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May 6, 2025

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEAL RESPONSE; COUNCIL FILE 25-0293

On February 24, 2025, the City Planning Commission acted on Case No. CPC-2024-480-DB-SPR-VHCA, approved the project located at 7014 West Sunset Boulevard (7014-7022 West Sunset Boulevard; 1438-1446 North Sycamore Avenue), and adopted Categorical Exemption No. ENV-2024-481-CE, determining that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32 (In-Fill Development Project), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies. The project includes the demolition of an existing 6,690 square-foot commercial building, an existing 6,633 square-foot institutional building, and an associated surface parking lot and the construction of a seven-story mixed-use residential and commercial building consisting of 112 dwelling units and 2,875 square-feet of commercial retail uses; resulting in a total floor area of 91,665 square-feet.

On March 10, 2025, the Department of City Planning received one appeal of the City Planning Commission's decision to conditionally approve a Site Plan Review and Density Bonus/Affordable Housing Incentive Program Compliance Review with one On-Menu Incentive and one Off-Menu Incentive. Richard Drury, Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility (SAFER), filed the appeal.

Pursuant to LAMC Section 13B.2.5. G.3.b. of Chapter 1A, only an applicant, abutting property owners, and abutting tenants can appeal an On-Menu Incentive; the Appellant does not meet this qualification. Pursuant to LAMC Section 12.22 A.25(g)(3)(i)(b) and Section 13A.2.10. E. of Chapter 1A, the decision of the City Planning Commission is final regarding the Off-Menu Incentive. Therefore, only the Site Plan Review entitlement is eligible for appeal.

In the Appeal Justification, the Appellant claims that the Project does not qualify for a categorical exemption pursuant to CEQA Guidelines Section 15332, that the entitlement findings were not supported by substantial evidence and asserts that the City must prepare an Environmental Impact Report (EIR) before granting the project approval. The brief Appeal Justification did not provide any substantial evidence to support the claim that there would be unavoidable environmental impacts which would require the preparation of an EIR and the appellant did not specifically address any Site Plan Review findings.

Appeals were not filed by any other aggrieved parties, other than the aforementioned.

A summary of the appeal points and staff's responses are provided as follows:

Appellant, Supporters Alliance for Environmental Responsibility (SAFER):

- A-1 *The project does not qualify for a Class 32 (In-Fill Project) Categorical Exemption as the project results in significant environmental impacts, including air quality and traffic congestion.*

On February 24, 2025, the City Planning Commission adopted a Class 32 Categorical Exemption (Class 32 CE) for the subject case (Environmental Case No. ENV-2024-481-CE), which found that the subject project is exempt from the California Environmental Quality Act. (CEQA) According to the State CEQA Guidelines, Section 15332, Class 32 (Infill Development Project), a Class 32 CE may be used for infill development projects within an urbanized area provided that the project meets the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the 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; and
- (e) The site can be adequately served by all required utilities and public services.

Additionally, the State CEQA Guidelines provide that a Class 32 CE may not be used if any of the following five (5) exceptions apply: (a) cumulative impact; (b) significant effect; (c) scenic highways; (d) hazardous waste sites; and (e) historical resources.

A local agency's determination that a project falls within a categorical exemption is presumed to be valid so long as substantial evidence supports the City's determination that all of the Class 32 requirements have been met. The City has met its burden by preparing a robust and detailed Notice of Exemption and Class 32 Justification. Once this initial threshold analysis has been met, the burden shifts to the challenging party to produce evidence showing that one of the exceptions applies to take the project out of the exempt category. (Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086; San Francisco Beautiful v. City and County of San Francisco (2014) 226 Cal.App.4th 1012, 1022-23.) Here, the Appellant has not met its burden as substantial evidence was not submitted in the administrative record to conclude that the proposed project does not qualify for a Class 32 CEQA Exemption.

As detailed in the Class 32 Justification for Project Exemption Case No. ENV-2024-481-CE, the proposed project meets all criteria to qualify as an infill site under the Class 32

CEQA Exemption, California Environmental Quality Act & CEQA Guidelines Section 15332. The Appellant has submitted no evidence or reasoning as to why the proposed project does not qualify for a Class 32 CEQA Exemption.

The proposed project and other projects in the vicinity are subject to Regulatory Compliance Measures (RCMs) related to air quality, noise, hazardous materials, geology, and transportation. Numerous RCMs in the City's Municipal Code and State law provide requirements for construction activities and ensure impacts from construction-related air quality, noise, traffic, and parking are less than significant. For example, the South Coast Air Quality Management District (SCAQMD) has District Rules related to dust control during construction, type, and emission of construction vehicles, architectural coating, and air pollution. All projects are subject to the City's Noise Ordinance No. 144,331, which regulates construction equipment and maximum noise levels during construction and operation. Furthermore, the Project is required to implement two Project Design Features (PDFs) related to Noise/Vibration and Traffic. These PDFs ensure that amplified music is limited to certain hours, locations, and volume levels and require a Construction Management Plan to manage traffic and access to and from the site. Additionally, the Applicant submitted an acoustical assessment, a transportation assessment, and an air quality assessment prepared by Kimley Horn and Associates, Inc. that demonstrate the proposed project will not have a significant impact upon the environment. The Department of Transportation (LADOT) reviewed the transportation assessment and concurred with the conclusions in the report per an interdepartmental correspondence dated May 2, 2024. All the technical studies can be found in Case No. ENV-2024-481-CE.

In conclusion, the Appellant has failed to provide substantial evidence demonstrating that the Class 32 Categorical Exemption for the Project is deficient. The CEQA Determination includes substantial evidence that the Class 32 Categorical Exemption applies to the proposed project and that no exceptions to the categorical exemption apply.

For the reasons explained above, the City Planning Commission's decision was appropriate, and the Class 32 Categorical Exemption adequately addresses all impacts relative to the proposed project at 7014 West Sunset Boulevard (7014-7022 West Sunset Boulevard; 1438-1446 North Sycamore Avenue). As such, the City Planning Commission did not err when determining that the Project was exempt from CEQA, pursuant to CEQA Guidelines Section 15332, and this appeal point is without merit.

A-2 *Due to the inadequate CEQA analysis, the approval of the Project's Site Plan Review entitlements was in error and the City lacks substantial evidence to support its findings for the Site Plan Review entitlement.*

Staff's response incorporates the points highlighted in Appeal Point 1. The first finding for a Site Plan Review approval requires that the project be in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any application specific plan. Consistency with the General Plan and all applicable community and specific plans was also analyzed as part of the project's eligibility for the Class 32 Infill Exemption and was thoroughly analyzed in the Class 32 Justification. Additionally, condition no. 32 related to noise and vibration was imposed on the project to ensure compliance with LAMC Section 112.05 and consistency with the City's Noise Element.

The Appeal Justification fails to cite any other Site Plan Review findings that are inadequate or lacking. As evidenced in the February 24, 2025, determination letter, the necessary findings were made to confirm that the project meets the requirements for Site Plan Review. The Site Plan Review Findings that were made include the following: the

project is in substantial conformance with the purposes, intent and provisions of the General Plan, Community Plan, and any applicable specific plan; the arrangement of the proposed project is compatible with existing and future development on neighboring properties; and the project contains adequate recreational and service amenities to improve habitability for residents and minimize the impacts on neighboring properties.

As such, the City Planning Commission's decision to approve a Site Plan Review was not made in error and is supported by substantial evidence that is detailed in the required Findings outlined in the February 24, 2025, determination letter and the Class 32 Justification for a Categorical Exemption, and this appeal point is without merit.

Conclusion

Planning Staff recommends that the PLUM Committee and City Council deny the appeal and sustain the Determination of the City Planning Commission to determine that based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15332, Class 32 (In-Fill Development Project); approve the Site Plan Review; adopt the Conditions of Approval; and adopt the Findings.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning

A handwritten signature in cursive script, reading "Valentina Knox-Jones".

Valentina Knox-Jones
City Planner

VPB:DK:VKJ:DL