Trucks are not allowed to stage on San Vicente within the City boundaries. Staging on Barrington would shut down westside traffic, and is not physically or practically feasible due to the width of the street and amount of vehicles using the street. The Board decision is defective, erroneous and unlawful due to its avoidance of this essential aspect of a haul route permit.

The proposed MND and the CEQA Initial Study and Checklist, dated May 31, 2016, are defective and erroneous because they describe the project as having 135 parking spaces. However, the LADBS file reflects a 198 car parking structure.

The Initial Study is erroneous and defective when it states “The neighborhood . . . properties are zoned R3-1 and are developed with multi-family residential structures approximately two to four stories in height.” In fact, the street less than 200 feet to the south – Terryhill Place – is zoned R1 with single family homes, as is the next street to the west – Westgate Ave

The most serious defects of the MND and Board decision are the **haul route of loaded trucks through the intersection of Barrington Ave and Sunset Blvd** and the conclusion of less than significant impact from a project that DOT estimates would add at least **an additional 126 average daily car trips after completion of the proposed project** (Trip Generation Calculation, 4/1/2016) that would most likely traverse that intersection. That DOT Calculation made a special note that street improvements may be needed on Dunstan Way; however that note was ignored by the Board and PLUM. Councilmember Bonin and every EIR for several proposed projects (including Archer School and Brentwood School) describe this intersection as one of the worst choke points in the City. Although haul hours are limited from 9am to either 2pm or 3pm, there is no hourly limit on the additional tenant car trips which makes the ENV/MND defective. The MND is defective, erroneous and unlawful when it concludes that the additional car trips generated by the proposed project, and other environmental effects on human beings, would not have potentially significant impacts requiring an EIR since they are cumulatively considerable - - in other words, **the incremental effects of the proposed project must be viewed in connection with the effects of other current projects, the effects of past projects, and the effects of probable future projects**. There is substantial evidence in the City files relating to the Archer School and Brentwood School projects, the VA Master Plan project, the Mount Saint Mary’s Univ application on file, and many other recent, current, and future projects that would add to the traffic at the Barrington/Sunset intersection, and also impact such items as emergency response, air quality, utilities, land use, and other infrastructure. The ENV study and MND analysis were deficient and defective since they state that the conclusion that a traffic analysis and EIR is not required was based on the single fact that the project does not exceed the LADOT threshold of 40 new units. In other words, **all traffic analysis stopped at counting the number of additional units - - without any analysis of the cumulative impact of adding 126 average daily car trips to the infamous intersection of Sunset and Barrington**. Also, there was a failure to analyze the environmental impacts on nearby sensitive

uses, including Brentwood School, Barrington Recreation Center, and the Veterans Administration.

The Board decision was subject to and in reliance on the ENV/MND mitigation measures. However, the so-called mitigation measures are a few boilerplate provisions that have no true effect on the project impacts.

One of the MND mitigation measures stated:

“Prior to the hearing for a Haul 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. Each Plan shall be designed to prevent the blockage of two-way traffic on streets in the vicinity of the construction site.”

There is no evidence these Plans were submitted nor reviewed and approved by the Board.
This defect justifies granting the appeal of the Board decision.

We appreciate that a few neighbors who have a view of 11600 Dunstan would like a new, attractive building. However, the BHA’s position in this letter represents our goal of representing our Members and the broader community in preventing a gross disruption of traffic during 460 days of excavation, during subsequent years for construction, and during the endless years that the proposed project would add the traffic from the DOT’s conservative estimate of an additional 126 daily car trips to the already gridlocked streets of Sunset and Barrington. Councilmember Mike Bonin has promised solutions to traffic on Sunset Blvd. Approving the Board decision, as modified by PLUM, would exacerbate the problem.

Sincerely,

Raymond Klein

Raymond Klein, President
Brentwood Homeowners Association