

Justification/Reason for Appeal

2511 West Sunset Boulevard Project

DIR-2023-2028-TOC-SPRHCA, ENV-2023-2029-CE

I. REASON FOR THE APPEAL

Supporters Alliance for Environmental Responsibility (“SAFER”) appeals the approval by the Director of City Planning of the Site Plan Review entitlements for the 2511 West Sunset Boulevard Project (DIR-2023-2028-TOC-SPRHCA, ENV-2023-2029-CE). The Site Plan Review approvals are invalid because they are based on incorrect findings. Specifically, the Planning Director’s finding that the project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 of the CEQA Guidelines (“Infill Exemption”) is incorrect.

II. SPECIFICALLY THE POINTS AT ISSUE

Specifically, the Planning Director’s finding that the Project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines is in error because the terms of the Exemption do not apply to this Project, and provided the implementation of mitigation measures to this Project.

Because the Infill Exemption prepared for the Project fails to comply with CEQA, the Planning Director’s approval of the Project’s Site Plan Review entitlements is invalid. 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”]). 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.

Because the Project does not qualify for an infill exemption, the Planning Director’s Project approvals are based upon incorrect findings. The City must fully comply with CEQA prior to any approvals in furtherance of the Project. Since the Project is not exempt from CEQA, the City must prepare an initial study and determine the appropriate level of review required under CEQA prior to *any approvals* in furtherance of the Project.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant, SAFER, live and/or work in the vicinity of the proposed Project. They breathe the air, suffer noise impacts, and will suffer other environmental impacts of the Project unless those impacts are properly mitigated.

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

The Director of City Planning approved the Site Plan Review (DIR-2023-2028-TOC-SPRHCA) and approved an Infill Exemption for the Project, despite a lack of substantial evidence that the Project meets the terms of the Exemption. Rather than exempt the Project from CEQA, 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 Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- Area Planning Commission (APC) City Planning Commission (CPC) City Council
 Zoning Administrator (ZA) Director of Planning (DIR)

CASE INFORMATION

Case Number: DIR-2023-2028-TOC-SPRHCA, ENV-2023-2029-CE
Project Address: 2511, 2513, 2515, and 2517 West Sunset Boulevard
Final Date to Appeal: December 21, 2023

APPELLANT

For main entitlement cases, except for Building and Safety Appeals:

Check all that apply.

- Person, other than the Applicant, Owner or Operator claiming to be aggrieved
 Representative Property Owner Applicant Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- Person claiming to be aggrieved by the determination made by **Building and Safety**¹
 Representative Property Owner Applicant Operator of the Use/Site

¹ Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 12.26 K, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2.

APPELLANT INFORMATION

Appellant Name: Supporters Alliance for Environmental Responsibility

Company/Organization: Lozeau Drury LLP (representing Appellant)

Mailing Address: 1123 Park View Drive, Suite 300

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 R. Abubo

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison St., Suite 150

City: Oakland State: CA Zip Code: 94612

Telephone: (510) 836-4200 E-mail: marjan@lozeaudrury.com

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? Entire Part

Are specific Conditions of Approval being appealed? YES NO


If Yes, list the Condition Number(s) here: All conditions except TOC/Density Bonus Compliance Review Determination

On a separate sheet provide the following:

- Reason(s) for the appeal
- Specific points at issue
- How you are aggrieved by the decision
- How the decision-maker erred or abused their decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 12/20/2023