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Justification/Reason for Appeal

7115 – 7131 North Van Nuys Boulevard Apartment Project

(DIR-2022-7247-TOC-SPR-HCA-1A, ENV-2022-7248-CE)

I. REASON FOR THE APPEAL

The Categorical Exemption prepared for 7115 – 7131 North Van Nuys Boulevard Apartment Project (ENV-2022-7248-CE) (“Project”) fails to comply with the California Environmental Quality Act (“CEQA”). Furthermore, the approval of the Site Plan Review entitlements (DIR-2022-7247-TOC-SPR-HCA-1A) 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, rescind the Categorical Exemption, 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 reiterated in SAFER’s previous comments, a project that requires mitigation measures cannot be exempted from CEQA, nor can the agency rely on mitigation measures as a basis for determining that one of the significant effects exceptions does not apply. (*Salmon Pro. & Watershed Network v. County of Marin* (2004) 125 Cal.App4th 1098, 1102 (“SPAWN”).) 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 (project proponent’s agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). The City has failed to make these measures enforceable.

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.



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IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The City Planning Commission's October 26, 2023 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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marjan R. Abubo', with a stylized flourish at the end.

Marjan R. Abubo
Lozeau | Drury LLP