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November 20, 2023

*Via Email*

City of Los Angeles  
Hearing Officer  
c/o More Song, City Planner  
200 North Spring Street  
Los Angeles, CA 90012  
More.Song@lacity.org

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Los Angeles, CA 90012  
More.Song@lacity.org

**Re: Comment on Sustainable Communities Environmental Assessment (SCEA)  
Exemption for the 1201 Gower Street Project (ENV-2023-1540-SCEA)**

Dear Hearing Officer:

I am writing on behalf of **Supporters Alliance for Environmental Responsibility (“SAFER”)** regarding the 1201 Gower Street Project (“Project”), including all actions related or referring to the proposed construction of a mixed-use development consisting of 136 multi-family residential units in two buildings with a total floor area of 306,793 square feet, located at 1201 North Gower Street and 6121 West Lexington Avenue in the City of Los Angeles (“City”).

After reviewing the SCEA, SAFER respectfully requests that the City of Los Angeles (“City”) refrain from taking any action on the Project and SCEA at this time because (1) the SCEA’s conclusions about the Project’s impacts to air quality are not supported by substantial evidence, and (2) the SCEA fails to incorporate all feasible mitigation measures from a prior environmental impact report (EIR). These comments are supported by the expert comments of air quality experts Certified Industrial Hygienist, Francis “Bud” Offermann, PC, CIH, and the environmental consulting firm, Baseline Environmental Consulting (“Baseline”). Mr. Offermann’s and Baseline’s comments are attached and are incorporated herein by reference.

### **PROJECT DESCRIPTION**

The Applicant, CLG Gower LLC, plans to build the Project, which includes the deconstruction of two parking garages and a 28-unit building, maintenance of an existing 44-unit building, and construction of a 180,155-square-foot addition to Building 2 that would include 108 multi-family residential units, of which 16 units (i.e., 15 percent of the base density) would be set aside for very low-income households. The new building addition would be eight above ground levels over one subterranean level, inclusive of six levels of residential uses over two levels of aboveground parking. The subterranean level would be used for storage. The addition would reach a maximum building height of 95 feet.

## LEGAL BACKGROUND AND STANDARD

### I. Sustainable Communities Environmental Assessment under SB 375.

CEQA allows for the streamlining of environmental review for “transit priority projects” meeting certain criteria. (Pub. Res. Code §§ 21155, 21155.1, 21155.2) To qualify as a transit priority project, a project must:

- (1) contain at least 50 percent residential use, based on total building square footage, and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;
- (2) provide a minimum net density of at least 20 dwelling units per acre; and
- (3) be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.

(PRC § 21155(b))

A transit priority project is eligible for CEQA’s streamlining provisions where,

[The transit priority project] is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board . . . has accepted a metropolitan planning organization’s determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(PRC § 21155(a).)

### II. The Project’s SCEA must be supported by Substantial Evidence.

If “all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081” are applied to a transit priority project, the project is eligible to conduct environmental review using a sustainable communities environmental assessment (“SCEA”). (PRC § 21155.2.) A SCEA must contain an initial study which “identif[ies] all significant or potentially significant impacts of the transit priority project . . . based on substantial evidence in light of the whole record.” (PRC § 21155.2(b)(1).) The initial study must also “identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports.” (*Id.*)

The SCEA must then “contain measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the project required to be

identified in the initial study.” (PRC §21155(b)(2).) The SCEA is not required to discuss growth inducing impacts or any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. (PRC § 21159.28(a).) After circulating the SCEA for public review and considering all comments, a lead agency may approve the SCEA with findings that all potentially significant impacts have been identified and mitigated to a less-than-significant level. (PRC § 21155(b)(3), (b)(4), (b)(5).)

A lead agency’s approval of a SCEA must be supported by substantial evidence. (PRC §21155(b)(7).) A SCEA is reviewed under the substantial evidence standard, rather than the "fair argument" standard that is applied to negative declarations. PRC §21155.2(b); *Sacramentans for Fair Planning v City of Sacramento* (2019) 37 Cal.App.5<sup>th</sup> 698, 722 (applying substantial evidence to review of decision to use sustainable communities environmental assessment as well as content of such assessment).

## DISCUSSION

### **I. Substantial Evidence Shows That the Project Will Likely Have Significant Adverse Indoor Air Quality and Health Impacts.**

Indoor air quality expert Francis “Bud” Offermann, PE, CIH, and environmental experts Patrick Sutton, P.E., and Yilin Tian of Baseline reviewed the SCEA and found that the SCEA’s conclusions as to the Project’s air quality impacts were not supported by substantial evidence. Baseline found that the SCEA failed to properly model the Project’s emissions and health risks and failed to properly apply the SCEA’s proposed mitigation measures. Baseline’s comment and CVs are attached as Exhibit A. Mr. Offermann found that the SCEA failed to address and mitigate the human health impacts from indoor emissions of formaldehyde. Mr. Offermann’s comment and CV are attached as Exhibit B.

#### **a. The Project Will Have Unanalyzed Health Impacts from Construction Emissions.**

In 1998, the State of California identified diesel particulate matter (“DPM”) derived from diesel-powered engines as a Toxic Air Contaminant (“TAC”) based on its potential to cause cancer. DPM is typically composed of carbon particles and a variety of organic compounds including more than 40 known cancer-causing organic substances. The South Coast Air Quality Management District (“SCAQMD”), the agency responsible for regulating air quality within the South Coast Air Basin—which includes the City of Los Angeles—has established in their Localized Significance Threshold Methodology a cancer risk significance threshold from human exposure to carcinogenic TACs of 10 per million.

**Figure 1. Sensitive Receptors near the Project Site**



As shown in the graphic above, the Project site is surrounded by sensitive receptors, yet the SCEA failed to provide any quantitative evaluation of the health risks posed on these sensitive receptors and the potential exposure to DPM and the cancer risks associated with long-term exposure to carcinogenic TACs because of the Project. In their justification, the SCEA explains that

“[a]ccording to SCAQMD methodology, health risks from carcinogenic air toxics such as diesel PM are usually quantified in terms of individual cancer risk, which is the likelihood that a person exposed to concentrations of TACs over a 30-year period every day will contract cancer based on standard risk-assessment methodology. However, the anticipated duration of construction activities associated with the Project’s implementation is only approximately 28 months, and daily diesel PM emissions would vary considerably day by day, and by phase.”

(SCEA, p. 5-33.)

While the Office of Environmental Health Hazard Assessment (“OEHHA”) explains how cancer risks should not be estimated for shorter-term projects lasting less than two months, the SCEA explains the Project is expected to last twenty-eight (28) months, which is significantly longer than OEHHA’s recommendation of a two-month limitation (Ex. A, p. 3.). The City did not provide any analysis involving such health impacts from prolonged exposure, nor does it refer to health assessment from a longer-term exposure because of the Project. As such, the City has failed to meet its burden to produce substantial evidence that the Project will result in less-than-significant air quality impacts. The City should perform a health risk assessment estimating cancer risks associated with higher exposure to short-term DPM emissions during project construction in accordance with OEHHA guidelines.

Furthermore, the SCEA explains that an HRA was not prepared since the Project’s air criteria pollutants would not exceed SCAQMD’s Localized Significance Thresholds (“LST”). However, Baseline explains that the thresholds in SCQAMD’s Localized Significance Threshold Methodology only apply to criteria health pollutants and were not designed to evaluate health risks associated with DPM exposure, which is a toxic air contaminant. The California Air Resources Board explains how in California, only about 8 percent of the average ambient PM2.5 concentration in outdoor air is comprised of DPM. Given how federal and state ambient air quality standards established for fine particulate matter were based on protective human health in ambient conditions and not during periods of higher concentration such as construction, the City failed to provide substantial evidence to support using SCAQMD’s localized significance threshold of PM2.5 to evaluate potential health risks to sensitive receptors exposed to DPM from the exhaust of diesel-powered construction equipment. As shown in the exhibit above, this Project site is adjacent to nearby receptors on all sides of the Project site. Ignoring the health risks due to a misunderstanding of local guidance will ultimately lead to higher exposures to health-related impacts.

**Table 1. Health Risks at MEIR During Project Construction**

Construction Scenario	Diesel Particulate Matter	
	Cancer Risk (per million)	Chronic Hazard Index
Unmitigated Emissions	103	0.05
Thresholds of Significance	10	1
Thresholds Exceedance?	Yes	No

Source: See Attachment A

Baseline prepared a health risk assessment (“HRA”) to estimate the increased cancer risk at nearby sensitive receptors exposed to diesel particulate matter. As summarized in Table 1 above, “[t]he estimated cancer risk at the [maximally exposed individual resident (“MEIR”)] location from exposure to DPM emissions during project construction emissions is about 103 in a million, **which is over ten times greater than** the SCAQMD’s threshold of 10 in a million.

Therefore, project construction would expose sensitive receptors to substantial pollutant concentrations and the impact would be significant.” (Ex. A, p. 4.)

Baseline’s analysis constitutes substantial evidence that the Project may produce potentially significant air quality and health impacts which the City has failed to address. The City has failed to produce any substantial evidence showing that the Project will not have significant air quality impacts related to DPM. Therefore, the City must prepare an Initial Study to further evaluate the incremental increase in cancer risk at nearby sensitive receptors exposed to DPM emissions during project construction and mitigate these impacts through the consideration of implementing exhaust control measures (e.g., use of Tier 4 final engines) to reduce the Project’s health risks below the SCAQMD’s recommended thresholds of significance for toxic air contaminants.

**b. The Project Will Have Significant Indoor Air Quality Impacts.**

Certified Industrial Hygienist, Francis “Bud” Offermann, PE, CIH conducted a review of the Project and relevant documents regarding the Project’s indoor air emissions. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic. Mr. Offermann concludes that it is likely that the Project will expose residents of the Project to significant impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde, a known human carcinogen. Mr. Offermann’s expert comments and CV are attached as Exhibit B.

Mr. Offermann explains that many composite wood products used in building materials and furnishings commonly found in offices, warehouses, residences, hotels, and commercial spaces contain formaldehyde-based glues which off-gas formaldehyde over a long period of time. He states, “The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.” (Ex. B, p. 3.)

Here, the City failed to perform an adequate analysis concerning the cancer risks associated with long-term exposure to carcinogenic TACs because of the Project, for both residents and workers. Mr. Offermann states that future residents of the Project will be exposed to a cancer risk from formaldehyde of approximately 120 per million, even assuming all materials are compliant with the California Air Resources Board’s (“CARB”) formaldehyde airborne toxics control measure. (*Id.*, p. 3.) This risk level exceeds SCAQMD’s CEQA significance threshold for airborne cancer risk of 10 per million. (*Id.*)

Furthermore, the City failed to analyze the additional impacts of motor vehicle traffic and the subsequent increase in exposure to particulate matter (“PM2.5”). In 1998, the State of California identified diesel particulate matter (“DPM”) derived from diesel-powered engines as a Toxic Air Contaminant (“TAC”) based on its potential to cause cancer. DPM is typically

composed of carbon particles and a variety of organic compounds including more than 40 known cancer-causing organic substances.

Mr. Offermann notes that the high cancer risk that may be posed by the Project's indoor air emissions will be exacerbated by the additional cancer risk that exists as a result of the Project's location within the South Coast Air Basin, a state and federal non-attainment area for PM<sub>2.5</sub>, and in an area with moderate to high traffic. (Ex. B, p. 11.) Specifically, he notes that "the SCAQMD's MATES V study cites an existing cancer risk of 541 per million at the Project site due to the site's high concentration of ambient air contaminants resulting from the area's high levels of motor vehicle traffic." (*Id.*) Formaldehyde emissions from composite wood products will exacerbate this pre-existing cancer risk.

Mr. Offermann predicts that the projected traffic noise levels, the annual average PM<sub>2.5</sub> concentrations will exceed both state and federal standards, thereby necessitating both additional air quality analyses to determine PM<sub>2.5</sub> concentrations as well as the installation of technology in order to reduce the impacts to a less-than-significant level. (*Id.*, pp. 11-12.) However, the City again failed to analyze these issues, as well as the cumulative impacts associated with the Project's emissions.

Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the installation of air filters and a requirement that the applicant use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins in the buildings' interiors. (*Id.*, pp. 12-14.)

These significant air quality impacts preclude the use of a Categorical Exemption for the Project. These impacts should be reviewed in a full CEQA analysis and mitigation measures should be imposed to reduce the risk of formaldehyde exposure.

### **c. The Will Have Significant GHG-related Air Quality Impacts.**

The SCEA failed to adequately analyze the Project's contribution to the state's long-term goal of carbon neutrality by 2045. The SCEA explains that the Project would be in compliance with the current Title 24 California Green Building Standards (CALGreen) (SCEA, p. 5-72.). However, Baseline notes that "CALGreen also includes voluntary measures that are organized into two tiers with their own respective prerequisites and elective measures: (1) Tier 1 prerequisites set a higher baseline than CALGreen mandatory measures; and (2) Tier 2 prerequisites include all of Tier 1 prerequisites plus some enhanced or additional measures." (Ex. A, p. 5.) Baseline's analysis, therefore, found that the Project not only conflicts with the 2022 Scoping Plan's building decarbonization goals due to the high annual consumption of natural gas, but the Project is overall inconsistent with the transportation electrification goals of the 2022 Scoping Plan "[b]ecause the proposed project has not committed to implementing the Tier 2 EV infrastructure requirements (or any voluntary requirements)." (*Id.*)

Case law makes clear that a Project’s GHG emissions should be evaluated based on its effect on California’s efforts to meet the State’s long-term climate goals. (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204).) Thus, since two of the three project attributes have not been met, the Project fails to remain consistent with the 2022 Scoping Plan as it related to GHG reduction strategies. (*Id.*, p. 6.) As such, the City fails to adequately analyze consistency with its own Carbon Neutrality goals.

## **II. The SCEA Violates CEQA Because it Fails to Implement All Feasible Mitigation Measures and Fails to Comply or Analyze Strategies from the 2020 Connect SoCal Program EIR.**

CEQA is clear that a SCEA is only appropriate where “all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081” are applied to the Project. (PRC § 21155.2.) In 2020, the South California Association of Governments’ (“SCAG”) Regional Council formally adopted the Connect SoCal 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (“2020 RTP/SCS”), and the California Air Resources Board accepted it on October 30, 2020. SCAG then adopted the Connect SoCal Program EIR (“2020 PEIR” or “PEIR”) for the 2020 RTP/SCS. The 2020 PEIR included a Mitigation Monitoring and Reporting Program (“MMRP”) which details regional mitigation measures to be implemented by SCAG and Project-level mitigation measures to be implemented by lead agencies for individual projects (such as the Project at issue here).

Importantly, the MMRP explicitly states that, “for projects seeking to use CEQA streamlining and/or tier from the Connect SoCal Program EIR, project-level mitigation measures included in this Program EIR (or comparable measures) **should be required by the local lead agency as appropriate and feasible.**” (emph. added.) Despite the clear directives under CEQA and the Connect SoCal Program EIR that all feasible mitigation measures included in the PEIR must be implemented for a Project to qualify for a SCEA, numerous Project-level mitigation measures from the 2020 PEIR are not included in the SCEA for this Project. Among the mitigation measures that the 2020 PEIR requires, the following reflects a non-exhaustive list of some of the appropriate and feasible mitigation measures that the SCEA fails to adopt:

- Aesthetics:
  - PMM AES-2: Requiring sound-wall construction and design methods, designing sounds to walls to increase visual interest (RTP/SCS Program EIR, pp. 4-3 to 4-5);
- Air Quality:
  - PMM AQ-2: Using Tier 4 construction equipment, consulting SCAG’s EJ toolbox, installing and monitoring filtration systems, and other related measures (*Id.*, pp. 4-8 to 4-12);
- Greenhouse Gas:



- PMM GHG-1: Implementing mitigation measures that reduce GHG impacts, such as using energy conservation and efficient materials (*Id*, pp. 4-32 to 4-35)
- PMM GHG-2: Conflict with applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases (*Id*, pp. 4-35 to 4-36);
- Noise:
  - PMM NOI-2: Outfitting construction equipment (*Id*, pp. 4-51 to 4-52);

For example, for mitigation measures related to reducing air quality impacts, the 2020 PEIR requires all projects “to use Tier 4 Final equipment or better for all engines above 50 horsepower (hp).” (SCEA, pp. 4-8 to 4-9.) The SCEA explains no such mitigation is required because the Project would not generate pollutant emissions in excess of applicable thresholds...” (*Id*, p. 4-8.) Yet, as Baseline notes above, this conclusion is incorrect and mitigation measures are absolutely required.

Furthermore, the SCEA’s failure to adequately assess public health risks and contributions to carbon neutrality renders it inconsistent with the following strategies from the 2020 RTP/SCS:

- Leverage Technology Innovations: Promote low emission technologies such as neighborhood electric vehicles, shared rides hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space (SCEA, p. 3-20);
- Support Implementation of Sustainability Policies: Continue to support long range planning efforts by local jurisdictions (*Id.*);
- Promote a Green Region: Support development of local climate adaptation and hazard mitigation plans, as well as project implementation that improves community resiliency to climate change and natural hazards (SCEA, p. 3-21);
- Promote a Green Region: Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration (*Id.*); and
- Promote a Green Region: Promote more resource efficient development focused on conservation, recycling and reclamation (*Id.*).

Additionally, the Project’s failure to prepare an HRA means that the SCEA is inconsistent with Policy 4.2.4 of the City’s Air Quality Element of the General Plan, which provides, in part, that air quality impacts be a consideration in the review and approval of all discretionary projects. (SCEA, p. 5-29.) As Baseline explained, the SCEA should conduct further analysis of the Project’s health risk impacts and evaluate the effectiveness of implementing applicable measures to ensure impacts are below significance. Additionally, the SCEA should consider whether the Project can be designed to be carbon neutral by 2045, consistent with the state’s long-term climate goal. This could include measures such as the use of all-electric buildings and the installation of additional EV charging infrastructure. An attached agreement

includes the feasibility of implementing a host of climate-compatible designs into a proposed mixed-use residential development project in the Southern California region. (Exhibit C.)

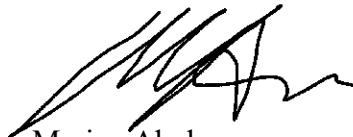
Without this further analysis and inclusion of feasible mitigation measures, the SCEA fails to meet the stringent requirements for streamlining environmental review, and the City should prepare an updated SCEA or an EIR for the Project. As such, the SCEA fails to implement a broad suite of feasible mitigation measures included in the PEIR which would further reduce the Project's impacts. The Project thus fundamentally misconstrues the requirements of a SCEA by failing to require implementation of all feasible mitigation measures which were included in the 2020 PEIR.

Therefore, in order to qualify for a SCEA, the City must revise the Project documents to include all feasible mitigation measures from the 2020 PEIR. In doing so, the City must also adopt all feasible mitigation measures related to reducing the indoor air quality impacts as noted by Baseline and Mr. Offermann to a less-than-significant level. Unless and until the City takes this essential step to comply with CEQA, the Project is not eligible for a SCEA.

### CONCLUSION

The SCEA is improper because it lacks substantial evidence to support its conclusions that the Project will have less than significant air quality impacts. The SCEA additionally fails to comply with CEQA because it fails to incorporate "all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports," namely, the 2020 Connect SoCal Program EIR. Therefore, SAFER respectfully requests the City to revise the SCEA to comply with CEQA, which includes analyzing and implementing feasible mitigation measures to reduce significant impacts not identified in the SCEA. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjan Abubo', written in a cursive style.

Marjan Abubo  
LOZEAU DRURY LLP

## **Justification/Reason for Appeal**

1201 North Gower Street Project

(CPC-2023-1539-DB-VHCA; ENV-2023-1540-SCEA)

### **I. REASON FOR THE APPEAL**

The Sustainable Communities Environmental Assessment (“SCEA”) prepared for the 1201 North Gower Street Project (CPC-2023-1539-DB-VHCA; ENV-2023-1540-SCEA) (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”). Furthermore, the approval of the Site Plan Review entitlements, Off-Menu Density Bonus Incentives, and Waivers of Development Standards (CPC-2023-1539-DB-VHCA) was in error because (1) the City of Los Angeles (“City”) must fully comply with CEQA prior to any approvals in furtherance of the Project and (2) the findings are not supported by substantial evidence. Therefore, the City of Los Angeles (“City”) must set aside the Site Plan Review entitlements, Off-Menu Density Bonus Incentives, and Waivers of Development Standards, and prepare and circulate an environmental impact report (“EIR”) prior to considering approvals for the Project.

### **II. SPECIFICALLY THE POINTS AT ISSUE**

For the specific reasons set forth in the attached comment letter dated November 20, 2023, the SCEA fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. Furthermore, proper CEQA review must be complete *before* the City approves the Project’s entitlements. (*Orinda Ass’n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 [“No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved.”].) As such, the approval of the Project’s Site Plan Review entitlements, Off-Menu Density Bonus Incentives, and Waivers of Development Standards was in error. Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements, Off-Menu Density Bonus Incentives, and Waivers of Development Standards.

### **III. HOW YOU ARE AGGRIEVED BY THE DECISION**

Members of appellant Supporters Alliance for Environmental Responsibility (“SAFER”) live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

### **IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION**

The City Planning Commission approved the Site Plan Review Entitlements, Off-Menu Density Bonus Incentives, and Waivers of Development Standards and adopted the SCEA for the Project, despite substantial evidence in the record that SCEA fails to adequately analyze the Project’s environmental impacts and fails to incorporate all feasible mitigation measures to reduce the Project’s impacts. The City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project’s entitlements until proper CEQA review has been completed.

## APPLICATIONS

# APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist



## RELATED CODE SECTIONS

The Los Angeles Municipal Code (LAMC) Section 13B.11.F. of Chapter 1A (Ordinance No. 186,338) establishes the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

## PURPOSE

A CEQA determination can only be appealed if a non-elected, decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. If a final decision on a project was made by the City Council, either as the initial decisionmaker or on appeal, the related CEQA determination is not appealable.

To initiate appeal of a CEQA appeal, this form must be completed with the required materials attached and filed within 15 calendar days from the final administrative decision of the entitlement application.

## GENERAL INFORMATION

### Appealable CEQA determinations:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Sustainable Exemption (SE)

### Non-appealable CEQA determinations:

- Addenda to any of the above-listed CEQA determinations
- Findings made pursuant to CEQA Guidelines Section 15162
- An action in which the determination does not constitute a project under CEQA

All CEQA appeals are heard by the City Council. This form is only for appeals related to determinations made by Los Angeles City Planning. All other CEQA appeals shall be filed with the City Clerk pursuant to LAMC Section 197.01.

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council. Persons affiliated with a CNC may only file as an individual on behalf of self.

## CASE INFORMATION

Environmental Case Number: ENV-2023-1540-SCEA

Related Entitlement Case Number(s): CPC-2023-1539-DB-VHCA

Project Address: 1201 North Gower Street; 6121 West Lexington Avenue

Date of Final Entitlement Determination: 1-18-2024

The CEQA Clearance being appealed is a(n):

EIR       SCEA       MND       ND       CE       SE

## APPELLANT

Check all that apply.

Representative       Property Owner       Other Person  
 Applicant       Operator of the Use/Site

## APPELLANT INFORMATION

Appellant Name: Supporters Alliance for Environmental Responsibility (SAFER)

Company/Organization:

Mailing Address: 1123 Park View Drive

City: Covina      State: CA      Zip Code: 91724

Telephone: 510-836-4200      E-mail: richard@lozeaudrury.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

Self       Other:

Is the appeal being filed to support the original applicant's position?       YES       NO

## REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Marjan Abubo

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street Suite #150

City: Oakland      State: CA      Zip Code: 94612

Telephone: 510-607-8238      E-mail: marjan@lozeaudrury.com

## JUSTIFICATION / REASON FOR APPEAL

Attach a separate sheet providing the specific reasons for the appeal. The reasons must state how CEQA was incorrectly applied, providing a legal basis for the appeal.

## APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature: \_\_\_\_\_



Date: 2-1-2024

## GENERAL NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \_\_\_\_\_ Date : \_\_\_\_\_

Reviewed & Accepted by (DSC Planner): \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Date : \_\_\_\_\_

Deemed Complete by (Project Planner): \_\_\_\_\_