

# ORIGINAL



## 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: VTT No. 74529-1A

Project Address: 520 Mateo Street (520, 524, 528, 532 Mateo St; 1310 East 4th Place)

Final Date to Appeal: July 30, 2018

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): Laborer's International Union of North America, Local 300

Company: Laborer's International Union of North America, Local 300

Mailing Address: 2005 W. Pico Blvd.

City: Los Angeles

State: CA

Zip: 90006

Telephone: 510-836-4200

E-mail: richard@lozeaudrury.com

- 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): Richard Drury

Company: Lozeau Drury LLP

Mailing Address: 410 12th Street, Suite 250

City: Oakland

State: CA

Zip: 94607

Telephone: 510-836-4200

E-mail: Richard@lozeaudrury.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: All Conditions

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: [Signature]

Date: July 26, 2018

#### 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: \$ 89.00	Reviewed & Accepted by (DSC Planner): <u>[Signature]</u>	Date: 7/27/2018
Receipt No: 0102922105	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

## **Justification/Reason for Appeal**

520 Mateo Project

VTT No. 74529-1A

520 Mateo Street (520, 524, 528, 532 Mateo St; 1310 East 4th Place)

**REASON FOR THE APPEAL:** The environmental impact report (EIR) prepared for the 520 Mateo Project (CEQA ENV-2016-1795-EIR) (SCH No. 2016111043) ("Project") fails to comply with the California Environmental Quality Act (CEQA). In particular the EIR fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts.

**SPECIFICALLY THE POINTS IN ISSUE:** The specific points in issue are set forth in the comment letters dated June 13, 2018, and January 26, 2018, and in the expert comment letters attached thereto, that were previously submitted by the appellant.

**HOW YOU ARE AGGREIVED BY THE DECISION:** Members of appellant Laborers International Union of North America Local 300 (LIUNA) live in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated. Construction workers, such as the members of LIUNA Local 300, will be directly affected by soil contamination, improperly controlled construction equipment, and other risks during Project construction.

**WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION:** The Planning Commission approved the Final EIR for the Project despite the fact that there is substantial evidence demonstrating that the EIR fails to comply with CEQA. The Planning Commission failed to respond to substantial evidence presented concerning the EIR's legal deficiencies. The Planning Commission approved portions of the Project (e.g. the vesting tentative tract map) despite the fact that the CEQA document is still subject to appeal and is in fact being appealed.