

Justification/Reason for Appeal

1489 West Sunset Boulevard Project

ZA-2021-4597-ZAD-TOC-SPR-WDI-HCA

I. REASON FOR THE APPEAL

SAFER appeals the Zoning Administrator's approval of the Site Plan Review entitlements for the 1489 West Sunset Boulevard Project (ZA-2021-4597-ZAD-TOC-SPR-WDI-HCA) ("Project"). Approval of the Site Plan Review entitlements was in error because the Categorical Exemption prepared for the Project (ENV-2021-4598-CE) fails to comply with the California Environmental Quality Act ("CEQA"). The City of Los Angeles ("City") must fully comply with CEQA prior to *any approvals* in furtherance of the Project. Therefore, the City of Los Angeles ("City") must set aside the Site Plan Review entitlements and prepare an initial study to determine the appropriate level of environmental review to undertake pursuant to CEQA.

II. SPECIFICALLY THE POINTS AT ISSUE

The specific points at issue are set forth in the attached comment letter dated July 26, 2022. The Project does not qualify for a categorical exemption pursuant to Section 15332 of the CEQA Guidelines ("Infill Exemption") because the Project does not meet the terms of the exemption. Because 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."]), 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 Zoning Administrator 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.



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Via Email

July 26, 2022

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Re: Comment on CEQA Class 32 Categorical Exemption for the 1483-1497 West Sunset Boulevard Project (ZA-2021-4597-ZAD-TOC-SPR-WDI-HCA; ENV-2021-4598-CE)

Dear. Ms. Ooms and Associate Zoning Administrator:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the California Environmental Quality Act (“CEQA”) Class 32 (Urban In-fill Development) Categorical Exemption prepared for the 1483-1497 West Sunset Boulevard Project (ZA-2021-4597-ZAD-TOC-SPR-WDI-HCA; ENV-2021-4598-CE), including all actions related or referring to the proposed construction of a 109,403-square foot, five-story, 104-unit mixed-use residential development, located at 1485-1493 and 1501 West Sunset Boulevard, and 1314 North McDuff Street, in the City of Los Angeles (“Project”), which is being heard by the Associate Zoning Administrator on August 3, 2022.

SAFER objects to the City’s reliance on the Categorical Exemption prepared for the Project because the Project will have air quality and noise impacts that preclude use of the exemption. An initial study should be conducted and a CEQA document prepared to analyze the Project and mitigate its environmental impacts, and the Project should not be approved unless and until proper CEQA review is conducted.

We reserve the right to supplement these comments, including but not limited to at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

July 26, 2022

Comment on Class 32 Categorical Exemption for the 1483-1497 West Sunset Boulevard Project

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A handwritten signature in black ink, appearing to read "Adam Frankel". The signature is written in a cursive style with a large initial "A" and "F".

Adam Frankel
LOZEAU DRURY LLP