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18 May 2018

CITY OF LOS ANGELES
CITY COUNCIL – P.L.U.M. COMMITTEE
via CITY CLERK
200 North Spring Street,
Room 395, City Hall
Los Angeles, CA 90012
TEL: (213) 978-1133
FAX: (213) 978-1027
Clerk.CPS@lacity.org

Date: 05/22/2018
Submitted in PLUM Committee
Council File No: 17-1394
Item No. 8
Deputy: Comm. from Appellant
Representative

VIA HAND DELIVERY

CEQA APPEAL – FILE No. 17-1394

RE: Appellants’ Supplemental Material Submission

3568 Motor Avenue, Los Angeles, California 90034
Case No. DIR-2016-4880-DB; ENV-2016-4881-CE

Dear Honorable Council Members:

Appellants hereby submit and request that you consider the following objection and attached supplemental materials:

I. Objection to Late Request for Consideration of an Additional CEQA Exemption

On May 14, 2018, just five business days prior to the hearing on this case-file, the Planning Department submitted a request that this Committee determine that the Project at issue be classified as a Sustainable Communities Project and thus exempt from CEQA review. Appellants have had no prior notice of this submission, and it has not been subject to any procedure by which any interested members of the public would have reasonable notice of it – or, a reasonable opportunity to be heard prior to determination. Thus, Appellants hereby object.

II. Appellants’ Supplemental Materials for Consideration

A. Exhibit A is a set of three true and accurate pictures detailing the proximity of

the Palms Elementary School Kindergarten playground to the Project site. As shown in the pictures, the children's tiny brown playhouse is mere feet from the construction Project.

B. Exhibit B is a true and correct copy of video with audio of some of the jackhammering the Developer engaged in on December 15, 2017, while students and teachers were still in session at Palms Elementary School. Exhibit B is provided on the flash drive included in the envelope given to the Clerk with this filing. For convenience, Exhibit B is also available through the following active hyperlink:

http://www.orangelawoffices.com/casemedia/palms/EXHIBIT_B.mp4

C. Exhibit C is a true and correct copy of video with audio of some of the demolition the Developer engaged in, as well as the particles spread upon the surrounding area, on December 19, 2017, immediately upon the kindergarten playground fence-line of Palms Elementary School. Exhibit C is provided on the flash drive included in the envelope given to the Clerk with this filing. For convenience, Exhibit C is also available through the following active hyperlink:

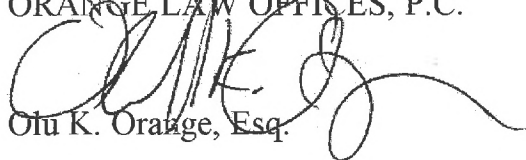
http://www.orangelawoffices.com/casemedia/palms/EXHIBIT_C.mp4

D. Exhibit D is a true and correct copy of a photograph of some of the students whose classrooms are closest to the construction site, and who currently use the kindergarten playground at Palms Elementary School. As indicated by their "Perfect Attendance" certificates, they attend school on a daily basis, and will be exposed to the toxins, particulate matter and carcinogens the Project will emit.

E. Exhibit E is a true and correct copy of email correspondence between Palms Teacher Christal Lord and Los Angeles City Councilman Paul Koretz' office. It occurred when the Developer began construction activities, including but not limited to jackhammering and possibly spraying pesticides when children and teachers were still in school at Palms Elementary on December 15, 2017.

F. Exhibit F is a true and correct copy of May 17, 2018, correspondence from Nick Greif, President of the Palms Neighborhood Council detailing its unanimous vote to oppose the Project.

Respectfully submitted,
ORANGE LAW OFFICES, P.C.



Olu K. Orange, Esq.

:: exhibits ::

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 3435 Wilshire Blvd., Suite 2910, Los Angeles, CA 90010

On May 18, 2018, I served the following Document(s): **Appellants' Supplemental Material Submission and EXHIBITS (A through F, including flash drives)** upon the interested parties in this action addressed as follows:

CITY OF LOS ANGELES
CITY COUNCIL
via CITY CLERK
200 N. Spring St, Rm 395
Los Angeles, CA 90012
TEL: (213) 978-1133
Clerk.CPS@lacity.org

(Via Hand Delivery) I caused hand-delivered service of the above-mentioned materials upon the above-mentioned recipient(s) as addressed by leaving the materials with the person indicated, or with a person, of the age of majority, apparently responsible for the premises.

(Via U.S. Mail [Federal or State]) I am readily familiar with the practice for the collection and processing of correspondence for mailing with the UNITED STATES POSTAL SERVICE; such envelope will be deposited with the UNITED STATES POSTAL SERVICE on the above date according to ordinary business practices.

(Via Email) By transmitting from my business address a true copy thereof from my sending computer addressed to each individual at its receiving computer email address set forth above at the time indicated on the transmission line thereon.

Executed on May 18, 2018, at Los Angeles, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

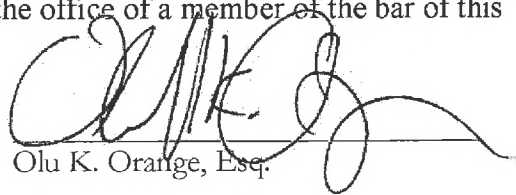

Olu K. Orange, Esq.

EXHIBIT A
PROXIMITY PICTURES







See enclosed flash drive
and/or go to:

http://www.orangelawoffices.com/casemedia/palms/EXHIBIT_B.mp4

EXHIBIT B

JACKHAMMERING VIDEO

See enclosed flash drive
and/or go to:

http://www.orangelawoffices.com/casemedia/palms/EXHIBIT_C.mp4

EXHIBIT C

DUST CLOUD VIDEO

EXHIBIT D

ATTENDANCE CERTIFICATES PICTURE



EXHIBIT E
DEMOLITION CORRESPONDENCE

EXHIBIT E, Page 001

Subject: Fw: They Are Spraying Today
From: CHRISTAL lord <christaltea4@yahoo.com>
Date: 2/6/2018 3:19 PM
To: Olu Orange <olurange@att.net>

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Friday, December 15, 2017, 11:57 AM, Joseph Galloway <joseph.galloway@lacity.org> wrote:

Christal,

We've been informed by the developer that they are pulling their team from the site at this moment. They were working on fencing and have postponed the work. Please provide us additional updates as you see them.

Sincerely,



Joseph Galloway
Senior Field Deputy
Office of Councilmember Paul Koretz, 5th Council District
6380 Wilshire Blvd., Suite 800
Los Angeles, CA 90048
T: [323.866.1828](tel:323.866.1828) | F: [323.852.1129](tel:323.852.1129) | C: [213.550.6017](tel:213.550.6017)
E: Joseph.Galloway@lacity.org

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On Fri, Dec 15, 2017 at 11:53 AM, Joseph Galloway <joseph.galloway@lacity.org> wrote:

Christal,

EXHIBIT E, Page 002

Thank you for notifying us. We are attempting to make contact with their office immediately.

Sincerely,



Joseph Galloway
Senior Field Deputy
Office of Councilmember Paul Koretz, 5th Council District
6380 Wilshire Blvd., Suite 800
Los Angeles, CA 90048
T: [323.866.1828](tel:323.866.1828) | F: [323.852.1129](tel:323.852.1129) | C: [213.550.6017](tel:213.550.6017)
E: Joseph.Galloway@lacity.org

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On Fri, Dec 15, 2017 at 11:52 AM, CHRISTAL lord <christal teach4@yahoo.com> wrote:

Dana from the developers office told me they are spraying from pest today, that is completely illegal we have to notify parents !!!!! Please call them to stop !!!
Christal Lord

Inline image

Sent from Yahoo Mail for iPhone

On Friday, December 15, 2017, 11:09 AM, CHRISTAL lord <christal teach4@yahoo.com> wrote:

Hello
The developer promised not to start demolition till December 18. They are currently doing construction as we speak. We have video and Mr.Orange spoke to the supervisor of construction today and the developer never told him anything. The promise was to wait till December 18!!!! Our kids are still here!! You are suppose to protect us!
Christal Lord

EXHIBIT E, Page 003

Sent from Yahoo Mail for iPhone

—IMG_7511.JPG—

EXHIBIT F

NEIGHBORHOOD COUNCIL OPPOSITION LETTER



PALMS NEIGHBORHOOD COUNCIL



May 17th, 2018

RE: OPPOSITION TO 3568 MOTOR AVE DEVELOPMENT UNTIL LAUSD CONDUCTS AN ENVIRONMENTAL REVIEW OF THE IMPACTS ON THE ABUTTING ELEMENTARY SCHOOL

To Whom It May Concern,

I write to inform you of the Palms Neighborhood Council's position on the 3568 Motor Avenue development, taken by a unanimous vote at our November 15, 2017 board meeting.

The Palms Neighborhood Council **OPPOSES** the development project at 3558-3570 Motor as presented at this time *until* an environmental review of the project can be undertaken by the LA Unified School District (LAUSD) and if necessary, the City of Los Angeles.

Our vote on this project was not taken lightly. Our Council has generally been supportive of constructive development in our community and at this point, this vote is the only time in this 2016-2019 board term that we have outright opposed a development project presented to us.

After many meetings with the developer and our community, we concluded that there would be negative impacts to our community -- particularly Palms Elementary School. A full overview of our discussion on this matter, testimony from the school, LAUSD, parents, and the developer can be found starting on page five of our meeting minutes found here:

<https://drive.google.com/open?id=15Rcyskzt-nWUXnv2TMmjJrOiwME9yoJA>

Sincerely,

Nick Greif
President, Palms Neighborhood Council

Palms Neighborhood Council - Nick Greif, President / Andres Cuervo, Vice-President / V. Claire Jadulang, Secretary / Katie Clarkin, Treasurer / Alison Regan, Community Org. Rep. / Jenn Gers, Residential Rep. A / Erika Graves, residential Rep B. / Paul Seo, Residential Rep. D / Eryn Block, Residential Rep. E / John Stanley, Business Rep. 1 / Maria Muñoz, Business Rep. 2 / Caitly Wallace, Business Rep 3

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Learn more about the Palms Neighborhood Council and sign up for updates at <http://palmsnc.la/>