

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 Los Angeles City Planning Commission of the Section 15332 Exemption for the 2511 West Sunset Boulevard Project (DIR-2023-2028-TOC-SPRHCA, ENV-2023-2029-CE). The City Planning Commission’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 City Planning Commission’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.

Because the Infill Exemption prepared for the Project fails to comply with CEQA, the Planning Commission’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 Commission’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 Los Angeles City Planning Commission 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.

CASE INFORMATION

Environmental Case Number: ENV-2023-2029-CE

Related Entitlement Case Number(s): DIR-2023-2028-TOC-SPR-HCA-1A

Project Address: 2511, 2513, 2515 and 2517 West Sunset Boulevard

Date of Final Entitlement Determination: July 30, 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

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

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.

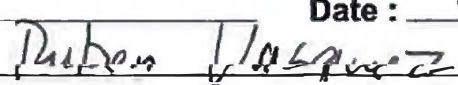
Appellant Signature:  Date: 8/12/2024

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: \$172 Date: 8/12/2024
Reviewed & Accepted by (DSC Planner): 
Receipt No.: 200#134539521 Date: _____
Deemed Complete by (Project Planner): _____