

## **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.