

Fwd: 2110 Bay Street Mixed Use Project aka SCH2017031007

Anna Martinez <anna.martinez@lacity.org>
To: Clerk Council and Public Services <Clerk.CPS@lacity.org>

Fri, May 3, 2019 at 8:25 AM

----- Forwarded message -----

From: **Toyer Grear** <toyer@lozeaudrury.com>

Date: Thu, May 2, 2019 at 2:41 PM

Subject: 2110 Bay Street Mixed Use Project aka SCH2017031007

To: <sergio.ibarra@lacity.org>, <lisa.webber@lacity.org>, Planning CPC <cpc@lacity.org>, <cityclerk@lacity.org>

Cc: Komalpreet Toor <komal@lozeaudrury.com>, Drury, Richard <richard@lozeaudrury.com>

Dear Mr. Ibarra, Ms. Webber, Ms. Wolcott, and Planning Commission Secretary,

Attached please find correspondence written on behalf of the Supporters' Alliance for Environmental Responsibility ("SAFER"), a non-profit organization with members in Los Angeles, regarding the above mentioned project.

Sincerely,

Toyer Grear

Office Manager / Paralegal

Lozeau Drury, LLP

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Via Email and Overnight Mail

May 2, 2019

Sergio Ibarra, Planner
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Lisa M. Webber, AICP Deputy Director of
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Planning Commission Secretary
City of LA, Planning Commission
200 North Spring Street, Room 532
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Holly L. Wolcott, City Clerk
City of Los Angeles
200 North Spring Street, Room 360
Los Angeles, CA 90012
cityclerk@lacity.org

Re: 2110 Bay Street Mixed Use Project aka SCH2017031007

Dear Mr. Ibarra, Ms. Webber, Ms. Wolcott, and Planning Commission Secretary:

I am writing on behalf of the Supporters' Alliance for Environmental Responsibility ("SAFER"), a non-profit organization with members in Los Angeles, regarding the Environmental Impact Report; ("EIR") prepared for the 2110 Bay Street Mixed Use Project aka SCH2017031007 including all actions related or referring to the proposed new residential and commercial development including 110 live/work apartment units (67 studio units, 34 1-bedroom units, and 9 2-bedroom units), 113,350 square feet of creative office space, and 50,848 square feet of new commercial space that may include commercial retail, and/or restaurant floor area located at 2100, 2130 Bay Street and 2141 Sacramento Street in the City of Los Angeles on APNs: 5166-005-005, 011, and 014 ("Project").

I am writing to request that the City of Los Angeles ("City") issue a new Letter of Determination ("LOD") for the approval of the Project and the EIR for the Project due to procedural defects with the LOD and the Corrected LOD. On April 17, 2019, the Los

Angeles Advisory Agency (LAAA) held a hearing on the Project and approved the Project and the EIR prepared for the Project. On April 26, 2019, the City issued a LOD for the LAAA decision, but the letter was erroneously dated March 29, 2019 – three weeks before the LAAA hearing date. The LOD stated that the deadline for any appeal would be April 8, 2019 – one week before the date of the LAAA hearing that would be appealed.

On May 1, 2019, the City issued a Corrected LOD, stating that the original LOD contained errors, and that due to these errors, the appeal deadline would be May 6, 2019.

We hereby request that the City issue a proper LOD and restart the appeal period for the date of the proper LOD. First, even if the Corrected LOD were valid, which it is not, it fails to provide the public with the required 10-day appeal period. It provides only 5-days, and therefore fails to comply with the City's own Municipal Code.

Second, the Original LOD and Corrected LOD are plainly incorrect and misleading. There is no way that a member of the public could read this document and understand what Project is being referred to and what the appeal deadline would be. In addition to the errors pointed out in the City's own "Corrected LOD," the Original LOD contained other serious errors. The Original LOD stated:

"Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-3480-EIR (State Clearinghouse House No. 2017031007), dated September 27, 2018, and the Final EIR, dated March 1st, 2019 (Hollywood and Gower EIR), as well as the whole of the administrative record, and"

The Notice of Completion and Availability from the project site is dated November 8, 2018. The FEIR cover is dated April 2019. Also the wrong FEIR is referenced. The LOD is for 2110 Bay Street not Hollywood & Gower. None of these additional errors were ever corrected by the City and are not mentioned in the Corrected LOD.

Under CEQA, a notice of determination is invalid unless it displays "actual compliance in respect to the substance essential to every reasonable objective of the statute." *Sierra Club v. City of Orange*, 163 Cal. App. 4th 523, 532 (2008), quoting, *International Longshoremen's & Warehousemen's Union v. Board of Supervisors*, 116 Cal.App.3d at p. 273. The same rule should apply to Letters of Determination as to Notices of Determination since the purpose of both documents is analogous.

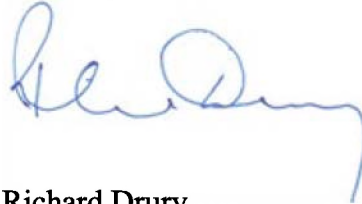
The City's LODs fail to meet this standard. They identify the wrong project, the wrong address, the wrong date of approval, the wrong date of appeal, the wrong environmental impact report, among other errors. The LOS is so patently false and misleading that no member of the public could reasonably be expected to understand that the Project had been approved and that the short 10-day appeal period was commencing. We

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therefore request that the City issue a new LOD properly identifying the Project, and re-starting a full 10-day appeal period from the date of the new LOD.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Drury". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Richard Drury
Lozeau Drury LLP