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October 9, 2023

Ms. Sophia Kim
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Los Angeles Planning Department
200 N. Spring Street, Room 763
Los Angeles, California 90012-4801

RE: Case Number DIR-2022-7247-TOC-SPR-HCA; CEQA ENV-2022-7248-CE

Dear Ms. Kim:

Our office represents Benjamin Golshani, of VNB, LLC, the applicant for the proposed project located at 7115 North Van Nuys Boulevard, the legal description of which is FR Lot 538; TR 1000; Lot D; PM 1573 Tract (“Project”). This well-planned Project will include a new, six-story, 195,273 square-foot mixed-use building with 214 dwelling units, including 24 dwelling units reserved for Extremely Low-Income Households and 15,804 square-feet of commercial space. The five (5) residential levels will be constructed above one (1) ground floor level of commercial space, lobby area, parking, and two (2) levels of subterranean parking and storage. The residential portion of the Project includes 179 studio units, 35 one-bedroom units, and a total of 22,383 square feet of open space for residents. Ample parking will be provided, including a total of 238 automobile parking spaces, and 124 bicycle parking spaces. Vehicular access to the site is provided via one way access from Van Nuys to ingress and two-way driveways accessible from Sherman Circle. Pedestrian access is located on Van Nuys Boulevard and Sherman Circle.

As you are aware, the Los Angeles City Planning Commission issued a Letter of Determination on June 2, 2023 (“LOD”), wherein certain findings were made such that, based on the whole of the administrative record: (i) the Project is exempt from California Environmental Quality Act (“CEQA”) pursuant to Article 19, §15332, Class 32 of the CEQA Guidelines; and (ii) there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines §15300.2 applies to the Project (“Findings”). The Findings support the conditional approval of Site Plan Review for the construction and use of the Project.

An appeal to the LOD was filed on June 1, 2023 (“Appeal”) by Supporters Alliance for Environmental Responsibility (“SAFER” or “Appellant”) and a hearing on the Appeal has been scheduled for October 26, 2023 (“Hearing”). The appeal contends that the Planning Commission violated CEQA, embodied within CA Pub. Resources Code (“PRC”) § 21000, *et seq.*, by approving the Project based on the Class 32 in-fill categorical exemption (“Class 32 Exemption”). The appeal also asserts that the City should prepare a full Environmental Impact Report (EIR) “before any permits are approved.” The appeal has no merit.

The Planning Commission is on solid legal ground in relying on the Class 32 Exemption, the evidentiary bases of which are extremely well documented. This abundant evidence is set forth in the Air Quality, Greenhouse Gas, and Noise Study for a Six-Story Mixed Use Development in Los Angeles, California, dated July 27, 2022, that was prepared for the Project by Yorke Engineering, LLC (“Environmental Assessment”) as well as in the LOD. The Environmental Analysis examined the following environmental impact issues summarized results of the analyses in the following tables of the Environmental Analysis:

Table 1: Land Use Data for CalEEMod Input
Table 2: SCAQMD CEQA Thresholds of Significance
Table 3: Construction Emissions Summary and Significance Evaluation
Table 4: Operational Emissions Summary and Significance Evaluation
Table 5: Construction Localized Significance Threshold Evaluation
Table 6: Operational Localized Significance Threshold Evaluation
Table 7: Greenhouse Gas Emissions Summary and Significance Evaluation
Table 8: Typical Sound Level Characteristics
Table 9: FHWA Noise Reference Levels and Usage Factors
Table 10: Estimated Peak Activity Daytime Noise Impacts – Residential Receptors

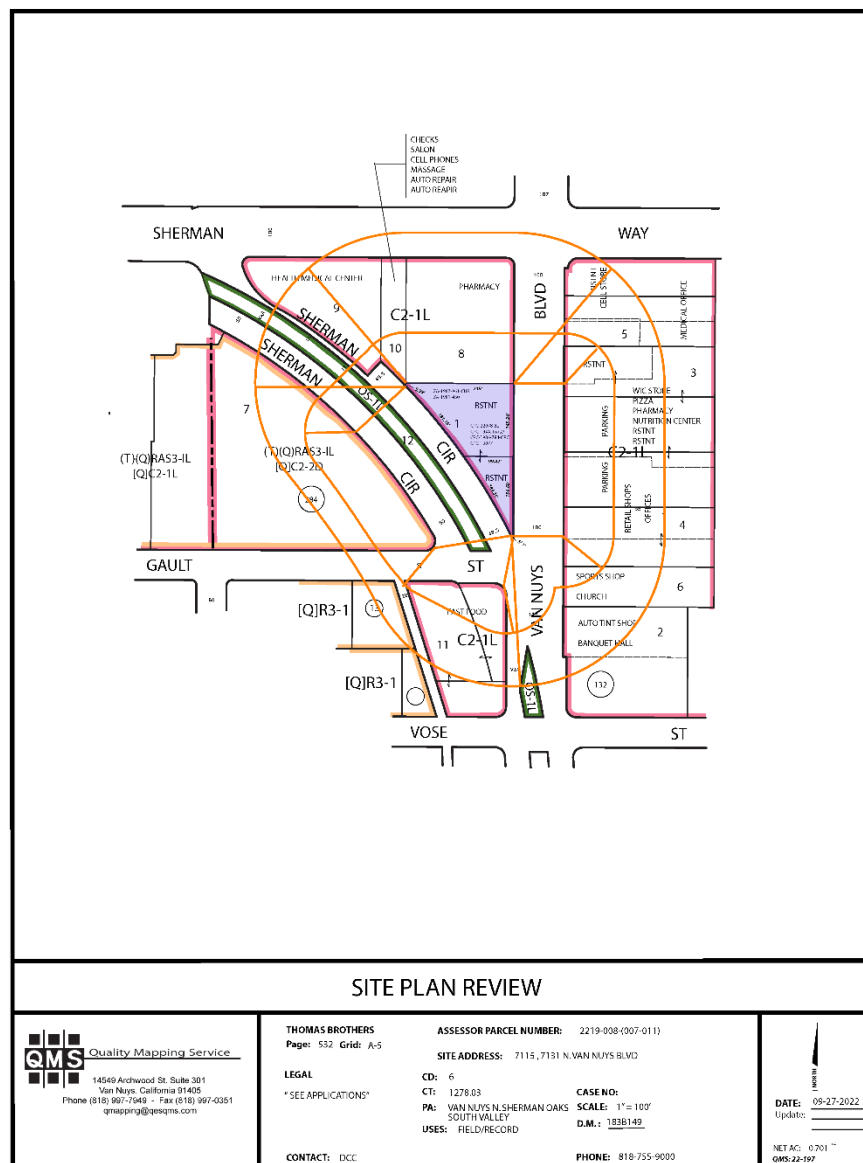
Because the Class 32 exemption is proper, there are no grounds for requiring an EIR for the Project. Indeed, preparing an EIR under the circumstances would be contrary to law. The Appellant has not made the kind of evidentiary showing that would be needed to trigger the preparation of an EIR. Indeed, the Appeal offers no evidence of any adverse environmental impacts. Rather, the Appeal merely raises issues about the City’s analysis supporting its reliance on the Class 32 exemption.

The law is crystal clear that mere controversy over a proposed project is not enough to require a private project applicant to bear the expense of an EIR. Actual *substantial* evidence is a potentially *significant* environmental effect is required. “The existence of public controversy over the environmental effects of a project shall *not* require preparation of an [EIR] if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.” PRC §21082.2(b). In other words, a public agency cannot subject a project applicant to an EIR solely in order to placate unhappy constituents or to more fully vet a controversial development proposal. Rather, an EIR can only be required where

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there is actual substantial evidence that a project may have a *significant* effect on the environment. No such evidence is before the Planning Commission. The Project site is currently developed for commercial uses, is highly disturbed, and is surrounded by urban uses.

The Project site is located on Van Nuys Boulevard, very close to Sherman Way. As this is a very densely populated and heavily constructed area, the Project raises no real environmental issues.



The Project is consistent with the General Plan, the applicable Van Nuys - North Sherman Oaks Community Plan and zoning designations for the site. The Site Plan Review cited in the LOD Finds “the Project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan. *See*, the LOD, at 15. It will create quality jobs for the citizens of Van Nuys and will bring necessary tax revenues to the City of Los Angeles. As such the Project would make good use of an infill lot that is not currently providing the highest and best possible uses to the community. Applicant seeks no special dispensations in the form of plan amendments, rezones, or variances. The proposed land use is exactly what is allowed under the existing designations. The approvals sought by the Applicant do not present the Planning Commission with an occasion for rethinking the wisdom of the current General Plan and zoning designations. For these reasons, as more fully explained hereinbelow, we respectfully urge the Planning Commission to deny the Appeal and to approve the Project based on the Class 32 Exemption.

A. The Class 32 Categorical Exemption Has Been Properly Applied to the Project

Historical Development of The Class 32 Categorical Exemption

In originally fashioning CEQA in the early 1970s, the California Legislature recognized that certain development projects were too “minor in scope” to justify the substantial expenses in time and money associated with the preparation of full environmental documents such as negative declarations or EIRs. *See, Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1100-1102 (“*Berkeley Hillside*”). The Legislature, therefore, authorized the Governor’s Office of Planning and Research (“OPR”) and the Secretary of the California Resources Agency (“Resources Secretary”) to promulgate regulations identifying classes of projects that would be treated as categorically exempt from CEQA. *See*, Pub. Resources Code, § 21084(a); *see also*, Stats. 1972, ch. 1154, § 1, pp. 2271, 2273.

The result has been the creation of what are now 33 classes of categorical exemptions. *See*, Cal. Code Regs., tit. 14, div. 6, ch. 3, CEQA Guidelines §§ 15301 – 15333. In creating each categorical exemption, OPR and the Resources Secretary made a finding that the class of project at issue “[does] not have a significant effect on the environment.” *Berkeley Hillside, supra*, 60 Cal.4th at p. 1102 [quoting CEQA Guidelines §15300]. This finding is intended to be binding on public agencies absent unusual circumstances or other factors not pertinent to the pending appeal. *Berkeley Hillside, supra*, 60 Cal.4th at pp. 1100-1102; CEQA Guidelines, §15300.2(c).

The Class 32 Exemption is one such exemption. Added in 1998, for “infill development,” the Class 32 Exemption is found in CEQA Guidelines §15332. *See, Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 126-130 [upholding the adoption of the exemption.]

The Project Qualifies for the Class 32 Exemption as Set Forth in CEQA Guidelines §15332

In order for a project to qualify for the Class 32 Exemption, CEQA Guidelines §15332 mandates five criteria that must be met:

- (a) [t]he project [must be] consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations[;]
- (b) [t]he proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses[;]
- (c) [t]he project site has no value, as habitat for endangered, rare or threatened species[;]
- (d) [a]pproval of the project [must] not result in any significant effects relating to traffic, noise, air quality, or water quality[; and]
- (e) [t]he site [must be able to] be adequately served by all required utilities and public services.

The Project clearly satisfies all of the requirements of CEQA Guidelines §15332. As demonstrated by the Site Review map, provided above, the Project is located within Los Angeles city limits on a site of no more than five acres and is substantially surrounded by urban uses. The location is highly disturbed and is largely currently developed with residential and current uses. Thus, the Project site has no value, as habitat for endangered, rare or threatened species.

The Project Complies With Applicable General Plan, Community Plan and Zoning Ordinances

Finally, the Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The Project site is currently developed with commercial uses and is zoned C2-1L within the Van Nuys - North Sherman Oaks Community Plan Area with a Community Commercial land use designation. The Project site is located with Transit Oriented Communities (TOC), Tier 4, within a State Enterprise Zone, a Transit Priority Area in the City of Los Angeles, an Urban Agriculture Incentive Zone, and is 6.737 kilometers from the Northridge Fault. *See*, LOD, at 8.

Further, surrounding uses zoned for commercial and residential uses and are generally developed with commercial and residential multi-family structures. The abutting properties to the north are zoned C2-1L and are improved with commercial and auto related uses. The properties to the east, across Van Nuys Boulevard, are zoned C2-1L and are developed with commercial structures. The abutting property to the south is zoned C2-1L and is currently developed with a

fast-food restaurant. The property to the west, across the OS-1XL zone and Sherman Circle, is zoned (T)(Q)RAS3-1 and is developed with a five-story residential structure. *See*, LOD, at 8.

An Air Quality Analysis Was Properly Conducted

Approval of the project will not result in any significant effects relating to air quality or greenhouse gases:

As shown in Tables 3 and 4, mass emissions of criteria pollutants from construction and operation are below applicable SCAQMD significance thresholds. PROJECTED IMPACT: Less Than Significant (LTS)
[*See*, Environmental Assessment, at 5]

The LST results provided in Tables 5 and 6 show that on-site emissions from construction and operations would meet the LST passing criteria at the nearest receptors (25 meters). Thus, impacts would be less than significant. PROJECTED IMPACT: Less Than Significant (LTS)
. [*See*, Environmental Assessment, at 7]

Table 7 shows unmitigated and mitigated GHG emissions and evaluates mitigated emissions against SCAQMD significance thresholds. Operational efficiency measures incorporate typical code-required energy and water conservation features. Off-site traffic impacts are included in these emissions estimates, along with construction emissions amortized over 30 years. PROJECTED IMPACT: Less Than Significant (LTS)
[*See*, Environmental Assessment, at 9]

A Traffic Analysis Was Properly Conducted

Approval of the Project will not result in any significant effects relating to traffic. Firstly, The Light Rail project passes through Van Nuys Boulevard at the Project site. This will ensure that the effect of any increase in traffic caused by the Project will be minimized. Furthermore, the Environmental Assessment provides:

No significant increase in traffic is expected due to this relatively small project. No strong sources of vibrations are planned to be used during construction activities.

Since the Project is near an urban street, the incremental effect of Project operation (possible slightly increased traffic) would not be quantifiable against existing traffic noise (background) in the Project vicinity (i.e., less

than significant impact). Also, since no airport is closer than 2 miles from the Project site, evaluation of aircraft noise upon the Project is not required. [See, Environmental Assessment, at 10]

A Noise Analysis Was Properly Conducted, Including Construction and Post-Construction Noise

Temporary construction noise impacts would be significant if, as defined by Los Angeles Municipal Code (“LAMC”) Section 112.05, noise from powered equipment or powered hand tools used for construction within 500 feet (150 meters) of a residential zone exceeds 75 A-weighted decibels (dBA) at a distance of 50 feet (15 meters) from the noise source between the hours of 7:00 am and 10:00 pm. However, this noise limitation does not apply where compliance is technically infeasible. “Technically infeasible” means that the 75 dBA limitation cannot be complied with despite the use of mufflers, shields, sound barriers and/or any other noise reduction device or techniques during the operation of the equipment.

LAMC Section 112.03 references Section 41.40, which regulates noise from construction activities. Outdoor construction activities that generate noise are prohibited between the nighttime hours of 9:00 pm and 7:00 am Monday through Friday, and between 6:00 pm and 8:00 am on Saturdays and national holidays. Construction activities are prohibited on Sundays. The construction activities associated with the proposed Project would comply with these LAMC requirements.

The Environmental Assessment predicts a less than significant impact in accordance with applicable noise ordinances and General Plans, including the City of Los Angeles Municipal Code. The Project will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. As shown in the Environmental Analysis, temporary construction noise would be limited to daylight hours and would permanently cease upon completion of construction. Aggregated average construction noise is not expected to exceed 75 dBA at nearby receptors, which is below the significant threshold set by the City. Therefore, temporary impacts on ambient noise levels during construction would be less than significant.

During construction activities, the Project would generate noise due to operation of minimal offroad equipment, portable equipment, and vehicles at or near the Project site. No significant increase in traffic is expected due to this relatively small project. No strong sources of vibrations are planned to be used during construction activities. Since the Project is near an urban street, the incremental effect of Project operation (possible slightly increased traffic) would not be quantifiable against existing traffic noise (background) in the Project vicinity (i.e., less than significant impact). Also, since no airport is closer than 2 miles from the Project site, evaluation of aircraft noise upon the Project is not required. See, Environmental Assessment, at 10.

Further, although the estimated construction-related exterior noise levels associated with the proposed Project are modeled to normally be below the 75 dBA threshold, there may be times when the construction activities could intermittently and marginally exceed the 75 dBA threshold at 50 feet from the noise source. To minimize impacts, the Project will implement technically feasible control measures in compliance with the standards set forth in LAMC Section 112.05. Specifically, the use of deflectors/barriers such as plywood construction fencing (½-inch thickness), flexible sound-absorbing curtains, or existing intervening buildings, can reduce line-of-sight exterior noise levels by approximately 5 to 15 dBA, depending on the applied physical configuration (FHWA 2006). The estimated noise impacts shown in Table 10 incorporate these control measures. *See*, Environmental Assessment, at 16.

Overall, although construction of the Project would involve excavation within the Project area, construction plans do not include intense percussive actions (e.g., hard rock-breaking, large pile-driving). Therefore, no strong ground-borne vibrations are expected to be generated that could affect nearby structures or be noticeable to their occupants and impacts would be less than significant. The Projected impact is Less Than Significant (LTS) *See*, Environmental Assessment, at 19.

Operational noise sources for the Project, such as new HVAC equipment, are of quiet design per commercial standards. The noise from truck loading and trash collection and compaction activities are expected to have less than significant impacts on long-term ground-borne ambient noise levels. Although construction of the proposed Project would involve excavation within the Project area, construction plans do not include intense percussive actions (e.g., hard rock-breaking, large pile-driving). Therefore, no strong ground-borne vibrations are expected to be generated that could affect nearby structures or be noticeable to their occupants and impacts would be less than significant.

As shown, no adverse impacts are expected from, and no noise control measures would be required for, the operation of the Project. Therefore, the operational noise impact of the Project would be less than significant. *See*, Environmental Assessment, at 18. Additionally, the Project complies with the City of Los Angeles Municipal Code (LAMC), Chapter XI, Noise Regulation, Sections 112.02, 112.03, 112.05, and 41.40. *See*, Environmental Assessment, at 13. Sensitive receptors were included in the noise analysis:

The nearest school to the Project site is Valley Charter Middle School approximately 770 feet (235 meters) southeast of the site. Interceding building, and other multi-story buildings, would substantially shield the school from construction noise. The nearest residential receptors are west of the site, approximately 165 feet (50 meters) from the central construction zone; and a source receptor distance of 25 meters (82 feet) was used. All construction activities would be short-term and temporary. All construction work is planned to be conducted during daylight hours; no nighttime work is planned to be performed. Upon completion of construction, construction

generated noise would permanently cease. Since the proposed project is located in a dense urban area and not within 500 feet of a major freeway, no significant additional long-term traffic is expected, and therefore no additional Project-related noise is expected over the long term.
[See, Environmental Assessment, at 12]

A Water Quality Analysis Was Properly Conducted

Electricity for the Project will be served by the Los Angeles Department of Water and Power and gas will be supplied by Southern California Gas Company. *See*, Environmental Assessment, at 3. The Project “advances the following goals, objectives, and policies of the Community Plan:...Policy 102.1...utilities will accommodate this development.” *See*, LOD, at 16.

Applicant will comply with Administrative Condition 20 [See, LOD, at 6] requiring satisfactory arrangements to be made with the Los Angeles Department of Water and Power (“LADWP”):

...for compliance with LADWP's Rules Governing Water and Electric Service. Any corrections and/or modifications to plans made subsequent to this determination in order to accommodate changes to the Project due to the under-grounding of utility lines, that are outside of substantial compliance or that affect any part of the exterior design or appearance of the project as approved by the Director, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

Mitigated and unmitigated operational and wastewater consumption were analyzed for indoor and outdoor land use [See, Environmental Assessment, at 97]. Approval of the project will not result in any significant effects relating to water quality. The Project is located in an urban area and will not involve septic or facultative lagoons. *See*, Environmental Assessment, at 107. The site can be adequately served by all required utilities and public services.

Appellant Has Not Provided Substantial Evidence That Defeats the City's Findings

The legal standards required to defeat the application of the Class 32 Exemption have not been met by Appellant. Such standards give the factual benefit of the doubt to the City in this instance. A challenger does *not* present “substantial evidence” when the challenger offers only “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment[.]” CEQA Guidelines §15384(a); *see also*, PRC § 21082.2(c). Thus, Appellant cannot defeat the Class 32 Exemption simply by raising

questions about the factual or technical conclusions that the agency reaches in relying on a categorical exemption, or by offering substantial evidence contrary to the substantial evidence on which the agency relies.

B. The City's Administrative Record Fully Supports the Planning Commission's Reliance on the Class 32 Exemption for the Project

Nothing in CEQA or the CEQA Guidelines requires an approving agency to make specific factual Findings prior to approving a proposed project based on a categorical exemption. Even so, in this case the City staff and the Planning Commission documented the evidentiary bases for each factual element of the Class 32 exemption:

The proposed project qualifies for a Class 32 Categorical Exemption because it conforms to the definition of in-fill Projects." The project can be characterized as in-fill development within urban areas for the purpose of qualifying for Class 32 Categorical Exemption as a result of meeting five established conditions and if it is not subject to an Exception that would disqualify it. The Categorical Exception document prepared by Department of City Planning and attached to the subject case file provides the full analysis and justification for project conformance with the definition of a Class 32 Categorical Exemption.

Furthermore, on October 2, 2022, the Planning Commission issued extensive Class 32 Exemption Findings for the Project ("Class 32 Exemption Findings"), determining that the Project is eligible for a Class 32 Exemption and making certain mandatory Findings in connection therewith:

Mandatory Finding (a):

"The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations."

Mandatory Finding (b):

"The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses."

Mandatory Finding (c):

"The project site has no value as habitat for endangered, rare or threatened species."

Mandatory Finding (d):

“Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.”

[*See*, Class 32 Exemption Findings, at 3-4]

Although, the Planning Commission was not required to rely on the Environmental Assessment in relying on the Class 32 categorical exemption, the Class 32 Exemption Findings make it clear that the Commission acknowledged the Environmental Assessment had been conducted, and stated, based on the analyses contained therein that the noise study had been adequately conducted and concluded the Project would not result in any significant construction or operational noise impacts [Class 32 Exemption Findings, at 4]; and that the City’s Department of Transportation “will review traffic impacts for the Project for any significant traffic impacts” (none of which have been identified as of the date hereof).

The Class 32 Exemption Findings and Environmental Assessment each provide abundant analysis and substantial evidence supporting the applicability of the Class 32 Exemption. These analyses and substantial evidence address, among many other topics, the specific issue raised in the Appeal, namely, that the Class 32 Exemption is legally inapplicable to the Project. As the analyses make clear, the Appellant is simply wrong in implying that the Planning Commission had no evidence to support its findings with respect to the applicability of the Class 32 Exemption. As shown above, the Project clearly meets the criteria contained in CEQA Guidelines §15332. The Project is located within the City of Los Angeles on a site of less than five acres and is substantially surrounded by urban uses. The location is highly disturbed and is largely currently developed with residential and current uses. Thus, the Project site has no value, as habitat for endangered, rare or threatened species. The Appeal must fail for these reasons.

C. There Is No Evidentiary Basis For Requiring An EIR For The Project

Because the Class 32 Exemption for the Project is well documented, the Project does not require an EIR. Even if the exemption did not apply, however, there would still be no evidentiary basis for an EIR. At most, a negative declaration would be prepared.

As the California Supreme Court has explained, CEQA requires that agencies follow a three-step process when planning an activity that could fall within its scope. First, the public agency must determine whether a proposed activity is a “project,” i.e., an activity that is undertaken, supported, or approved by a public agency and that “may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” *See*, CEQA Guidelines 15378.

Second, if the proposed activity is a project, the agency must next decide whether the project is exempt from the CEQA review process [*See*, CEQA Guidelines §15061] under either a statutory exemption [*See*, CEQA Guidelines §15260, *et seq.*] or a categorical exemption [*See*, CEQA Guidelines §15300 *et seq.*]. If the agency determines the project is not exempt, it must then decide whether the project may have a significant environmental effect on the environment. *See* CEQA Guidelines §15064]. Where the project will not have such an effect, the agency “must ‘adopt a negative declaration to that effect.’” [*See*, CEQA Guidelines §15070.] *See also*, *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988; and *Running Fence Corp. v. Superior Court* (1975) 51 Cal.App.3d 400.

Third, if the agency finds the project “may have a significant effect on the environment,” it must prepare an EIR before approving the project. [*See*, CEQA Guidelines §15064; *See also*, *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 382 [footnote omitted].)

In the instant matter, the City’s staff (“Staff”), in conducting the first step of this three-step process, properly concluded that the Project is a “project” as defined by CEQA. Staff then appropriately moved to the next step, the first part of which was to determine whether the Project was statutorily or categorically exempt from CEQA. For all of the reasons discussed above, both Staff and the Planning Commission appropriately concluded that the Class 32 Exemption applies to the Project. The City, therefore, had no need to determine whether either a negative declaration or an EIR was required.

As emphasized early in this letter, a public agency has no right or authority under CEQA, absent an appropriate evidentiary showing, to require a private applicant to bear the costs in time and money associated with an EIR. Indeed, as noted above, “public controversy,” by itself is not a sufficient basis to require an EIR. *See*, PRC § 21082.2 (b); *see also*, CEQA Guidelines §15064 (f)(4).) Where an exemption is not available (which is not the case here), an EIR may only be required where “there is substantial evidence, in light of the whole record before the lead agency, that a project may have a *significant* effect on the environment, an [EIR] shall be prepared.” (*See*, PRC § 21082.2 (d), italics added; *see also*, PRC § 21080 (d).) As noted earlier, “substantial evidence” does *not* include “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment[.]” *Id.*, PRC §21080(c); *see also* CEQA Guidelines §15384.

Hypothetically, if the infill exemption were not available here (which it is), the City would have to consider whether to prepare a negative declaration, or a mitigated negative declaration before the City could consider whether to prepare an EIR. Where there is no substantial evidence that a project may cause a significant environmental effect, a negative declaration, or mitigated negative declaration *shall* be prepared. *See*, PRC § 21080(c).

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In the instant matter, we are unaware of any substantial evidence indicating that the Project may cause a significant environmental effect on the environment. Neither the LOD, nor the Environmental Assessment include any such evidence, nor does the Appeal, which does no more than question a few of the conclusions reached in the LOD and the Environmental Analysis. Not all adverse effects on the environment rise to the level of being substantial. A “[s]ignificant effect on the environment’ means a *substantial*, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. (See, CEQA Guidelines § 15382. *Emphasis added.*) The Appeal does not include any actual evidence of any significant environmental effects that would result from the Project.

CONCLUSION

Thank you for considering the issues and information discussed in this letter. The Applicant very much wants to bring to Van Nuys a new mixed-use development that will provide new vitality to Van Nuys and that will provide affordable housing during a time of rampant homelessness throughout Los Angeles. If approved, the Project will not only bring new economic development, jobs, and tax revenues to the City, but will also provide local residents with additional choices about how to spend the limited dollars they have available for purchases. We believe that the Project has much to offer the City, and hope that the Planning Commission agrees with us. We, therefore, respectfully ask the Planning Commission to deny the Appeal and to approve the entitlements needed for the Project to go forward, based on the applicable Class 32 Exemption.

Sincerely,



Tal C. Finney, Esq., Of
FINNEY ARNOLD LLP

cc: Benjamin Golshani, VNB, LLC