

**CEQA Appeal 10400 Santa Monica Boulevard, DIR 2017-81-TOC-SPR, ENV-2017-82-CE**

1 message

**Beverly Grossman Palmer** <bpalmer@strumwooch.com>

Wed, Jun 19, 2019 at 2:56 PM

To: "clerk.plumcommittee@lacity.org" &lt;clerk.plumcommittee@lacity.org&gt;

Please see the attached appeal of the approval of a categorical exemption for the project located at [10400 Santa Monica Boulevard](#). Please contact me with any questions or if you need additional information.

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**2 attachments****FTC CEQA Appeal Letter.pdf**

248K

**signed appeal form.pdf**

228K

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June 19, 2019

Los Angeles City Council  
Los Angeles City Clerk  
200 North Spring Street  
Los Angeles, CA 90012  
Via email to clerk.plumcommittee@lacity.org

Re: Appeal of CEQA determination in City Planning Commission Case  
DIR 2017-81-TOC-SPR, ENV-2017-82-CE  
10400 Santa Monica Boulevard

To the Honorable Members of the Los Angeles City Council,

Fix the City hereby appeals the determination of the City Planning Commission approving a categorical exemption from the California Environmental Quality Act (CEQA) pursuant to the Class 32 exemption. On June 3, 2019, the City Planning Commission issued a Letter of Decision approving with conditions the construction of a seven-story, 120-unit, 97,000 square foot structure with a height of up to 79 feet located at 10400 Santa Monica Boulevard. The project was improperly approved pursuant to the Class 32 categorical exemption from CEQA because the exemption is inapplicable by its terms, and even if the exemption applied, exceptions to the exemption bar its use here.

Appellant Fix the City is aggrieved by the approval and the categorical exemption because Fix the City is an organization that advocates to preserve the quality of life in the City of Los Angeles, including, in significant respect, critical public services such as fire and emergency response. Fix the City is aggrieved by the proliferation, without analysis of cumulative impacts, of projects like 10400 Santa Monica Boulevard, which place demands on public services that are already insufficient. The project is also located within fifty feet of a mapped surface fault in the Alquist-Priolo Earthquake Fault Zone and it, and other similar projects, are being consistently exempted from CEQA by the City. Fix the City is aggrieved by such approvals as they place residents of the City in danger of the hazards of surface fault ruptures, which also increase the demands on an already strapped and inadequate public services system.

Fix the City appeals the determination of the City Planning Commission that the 10400 Santa Monica Boulevard project ("Project") is exempt from CEQA pursuant to the Class 32 categorical exemption.

First, the exemption is inapplicable to the approval of the Project because the Project does not satisfy the exemption's terms: it is not compatible with the site's zoning and the site cannot be adequately served by public services.

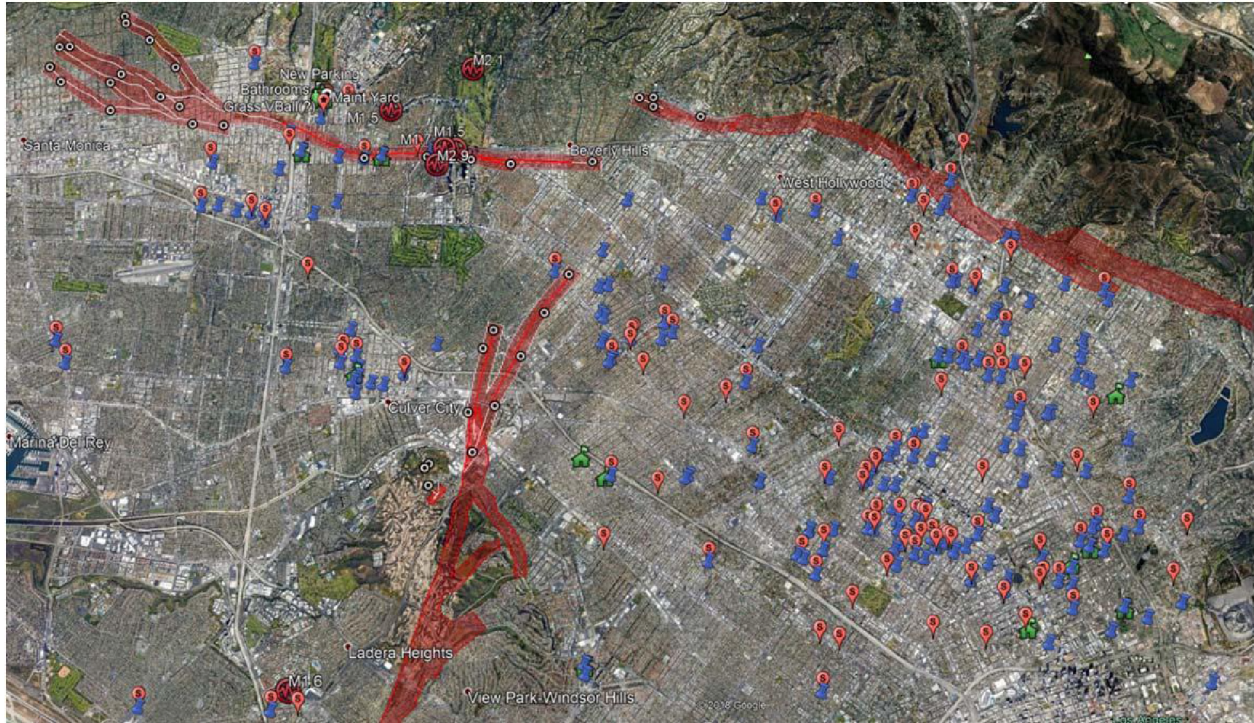
The project is not compatible with the applicable zoning, because the entitled project significantly exceeds height limits and other standard zoning provisions. Therefore it is improper to rely upon an exemption which, by its terms, depends upon compliance with objective zoning standards.

Fix the City also provided substantial evidence to demonstrate that the project site is not adequately served by public services, including evidence showing that the first responders who service the site are already unable to meet the City's stated acceptable response times.

Second, exceptions to the categorical exemption apply. According to the City's own application, a Class 32 categorical exemption may not be applied if:

- a. The project and successive projects of the same type in the same place will result in cumulative impacts;
- b. There are unusual circumstances creating the reasonable possibility of significant effects; or
- c. The project may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within an officially designated scenic highway.

All of these circumstances bar the application of the categorical exemption here. There are numerous TOC projects along Santa Monica Boulevard, and the cumulative impact of these projects on traffic and circulation, and public services like water, sewer, and police/fire, will be significant. Below is an illustration of the notification (blue tack), submitted (red S), and approved (green House) projects under the Transit Oriented Communities guidelines in west Los Angeles, demonstrating the large number of such approvals proceeding without environmental review. The map also includes fault lines and recent earthquake activity.



Moreover, Fix the City has provided evidence that the project's location immediately adjacent to a final mapped surface fault in the Alquist-Priolo Zone is an unusual circumstance that requires analysis. While the staff report stated that the fault is 0.54 km away, it is actually 0.054 km: literally meters from the site.

Lastly, the approval ignores the fact that Santa Monica Boulevard is a City-designed scenic highway, which, pursuant to the City's policy, bars the use of a Class 32 exemption. It is also an historical resource, Historic Route 66, as stated in the WLA Community Plan.

For the aforementioned reasons, use of the Class 32 exemption was improper. Fix the City requests that the City Planning Commission's approval of the project be stayed pending the review of Fix the City's appeal.

Sincerely,

Beverly Grossman Palmer



## APPLICATIONS:

### APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

#### 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning

Regarding Case Number: DIR-2017-81-TOC-SPR, ENV-2017-82-CE

Project Address: 10400 SANTA MONICA BLVD.

Final Date to Appeal: \_\_\_\_\_

Type of Appeal: ☐ Appeal by Applicant/Owner  
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
☐ Appeal from a determination made by the Department of Building and Safety

#### 2. APPELLANT INFORMATION

Appellant's name (print): Fix the City, Inc.

Company: \_\_\_\_\_

Mailing Address: 10940 Wilshire Boulevard, Suite 2000

City: Los Angeles State: CA Zip: 90024

Telephone: (310) 576-1233 E-mail: info@fixthecity.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self ☐ Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position? ☐ Yes ☒ No

#### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Beverly Grossman Palmer

Company: Strumwasser & Woocher LLP

Mailing Address: 10940 Wilshire Boulevard, Suite 2000

City: Los Angeles State: CA Zip: 90024

Telephone: 310-576-1233 E-mail: bpalmer@strumwooch.com

#### 4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☒ No

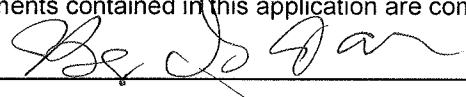
If Yes, list the condition number(s) here: CEQA Exemption.

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

#### 5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 6/19/2019

#### 6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)