

Channel Law Group, LLP

8383 Wilshire Blvd.
Suite 750
Beverly Hills, CA 90211

Phone: (310) 347-0050
Fax: (323) 723-3960
www.channellawgroup.com

JULIAN K. QUATTLEBAUM, III
JAMIE T. HALL *
CHARLES J. McLURKIN

Writer's Direct Line: (310) 982-1760
jamie.hall@channellawgroup.com

*ALSO Admitted in Texas

August 18, 2020

VIA ELECTRONIC MAIL

City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

**Re: CEQA Appeal Justification Letter; CEQA Appeal for ENV-2016-3909-EIR;
6100 North Topanga Canyon Blvd.**

Honorable Members of the Los Angeles City Council:

This firm represents Jeff Bornstein ("Appellant"). On or about May 28, 2020, the City Planning Commission ("Commission" or "CPC") denied Mr. Bornstein's appeal of the Master Alcohol Conditional Use Permit issued for the Westfield Promenade Shopping Center Redevelopment ("Project"). The Commission also certified the Supplemental Environmental Impact Report ("SEIR") for the Project which was required by the California Environmental Quality Act ("CEQA").

Pursuant to Public Resources Code Section 21151(c), Appellant hereby appeals the SEIR certified by the Commission.. This section of the Public Resources Code allows any interested party to file an appeal of a CEQA determination to the public agency's elected decision-making body. PRA Section 21151(c) states as follows:

"If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any."

The Letter of Determination for the Project was issued on August 4, 2020. A Notice of Determination ("NOD") was filed with the County Record on August 18, 2020. Therefore, this appeal is timely pursuant to Public Resources Code Section 21167(d) and the City's CEQA Appeal Ordinance.

Appellant respectfully request that the City of Los Angeles City Council (“Council”), grant the appeal, decertify the SEIR and order further environmental analysis for the Project.

I. NON-COMPLIANCE WITH CEQA

The SEIR is defective for the following reasons: (1) The description of the approved project is not accurate or stable, (2) The City has inappropriately rejected the Environmentally Superior Alternative (Alternative 4), (3) The Mitigation Monitoring Program is incomplete. (e.g. the payment of proportionate share of impacts to Caltrans does not appear to be included in the Mitigation Monitoring Program, (4) The Statement of Overriding Considerations is not supported by substantial evidence, (5) The FEIR fails to adequately address health impacts associated with Covid-19 and development of the sports/entertainment facility. This is significant new information, with the potential to result in new health impacts of the project.

II. CONCLUSION

Appellant respectfully request that the City of Los Angeles City Council (“Council”), after reviewing this appeal and its records, revoke and set-aside the approval of the project approvals, decertify the SEIR and order further environmental review under CEQA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie T. Hall', written in a cursive style.

Jamie T. Hall