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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: DIR 2018-3411 ENV 2018-3412 CE

Project Address: 2465 Purdue Ave, L.A., Ca 90064

Final Date to Appeal: None / May 31, 2019

- 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): Scott Van Opdorp

Company: \_\_\_\_\_

Mailing Address: 2463 1/2 Purdue Ave

City: Los Angeles State: Ca Zip: 90064

Telephone: 310-849-1968 E-mail: \_\_\_\_\_

• 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): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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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: CEQA: Class 32 Exemption

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 31, 2019

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</u>	Reviewed & Accepted by (DSC Planner): <u>Noah Mccoy</u>	Date: <u>5/31/2019</u>
Receipt No: <u>0302155949</u>	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

CEQA Appeal :

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MAY 31, 2019

ENV-2018-3412 CE  
Project address:  
2565 Purdue Ave  
Los Angeles, CA 90064

Scott Van Opdorp  
2465 Purdue Ave.  
Los Angeles, CA 90064

 2018-3412

**The reason for the appeal:**

The Class 32 Exemption was given in error by LADCP. And, State CEQA Guidelines Section 15300.2 further prohibit any exemption.

The Letter of Determination was approved by the City Planning Commission in error.

There is Some confusion on the determination letter as the project is described in 3 different ways (4-6 stories).

Currently, Zoning Code does not contain a provision that affirmatively allows for CEQA clearances to be directly appealed to the city Council therefore currently the City Planning Commission is not allowed to conduct hearings or render final approval.

Further, the city allows projects to go forward during sick appeals even though the city planning commission is not allowed to approve final letters of determination.

(California Public Resources Code Section 21155.2 (B))

**Specifically the points at issue are:**

There is substantial evidence demonstrating that an exception to a categorical exemption pursuant to State CEQA Guidelines - a Class 32 Exemption does not apply.

*Specifically:*

Sections (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

Section (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Section (e) The site can be adequately served by all required utilities and public services.



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—Currently the site cannot be serviced by electrical without **disconnecting electrical service to my home and business as the electrical line crosses the project property to service my home and apartments.**

- Moving the Electrical Power Pole and running the line down to my electrical is not a solution as per LADWP technician,

**Current code requires at least 3 feet between a powerline crossing two property lines from a window. According to LADWP there would be less than 3 feet from two windows on my home and not up to code.**

Also, State CEQA Guidelines Section 15300.2, that would prohibit the use of any categorical exception.

Specifically:

**B. Cumulative Impact**

This project cuts down 17 trees without adequate replacement as well, it kills my 80-year-old four-story landmark tree 6 feet from unnecessary excavation for parking.

**C. Significant Affect due to unusual circumstances**

**I am aggrieved by the decision:**

The Class 32 Exemption violates the CEQA Guidelines specific to this project and CEQA appeals procedurally in general. (California Public Resources Code Section 21155. 2)

I have standing in this case because this project specifically, and the CEQA appeal procedure generally, negatively impacts me personally, my son, and my business in perpetuity. The continued CEQA appeal non-compliance hinder my ability to file a petition for writ of mandamus. Allowing projects to go for it during a sequel appeal knowing that the process is currently illegal is a specially egregious.

**I believe the decision-maker erred in their discretion and abused their discretion by:**

Erred in discretion:

DIR-2018-3411 / ENV-2018-3412 does not qualify for a Class 32 Exemption or any categorical exemption, as per State CEQA Guidelines Section 15300.2

The approved Letter of Determination Describes the project three different ways.

Abused their discretion:

A class 32 Exemption for this project was not appropriate and the Letter of Determination describes the project three different ways( 4 -6 stories).

Also problematic, summarily granting Class 32 Exemptions for this and all TOC projects with a hearing and final decision by the City Planning Commission is conditional. The Los Angeles Zoning Code/ ordinance does not currently contain

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a provision that affirmatively allows for clearances to be directly appealed to the City Council, the condition by which the CPC is allowed to render a decision final or otherwise.

(California Public Resources Code Section 21155.2(b)(6))

The city of Los Angeles' continued non-compliance of State CEQA Guidelines impedes my ability to petition the court for a writ of mandamus.

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