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Via Email

October 18, 2024

Monique Lawshe, President
And Honorable Commissioners
Los Angeles City Planning Commission
200 North Spring Street, Suite 525
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cpc@lacity.org

Yamillet Brizuela, City Planning Associate
Project Planning Division
Los Angeles City Planning Department
200 North Spring Street, Room 621
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**Re: Appeal Comment for the California Environmental Quality Act Class 32
Categorical Exemption for the 1666 North Vermont Avenue Project (Case Nos.:
DIR-2019-6738-SPPA-SPP-TOC-SPR-HCA-M1-1A; ENV-2024-359-CE)**

Dear Honorable Members of the Los Angeles City Planning Commission and Ms. Brizuela:

This comment is submitted on behalf of **Supporters Alliance for Environmental Responsibility (“SAFER”)** and its members living or working in the City of Los Angeles (“City”), regarding the California Environmental Quality Act (“CEQA”) Class 32 Categorical Exemption Report (“Report”) prepared for the 1666 North Vermont Avenue Project (DIR-2019-6738-SPPA-SPP-TOC-SPR-HCA-M1; ENV-2024-359-CE), which proposes the construction and use of a seven-story, 126,770-square-foot mixed-use building with 139 dwelling units, up to 20,240 square feet of ground-floor commercial space, and 3 levels of subterranean parking, located at 1666 North Vermont Avenue, Los Angeles, CA 90027 (“Project”).

After reviewing the City’s Report, we conclude that the Project does not qualify for CEQA’s Class 32 Categorical Exemption, also known as an Infill Exemption, because it will have significant adverse environmental impacts on air quality, greenhouse gas levels, and noise. The City thus cannot rely on the Infill Exemption because (1) the Exemption does not apply on its face, and (2) the Unusual Circumstances Exception to the Exemption applies.

SAFER’s review of the Project has been assisted by air quality experts Matt Hagemann, P.G., C.Hg., and Dr. Paul Rosenfeld, Ph.D., from the environmental consulting firm Soil/Water/Air Protection Enterprise (“SWAPE”); indoor air quality expert and Certified Industrial Hygienist Francis Offermann, P.E., C.I.H.; and noise expert Deborah Jue from the acoustical consulting firm Wilson Ihrig. SWAPE’s comment and curriculum vitae (“CV”) are attached as Exhibit A and are incorporated herein by reference in their entirety. Mr. Offermann’s comment and CV are attached as Exhibit B and are incorporated herein by reference in their

entirety. Wilson Ihrig’s comment and CV are attached as Exhibit C and are incorporated herein by reference in their entirety.

For the reasons discussed below, the Project does not qualify for CEQA’s Infill Exemption and instead requires an Initial Study to determine the appropriate level of CEQA review before approval. SAFER respectfully requests that the Planning Commission grant SAFER’s appeal and find that the Project does not qualify for the Infill Exemption under CEQA.

I. PROJECT DESCRIPTION

The Project proposes the demolition of all existing structures on the Project site and the construction, use, and maintenance of an 86-foot-tall, seven-story, mixed-use residential and commercial building with an underground parking garage and a total combined floor area of 126,700 square feet. The building will have up to 20,240 square feet of ground-floor commercial space. It will also have 139 dwelling units, comprising 106,530 square feet of residential floor area. The dwelling units will include 59 studio units, 61 one-bedroom units, and 19 two-bedroom units. 17 of the dwelling units will be reserved as On-Site Restricted Affordable Units – 16 units at the Extremely Low Income Level and one unit at the Moderate Income level. The Project would provide 11,070 total square feet of open space, including 7,170 square feet of common open space and 3,900 square feet of private open space. Additionally, the Project will have three levels of subterranean parking in a parking garage beneath the building. It would include 104 residential parking spaces and 41 commercial parking spaces for a total of 145 vehicle parking spaces and 130 bicycle parking spaces. The Project requires grading a soil export of up to 35,950 cubic yards of earth to be hauled off-site for the building foundation and subterranean levels.

The Project site is currently developed with two single-story commercial structures, a car wash and a restaurant, as well as a surface parking lot and billboard. The site will occupy 29,418 square feet (0.68 acres) of buildable lot area. Its Assessor Parcel Number is 5542-001-022. The site is located at 1642-1666 North Vermont Avenue, 4646-4650 West Prospect Avenue, and 4685-4697 West Hollywood Boulevard, in the City of Los Angeles. The site is bounded by Prospect Avenue to the north, Vermont Avenue to the west, Hollywood Boulevard to the south, and a public alleyway to the east. Located in a mixed-use commercial and residential area, the site is surrounded by multi-family residences, surface parking lots, and various commercial uses, including retail, restaurants, and banks. The site is also within the Hollywood Community Plan area and is zoned C2-1D (Commercial Zone, Height District 1, governed by the Vermont/Western Transit Oriented District Specific Plan), with a corresponding General Plan land use designation of Highway Oriented Commercial. Vehicular access to the site is provided primarily by the Hollywood Freeway, also known as the “US-101,” which runs about 1.5 miles southwest of the site.

II. LEGAL STANDARD

CEQA mandates that “the long-term protection of the environment . . . shall be the guiding criterion in public decisions” throughout California. (PRC § 21001(d).) A “project” is

“the whole of an action” directly undertaken, supported, or authorized by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (PRC § 21065; 14 CCR § 15378(a).) CEQA requires environmental factors to be considered at the “earliest possible stage . . . before [the project] gains irreversible momentum,” (*Bozung v. Loc. Agency Formation Com.* (1975) 13 Cal. 3d 263, 284), “at a point in the planning process where genuine flexibility remains.” (*Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296, 307.)

To achieve its objectives of environmental protection, CEQA has a three-tiered structure. (14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86 [*“Hollywoodland”*].) First, if a project falls into an exempt category, or if it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further evaluation is required under CEQA. (14 CCR § 15002(k)(1).) Second, if the project is not exempt, and there is a possibility the project will have a significant environmental effect, then the agency must perform an initial threshold study. (14 CCR § 15002(k)(2).) Third, if the initial study indicates that there is no substantial evidence that the project may have a significant environmental effect (*id.*), then an MND is required, but if the initial study shows that the project may have a significant environmental effect, then an EIR is required. (14 CCR § 15002(k)(3).) Here, because the City exempted the Project from CEQA entirely, the first step of the CEQA process applies.

CEQA identifies certain classes of projects as exempt from CEQA’s provisions. These are called categorical exemptions. (14 CCR §§ 15300, 15354.) “Exemptions to CEQA are narrowly construed and ‘[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.’ [Citations].” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 125.) The determination as to the appropriate scope of a categorical exemption is a question of law subject to independent, or *de novo*, review. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.*, (2006) 139 Cal. App. 4th 1356, 1375 [*“[Q]uestions of interpretation or application of the requirements of CEQA are matters of law. [Citations.] Thus, for example, interpreting the scope of a CEQA exemption presents ‘a question of law, subject to de novo review by this court.’”*].) Here, the City has recommended that the Project is categorically exempt from CEQA’s requirements pursuant to the Class 32 Exemption, or “Infill Exemption.” (14 CCR § 15332.)

Under CEQA’s Infill Exemption, a project is exempt from CEQA’s requirements if the project meets the following five conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare, or threatened species.

- (d) ***Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.***
- (e) The site can be adequately served by all required utilities and public services.

(14 CCR § 15332 [emph. added].) Importantly, mitigated categorical exemptions are not allowed. (*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102 [*“SPAWN”*]; *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1200 [*“Azusa”*].) Agencies may not rely on mitigation measures as a basis for concluding that a project is categorically exempt, or as a basis for determining that one of the significant effects exceptions does not apply.

III. DISCUSSION

A. CEQA’s Infill Exemption does not apply on its face to the Project and thus a full CEQA analysis is required.

The City relies on the CEQA Infill Exemption for the Project. One of the Exemption’s key limitations is that it does not apply if a project will have any significant effects related to traffic, noise, air quality, or water quality. (14 CCR § 15332(d).) Here, the Project does not qualify for the Infill Exemption because the Project will have significant environmental impacts on air quality, greenhouse gases, indoor air quality, and noise. Therefore, the City must prepare an Initial Study to determine the appropriate level of CEQA review, whether an EIR or an MND.

1. The Project will have significant air quality impacts, precluding reliance on the Infill Exemption.

Air quality experts Matt Hagemann, P.G., C.Hg., and Dr. Paul Rosenfeld, Ph.D., from the environmental consulting firm Soil/Water/Air Protection Enterprise (“SWAPE”) reviewed the Project’s air quality analysis and found that the Project will significantly impact air quality. SWAPE’s expert comments constitute substantial evidence of the Project’s air quality impacts. The CEQA Infill Exemption does not apply if a project results in significant air quality effects. (14 CCR § 15332(d).) Thus, the exemption is not allowed.

i. The Project will have significant impacts related to air pollutant health risks.

SWAPE concluded that the Project will have significant health risk impacts from carcinogenic diesel particulate matter (“DPM”) emitted during Project construction. It noted that the Project’s Categorical Exemption Report states that the Project would generate DPM for 18 months, and the nearest sensitive receptors, such as children, are 500 feet away from the Project site. (Ex. A at 2, 4; Report at 38, 64.) SWAPE also found that the Report’s air quality analysis failed to adequately address any DPM impacts. SWAPE used the annual particulate matter exhaust estimates from the Report’s output files and AERSCREEN, a screening-level air quality dispersion model, to prepare a health risk assessment (“HRA”) of the Project’s air pollutant

health risk impacts on nearby sensitive receptors. (Ex. A at 3; Report at 687-751.) The HRA calculated that the excess cancer risk from the Project's DPM emissions would be 23.8 per million for infants, 15 per million for children, and 41.7 per million over the course of a 30-year residential lifetime. (Ex. A at 6.) These all exceed the South Coast Air Quality Management District ("SCAQMD") cancer risk threshold of 10 per million, creating a significant health risk impact. (*Id.*) Therefore, "the Project is ineligible for a Class 32 Categorical Exemption and a full CEQA analysis should be prepared as SWAPE's screening-level analysis indicates a potentially significant health risk impact." (*Id.* at 2.)

ii. The Project will have significant impacts on greenhouse gas emissions, precluding reliance on the Infill Exemption.

SWAPE further concluded that the Project will have significant greenhouse gas ("GHG") emissions, finding that the Report incorrectly relied on an outdated quantitative GHG threshold and its air model failed to identify a potentially significant GHG impact. (*Id.* at 8-9.) SWAPE applied the appropriate threshold for GHG emissions, the 2035 SCAQMD efficiency target, to the Report's estimate of the Project's GHG emissions. (*Id.* at 9.) It found that the Project would emit about 33.2 MT CO₂e/SP/year, exceeding the SCAQMD's threshold of 3.0 MT CO₂e/SP/year, indicating a potentially significant impact unidentified by the Report. (*Id.*) SWAPE stated that, "the Exemption's less-than-significant GHG impact conclusion, therefore, should not be relied upon. A full CEQA analysis should be prepared, including an updated GHG analysis that incorporates additional mitigation measures to reduce the Project's GHG emissions to less-than-significant levels." (*Id.* at 10.)

2. The Project will pose significant health risks from indoor air quality impacts, precluding reliance on the Infill Exemption.

Certified Industrial Hygienist, Francis Offermann, PE, CIH, has reviewed the Project, the Report, and other relevant documents regarding the Project's indoor air emissions. The Report provides no analysis of the Project's indoor air quality impacts. Mr. Offermann concludes that the Project will expose its future residents and commercial employees to significant health impacts related to indoor air quality, particularly emissions of the cancer-causing chemical formaldehyde. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic.

Mr. Offermann explains that many composite wood products used in building materials commonly found in residences and commercial spaces contain formaldehyde-based glues which release formaldehyde gas over a very 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 particle board. These materials are commonly used in residential, office, and retail building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims." (Ex. B at 2-3.)

Formaldehyde is a known human carcinogen, classified by the State as a Toxic Air

Contaminant. The SCAQMD has established a CEQA significance threshold for airborne cancer risk of 10 per million. Mr. Offermann found that future Project occupants may be exposed to a cancer risk from formaldehyde emissions of about 120 per million for residents, and 17.7 per million for commercial employees, even assuming that all materials comply with the California Air Resources Board's ("CARB") formaldehyde airborne toxics control measure. (*Id.* at 4-5.) This exceeds the SCAQMD's CEQA significance threshold for airborne cancer risk. (*Id.* at 2.)

Mr. Offermann concludes that the Project will have significant environmental impacts that must be analyzed in an EIR or MND and mitigation measures must be imposed to reduce the raised cancer risk. (*Id.* at 12-13.) Mr. Offermann prescribes a methodology for estimating the Project's formaldehyde emissions for a more project-specific health risk assessment. (*Id.* at 6-10.) He also identifies feasible several mitigation measures to decrease the significant health risks, like installing air ventilation systems and requiring the use of composite wood materials only for all interior finish systems that are made with CARB-approved no-added formaldehyde ("NAF") resins or ultra-low emitting formaldehyde ("ULEF") resins. (*Id.* at 12-14.)

When a project exceeds a duly adopted CEQA significance threshold, as here, this alone establishes substantial evidence that the project will have a significant adverse environmental impact. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project's air quality impacts. (*See, e.g. Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 [County applies Air District's "published CEQA quantitative criteria" and "threshold level of cumulative significance"]; *see also Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-11 ["A 'threshold of significance' for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant"].) The California Supreme Court has shown the importance an air district significance threshold has in providing substantial evidence of a significant adverse impact. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 [estimated emissions in excess of air district's significance thresholds "constitute substantial evidence supporting a fair argument for a significant adverse impact"].) Since expert evidence shows the Project will exceed the SCAQMD's CEQA significance threshold, there is substantial evidence that an "unstudied, potentially significant environmental effect[]" exists. (*See Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.* (2016) 1 Cal.5th 937, 958.)

The City's failure to address the Project's formaldehyde emissions is contrary to the California Supreme Court's decision in *California Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 ("*CBIA*"). The Court held in *CBIA* that CEQA does not generally require lead agencies to analyze the impacts of adjacent environmental conditions on a project. (*Id.* at 800-01.) However, to the extent that a project may exacerbate existing environmental conditions at or near a project site, those effects would still have to be considered pursuant to CEQA. (*Id.* at 801 ["CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present"].) In so holding, the Court expressly held that CEQA's statutory language requires lead agencies to disclose and analyze "impacts on a project's users or residents that arise from the

project's effects on the environment.” (*Id.* at 800.)

The carcinogenic formaldehyde emissions Mr. Offermann has identified are not an existing environmental condition. Those emissions will be from the Project. Residential tenants and commercial employees will be the Project's users. Currently, there is presumably little to no formaldehyde emissions at the site. Once built, the Project will start emitting formaldehyde at levels posing significant direct and cumulative health risks to the Project's users. The California Supreme Court in *CBIA* expressly found that this air emission and health impact from the Project on the environment and a “project's users and residents” must be addressed under CEQA.

The California Supreme Court's reasoning is well-grounded in CEQA's statutory language. CEQA expressly includes a project's effects on human beings as an effect on the environment that must be addressed in an environmental review. “Section 21083(b)(3)'s express language, for example, requires a finding of a ‘significant effect on the environment’ (§ 21083(b)) whenever the ‘environmental effects of a project will cause substantial adverse effects *on human beings*, either directly or indirectly.’” (*CBIA*, 62 Cal.4th at 800 [emphasis in original].) Likewise, “the Legislature has made clear—in declarations accompanying CEQA's enactment—that public health and safety are of great importance in the statutory scheme.” (*Id.*, citing e.g., §§ 21000, subds. (b), (c), (d), (g), 21001, subds. (b), (d).) It goes without saying that the Project's future residents and commercial employees are human beings, and their health and safety must be subjected to CEQA's safeguards.

The City has a duty to investigate issues relating to a project's potential environmental impacts. (*See County Sanitation Dist. No. 2 v. County of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98. [“[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts.”].) The Project will have significant effects on indoor air quality and health risks by emitting formaldehyde that will expose future residents and commercial employees to cancer risks exceeding SCAQMD's significance threshold for cancer risk of 10 per million. In light of this impact and the City's lack of any evidence to the contrary, the Project does not qualify for the Infill Exemption and must undergo CEQA review before approval.

3. The Project will have significant noise and vibration impacts, precluding reliance on the Infill Exemption.

Noise expert Deborah Jue, from the acoustical consulting firm Wilson Ihrig, reviewed the Project noise and vibration analyses, concluding that the Project will produce significant noise and vibration impacts. Her expert comments constitute substantial evidence of the Project's significant noise impacts, thereby disqualifying the Project from the Infill Exemption.

Ms. Jue found that the Project will generate substantial noise and vibration impacts. For example, she stated that the Report's Project Description “fails to mention the possibility of removing existing pavement, foundations, and buried structures during demolition and site clearing in its Anticipated Construction Schedule.” (Ex. C at 3.) These activities would require concrete saws, backhoes, hoe rams, and other impact equipment, all of which would create

significant noise and vibration effects that are not analyzed in the noise or vibration studies. (*Id.*)

Ms. Jue noted that the Report “lacks any vibration analysis; there is no discussion of potentially significant vibration impacts from construction activities.” (*Id.*) Most of the construction-related vibration impacts would stem from use of construction equipment such as hoe rams, backhoes, vibratory rollers, bulldozers, and jackhammers. Ms. Jue modeled the peak vibration velocity for the various equipment types at different distances against the building damage thresholds and reference levels from the Federal Transit Administration’s (FTA) *Transit Noise and Vibration Impact Assessment Manual*. She found that “**vibration levels for all modeled equipment at these distances are extremely high and several times the damage thresholds. Vibratory rollers and soil compaction have the potential to exceed damage thresholds by a factor of over 9.**” (*Id.* at 3-4 [emphasis in original].) She also concluded that, because neighboring buildings are within 20 feet of the Project property line, “there would be potentially significant vibration impacts from construction. This potential for significant building damage and annoyance should be documented in a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR).” (*Id.* at 4.)

Additionally, after calculating missing construction noise impacts at the shortest distance from the Project’s edge, Ms. Jue concluded that:

“The construction noise levels would exceed the existing presumed ambient noise level by well over 5 dBA, and in some cases more than 20 dBA, which the voluntary noise control measure (mitigation) is purported to provide. These would be significant noise impacts, which must be disclosed through an EIR or MND.” (*Id.* at 6.)

Furthermore, Ms. Jue stated that the construction noise calculations in the Report’s noise analysis worksheets show that, without voluntary noise control measures, “the construction noise would exceed the ambient and would be **significant; therefore, these voluntary noise control measures are mitigations**, and the project would not qualify for an exemption.” (*Id.* at 7 [emphasis in original].)

As discussed above, the reliance on mitigation measures precludes use of a categorical exemption. (*SPAWN, supra.*) Also, the City may not rely on **voluntary** measures to reduce significant Project impacts. Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730).

B. The Project does not qualify for CEQA’s Infill Exemption due to the Unusual Circumstances Exception.

The Unusual Circumstances Exception (“Exception”) prohibits categorical exemptions where there is a “reasonable possibility” that a project will significantly impact the environment “due to unusual circumstances.” (14 CCR § 15300.2(c).) To determine whether the Exception applies, agencies use a two-part test. They first ask whether a project presents unusual

circumstances. If it does, they then ask whether there is a reasonable possibility that a significant environmental effect will result from those unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1098 (*Berkeley Hillside*)).) The California Supreme Court has held that “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect.” (*Id.* at 1105 [emph. added].) That evidence, if convincing, necessarily also establishes a reasonable possibility that the project will significantly affect the environment due to those unusual circumstances. (*Id.*)

As discussed above, we have submitted substantial evidence that the Project will have significant air quality, greenhouse gas, and noise impacts. The fact that these impacts will occur constitutes an unusual circumstance, thereby precluding the City’s reliance on the Exemption.

IV. CONCLUSION

The City cannot rely on a CEQA Infill Exemption because the Project does not meet the terms of the Exemption and the Unusual Circumstances Exception to the Exemption applies. Instead, the City must prepare an Initial Study to determine the appropriate level of environmental review to undertake in accordance with CEQA. Therefore, SAFER respectfully requests that the Planning Commission grant SAFER’s appeal.

Sincerely,

A handwritten signature in cursive script that reads "Hayley Uno".

Hayley Uno
LOZEAU | DRURY LLP

Justification/Reason for Appeal

1666 North Vermont Avenue Project

(DIR-2019-6738-SPPA-SPPTOC-SPR-HCA-M1, ENV-2024-359-CE)

I. REASON FOR THE APPEAL

The Categorical Exemption prepared for the 1666 North Vermont Avenue Project (DIR-2019-6738-SPPA-SPPTOC-SPR-HCA-M1, ENV-2024-359-CE) (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”). Furthermore, the approval of the Site Plan Review entitlements (DIR-2019-6738-SPPA-SPPTOC-SPR-HCA-M1) 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 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 below, the Project does not qualify for a categorical exemption pursuant to Section 15332 of the CEQA Guidelines (“Infill Exemption”). 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 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.

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 Planning Director’s May 29, 2024 decision approved the Site Plan Review and approved a Categorical Exemption for the project pursuant to Section 15332 of the CEQA Guidelines, despite a lack of substantial evidence in the record that the Project met the requirements for the Infill 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 Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing 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-2019-6738-SPPA-SPPTOC- SPR-HCA-M1; ENV-2024-359-CE

APN: 5542-001-022

Project Address: 1666 North Vermont Avenue

Final Date to Appeal: June 13, 2024

APPELLANT

**For main entitlement cases, except for Building and Safety Appeals and Housing 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

For Housing Appeals only:

Check all that apply.

- Person claiming to be aggrieved by the determination made by **Housing**
 Representative Property Owner Applicant Interested Party Tenant

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: 510-386-4200 **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): Victoria Yundt

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison St., Suite 150

City: Oakland **State:** CA **Zip Code:** 94612

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

¹ Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, 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 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

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

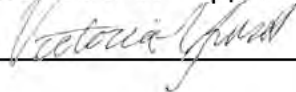
If Yes, list the Condition Number(s) here: All Conditions except TOC

On a separate sheet provide the following:

- Reason(s) for the appeal
- Specific points at issue
- How you are aggrieved by the decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 6/11/2024

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: _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ Date : _____

Determination authority notified Original receipt and BTC receipt (if original applicant)