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DEPARTMENT OF CITY PLANNING
APPEAL REPORT

Date: June 14, 2018
Time: After 8:30 A.M.
Place: Los Angeles City Hall
200 N. Spring Street, Third Floor
Los Angeles, CA 90012

Public Hearing Completed: May 15, 2018
Appeal Status: Appealed
Expiration Date: June 14, 2018
Appeal Status: Pursuant to LAMC Section 17.03, the Tract Map is appealable to City Council

Case No.: VTT-74529-1A
CEQA No.: ENV-2016-1795-EIR
SCH. No. 2016111043
Incidental Cases: n/a
Related Cases: None
Council No.: 14 - Huizar Westlake
Plan Area:
Specific Plan: Central City North
Certified NC: Historic Cultural
General Plan: *Existing: Heavy Manufacturing*
Proposed: Regional Center Commercial
Zone: *Existing: M3-1-RIO*
Proposed: [T][Q]C2-2D-RIO
Applicant: CP V 520 Mateo, LLC
Representative: Rosenheim, Rosenheim & Associates
Appellant: Laborer's International Union of North America Local Union No. 300

PROJECT LOCATION: 520, 524, 528, and 532 Mateo Street & 1310 East 4th Place, Los Angeles, CA 90013

PROPOSED PROJECT: The original 520 Mateo Project is a mixed-use live/work development comprising 600 live/work dwelling units, and approximately 60,000 square feet of commercial retail and office floor area. The project would set aside 11% of the total units for restricted affordable very low income units. Parking would be provided in accordance with Los Angeles Municipal Code (LAMC). The project will have an FAR of 6:1. The project includes demolition and removal of all existing structures (an 80,736 square-foot, two-story warehouse distribution building) to be replaced with an approximately 584,760 square-foot mixed-use live/work structure consisting of a podium style building, and residential live/work tower, ranging in height from 28 feet for the podium building and up to approximately 150 feet for the tower.

Alternative 4 of the DEIR (ENV-2016-1795-ENV) will also be considered as a potential project. Alternative 4 (Reduced Residential/Increased Commercial Density) – is a mixed use live/work development comprising 475 live/work dwelling units, and approximately 125,000 square feet of commercial retail and office floor area in a 35-story structure centered on the site with office space in an adjacent five-story building. Alternative 4 would have an FAR of 6:1 and a height of up to 370 feet in height above street grade for the residential tower and 91 feet for the office tower along Mateo. Alternative 4 includes 11% of the units be set aside for restricted affordable very low income units.

REQUESTED ACTIONS:

- 1) An appeal of the entire decision of the Advisory Agency in approving the following actions:
 - a. 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-2016-1795-EIR (SCH No. 2016111043), the Final EIR, dated April 12, 2018 (520 Mateo EIR), as well as the whole of the administrative record, and

Certified the following:

The 520 Mateo EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
The 520 Mateo EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
The 520 Mateo EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED the following:

The related and prepared 520 Mateo Environmental Findings;
The Statement of Overriding Considerations; and
The Mitigation Monitoring Program prepared for the 520 Mateo EIR.

RECOMMENDED ACTIONS:


1. **Deny in part, grant in part**, the appeal for VTT-74529, to recognize the Planning Department's denial of the Appeal and to allow for proposed technical corrections to the Vesting Tentative Tract Map Letter of Determination.
2. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, **find**, that the City Planning Commission, has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2016-1795-EIR, SCH No. 2016111043, dated December 21, 2017 and the Final EIR, dated April 12, 2018 (collectively, the 520 Mateo Project EIR) as well as the whole of the administrative record.

Certified that:

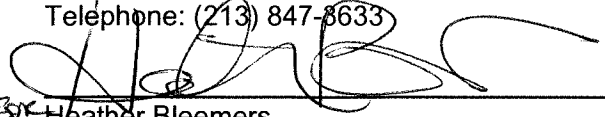
- a. The 520 Mateo Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The 520 Mateo Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- c. The 520 Mateo Project EIR reflects the independent judgment and analysis of the lead agency.

Adopted the following:

- a. The related and prepared 520 Mateo Project Environmental Findings;
- b. The Statement of Overriding Considerations; and,
- c. The Mitigation Monitoring Program prepared for the Sapphire Project EIR.



Sergio Ibarra, Hearing Officer
Telephone: (213) 847-8633



For Heather Bleemers
Senior City Planner



For Charles J. Rausch, Jr.
Principal City Planner

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the *Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012* (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent out the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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Project Summary

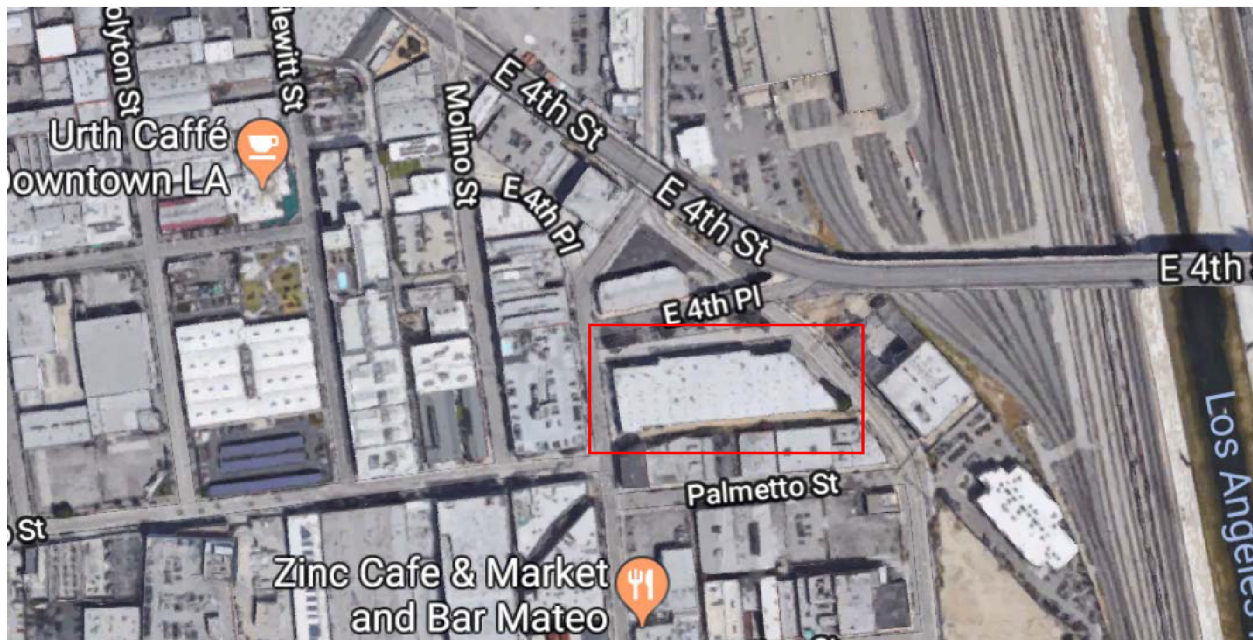
The original project proposed removal of all existing structures and the construction of a 13-story building containing up to 600 live/work units and up to 60,000 square feet of commercial, retail, and/or office area with up to 11 percent of the base density for Very Low Income Households. The original project proposed a three-level subterranean parking garage that would have been located beneath the building, and additional parking would have been provided on the ground and second levels of the Project to create a total of 650 parking spaces. The original project included 66,750 square feet of open space. Project ingress/egress would have occurred from Santa Fe Avenue; no vehicular access would have been provided from Mateo Street. The original project would have positioned the upper portion (levels 3 through 13 above the Project's podium base) in a "U" configuration around the Level 2 courtyard, reaching a continual height of 150 feet above ground level on the east, north, and west sides. Paseos along the northern and southern edges of the Project would be created for pedestrian access.

At the direction of the Department of City Planning, Alternative 4 of the EIR (ENV-2016-1795-ENV) will be considered for the proposed project. Alternative 4 (Reduced Residential/Increased Commercial Density) – is a mixed use live/work development comprising 475 live/work dwelling units, and approximately 125,000 square feet of commercial retail and office floor area in a 35-story structure centered on the site with office space in an adjacent five-story building. A publically accessible paseo along the southern project boundary will connect pedestrians from Mateo Street to Santa Fe Avenue. Alternative 4 would allow for the project to have an FAR of 6:1 and a height of up to 370 feet above street grade. As with the original Proposed Project, Alternative 4 proposes that up to 11% of the units be set aside for restricted Very Low Income Households. Based on the filing date, the project vested out of JJJ. Alternative 4 provides type-1 construction that facilitates live-work uses and a greater amount of creative office, supporting a significant amount of jobs consistent with the Community Plan's vision of the Arts District and with recent development patterns. The Department of City Planning is recommending approval of Alternative 4 as the proposed project, with conditions of approval.

Background

Location and Setting

The project site is located in the center and easterly portion of the Central City North Community Plan area, just south of the 4th Street Bridge between Mateo Street and Santa Fe Avenue. The project is located in the Arts District neighborhood which was originally planned and zoned for industrial uses. However, the neighborhood is evolving into a unique district that includes industrial uses, live-work units, commercial and retail uses, and mixed-use developments. Through the historic granting of Zoning Administrator's Determinations on adjacent properties, many of the formerly industrial buildings within proximity of the subject site have been converted into commercial and live-work uses.



Project Site and Characteristics

The Subject Property is a relatively flat, irregular lot, comprised of four parcels that, when combined, are approximately 2.23 acres in size (approximately 97,460 square feet) . The Subject Property's easterly boundary has an approximately 300-foot frontage along Santa Fe Avenue, its northern boundary, 4th Place is approximately 379.05 linear feet and its westerly boundary has an approximately 200-foot frontage along Mateo Street. The Subject Property is legally described as a portion of Lots A (Arb 2) of Tract 35, and "Unnumbered Lot" (Arb 215) of Tract City Lands of Los Angeles.

The site is located within the M3-1-RIO Zone and is currently designated for Heavy Manufacturing land uses, corresponding to the M3 Zone. The project site is currently developed with a two-story, 80,736 square-foot warehouse distribution building, containing four clothing distribution businesses as tenants and surface parking/loading dock areas. The existing building, built in 1988, is a two-story tilt-up style concrete structure that covers the majority of the site and is bordered on its north side by a driveway and surface parking area spanning the width of the site, with gated entrances from both Mateo Street on the west and Santa Fe Avenue on the east. The southern edge of the project which will be the site of the mid-block paseo contained a former rail right-of-way along parcel 5164003803. All buildings on the subject site will be demolished with the implementation of the proposed project.

Community Plan

The Project Site is located within the Artists-in-Residence District (more commonly referred to as the "Arts District"), which is bounded by First Street to the north, the Los Angeles River to the east, Sixth Street to the south, and Alameda Street to the west. This area located just outside the Little Tokyo boundaries, is primarily made up of former warehouse structures that are transitioning into artists' studios and workshops, live/work spaces, and neighborhood-serving retail and commercial uses. Metro Red or Purple Line Stations are also being studied for this area at Santa Fe Avenue and 3rd Street and/or south of the new 6th Street Bridge pursuant to a motion made by the Metro Board on January 19, 2017. The Community Plan encourages the continued and expanded development of a thriving artists-in-residence community in the plan and proposed redevelopment areas.

The existing land use designation for the Project Site in the Community Plan is Heavy Manufacturing. The Project Site is currently zoned M3-1-RIO (Heavy Industrial Zone, Height District 1, Los Angeles River Improvement Overlay District). Uses that are allowed in an M3 Zone include all of the uses allowed in the M1, M2, and MR2 zones and, as such, generally include those uses allowed in the C1, C1.5, and C2 zones (see LAMC Section 12.20[A][1]). Permitted uses include, among others: restaurants, business and professional offices, medical clinics and laboratories, grocery stores, retail and service stores, pharmacies, drugstores, manufacturing and industrial activities, research and development, storage, and parking. Buildings containing dwelling units or guest rooms are prohibited in the M3 Zone. The M3-1 Zone corresponds to Height District 1. Pursuant to LAMC Section 12.21.1(A)(1), Height District 1 allows a maximum floor area ratio (FAR) of 1.5:1 and does not limit the height of structures in M designated zones.

The Project includes a request for a General Plan Amendment to the Regional Commercial and a Zone Change to the [T][Q]C2-2D-RIO Zone over the entire site.

APPEAL ANALYSIS

520 South Mateo Project Appeal

The Appellant's statements have been summarized in the following categories (see attached Exhibits for the appellant's entire Appeal Applications).

Appeal No. 1 – Laborer's International Union of North America Local Union No. 300 Appeal of CEQA No. ENV-2016-1795-EIR

Appellant's Statements:

The environmental impact report (EIR) prepared for the 520 Mateo Project (CEQA No. ENV-2016-1795-EIR (SCH No. 2016111043)) ("Project") fails to comply with the California Environmental Quality Act (CEQA).

Staff Response:

The Appellant's claim that the Project's EIR does not comply with CEQA is unsubstantiated. The Appellant provides no evidence or justification to support the assertion that the EIR does not comply with CEQA and does not identify any specific deficiencies or errors in the EIR. The Project's EIR satisfies all substantive and procedural requirements of CEQA, the State CEQA Guidelines, and the City of Los Angeles' guidelines for the implementation of CEQA.

Appellant's Statements:

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.

Staff Response:

The Appellant's claims that the EIR fails to adequately analyze environmental impacts, describe the environmental setting, and proposed all feasible mitigation measures and alternatives to reduce Project impacts are unsubstantiated. The Appellant provides no evidence or justification to support these assertions. Similarly, the Appellant does not identify any potential environmental impacts that are inadequately analyzed, does not identify any specific deficiencies or errors in EIR's description of the environmental setting, and does not suggest any additional mitigation measures or alternatives for the City's consideration.

The Project's EIR, together with the Initial Study included as Appendix A of the EIR, analyze the Project's potential environmental impacts related to all environmental topics identified in the State CEQA Guidelines and the City of Los Angeles CEQA Thresholds Manual. The EIR

evaluates the environmental impacts of all phases of the project and considers direct and indirect effects, short- and long-term effects, individual project impacts and cumulative impacts, effects which cannot be avoided if the proposed Project is implemented, irreversible environmental changes, and growth-inducing impacts. See EIR Chapters 4 *Environmental Impact Analysis* and 5 *General Impact Categories* and EIR Appendix A *Initial Study*.

With regard to the EIR's description of the environmental setting, Chapter 3 of the EIR includes an overview of the Project's environmental setting, which provides both regional and local context, describes the conditions and uses on the Project Site, and identifies the surrounding land uses. In addition, each topical analysis section in Chapter 4 of the EIR includes an "Environmental Setting" subsection that provides additional detail of the environmental setting relevant to the respective environmental topic. For example, the "Environmental Setting" subsection of Section 4.C *Air Quality* identifies the air quality status of the South Coast Air Basin, describes the climatological conditions of the area that could affect air quality, and identifies recent air pollutant concentrations reported by the nearest air quality monitoring station.

Finally, the EIR identifies mitigation measures (21 in total) to avoid or reduce all potentially significant environmental impacts of the Project. In addition, the EIR evaluates five Project alternatives to avoid or reduce the Project's potentially significant environmental impacts.

Appellant's Statements:

Members of the appellants 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.

Staff Response:

The Project's potential air quality impacts are analyzed in Section 4.C *Air Quality* of the EIR. As identified in this section, the Project has the potential to cause significant air quality impacts during construction. Specifically, particulate emissions from construction activities have the potential to exceed the South Coast Air Quality Management District's Localized Significance Threshold criteria. With the implementation of mitigation measure AIR-MM-1, this potential impact is reduced to a less than significant level. All other air quality impacts were determined to be less than significant before mitigation.

The Project's potential traffic impacts are analyzed in Section 4.L *Transportation/Traffic* of the EIR. As identified in this section, without mitigation, the Project is expected to result in significant impacts at 10 intersections. Mitigation Measures TR-MM-1, -2, and -3 are included to avoid or reduce these impacts. With the implementation of these mitigation measures, all traffic impacts would be reduced to a less than significant level, with the exception of the Project's impacts at the intersection of Santa Fe Avenue and 7th Street. As determined upon consultation with LADOT, no intersection or signalization improvements are available at this intersection.

The potential for soil contamination to exist onsite was evaluated in Section 4.F *Hazards and Hazardous Materials* of the EIR. This section of the EIR reports the findings of soil testing conducted on the site as part of a limited Phase II Site Assessment undertaken by URS Corporation in September 2014. As stated on p. 4.F-10 of the EIR, "Although the results of this soil testing do not indicate any significant site-wide concerns, specific individual soil samples were found to have detectable concentrations of contaminants that will require further assessment and/or management during site clearing and grading." Mitigation Measure HAZ-MM-1 is included in the EIR to require a complete Phase II ESA to be performed following demolition of the existing structures and removal of the debris from the Project Site. If soil contamination is found, Mitigation Measure HAZ-MM-1 requires a detailed Soil Management Plan to be developed and implemented. With the incorporation of this mitigation measure, potential impacts related to the possible presence of contaminated soils onsite would be reduced to a less than significant level.

Appellant's Statements:

The Advisory Agency approved the Final EIR for the Project despite the fact that the EIR fails to comply with CEQA. The Advisory Agency failed to respond to substantial evidence presented concerning the EIR's legal deficiencies.

Staff Response:

As previously noted, the Appellant's claim that the EIR does not comply with CEQA is unsubstantiated. Likewise, the Appellant's claim that the Advisory Agency failed to respond to substantial evidence presented concerning the EIR's legal deficiencies is unsubstantiated. The Appellant does not identify any specific legal deficiencies in the EIR and provides no evidence that the EIR is legally deficient. The Project's Final EIR provides detailed responses to all comments submitted on the Draft EIR.

Appeal No. 2 – Laborer's International Union of North America Local Union No. 300 Appeal of Vesting Tentative Tract Map No. 74529

The Appellant submitted a separate Appeal Application for Vesting Tentative Tract Map No. 74529, which is an additional Project application. The *Justification/Reason for Appeal* provided with this Appeal Application is identical to that provided in the Appeal Application for CEQA No. ENV-2016-1795-EIR. See the Appellant's Statements and Staff Responses for Appeal No. 1, above.

REQUESTED CORRECTIONS TO VTT-74529-1A

Planning Staff recommends the following corrections to Condition 19 of the Letter of Determination for VTT-74529-1A-CN as shown below in ~~striketrough~~ for deletion and underline for insertion. These corrections are necessary to ensure that the City's standard Condition of Approval for the Inadvertent Discovery of Tribal Cultural Resources is processed in a timely manner. Please see corrections below.

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1_ all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 978-1454.
- If the City determines, pursuant to Public Resources Code Section 21074(a)(2) that the object or artifact appears to be tribal cultural resource, the City shall provide any effected affected tribe a reasonable period of time, not less than 14 days, nor more than 21 days, to conduct a site visit and make recommendations to the Project permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonable concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected affected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City within 20 days.

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: CEQA No. ENV-2016-1795-EIR (SCH No. 2016111043) (VTT No. 74529)

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

Final Date to Appeal: 05/04/2018

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 Union No. 300

Company: LiUNA 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: May 2, 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: <u>89.00</u>	Reviewed & Accepted by (DSC Planner): <u>[Signature]</u>	Date: <u>5/4/2018</u>
Receipt No: <u>0103885773</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

Justification/Reason for Appeal

520 Mateo Project

Vesting Tentative Tract Map No. 74529

CEQA No. ENV-2016-1795-EIR (SCH No. 2016111043)

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

REASON FOR THE APPEAL: The environmental impact report (EIR) prepared for the 520 Mateo Project (CEQA No. ENV-2016-1795-EIR (SCH No. 2016111043)) ("Project") fails to comply with the California Environmental Quality Act (CEQA).

SPECIFICALLY THE POINTS IN ISSUE: 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.

HOW YOU ARE AGGREIVED BY THE DECISION: Members of appellants 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 Advisory Agency approved the Final EIR for the Project despite the fact that the EIR fails to comply with CEQA. The Advisory Agency failed to respond to substantial evidence presented concerning the EIR's legal deficiencies.