

Justification/Reason for Appeal

The Legacy @ Sixth-Union Project

DIR-2021-7344-SPR-TOC-HCA-1A

I. REASON FOR THE APPEAL

Supporters Alliance for Environmental Responsibility (“SAFER”) appeals the City Planning Commission’s approval of a Site Plan Review for the project known as The Legacy @ Sixth-Union (DIR-2021-7344-SPR-TOC-HCA-1A) (“Project”). The Site Plan Review approval was in error because the Categorical Exemption (“CE”) prepared for the Project (ENV-2020-5078-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

Specifically, 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 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 City Planning Commission 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.