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September 23, 2021

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VIA ONLINE SUBMISSION

Appeal Board

City of Los Angeles Planning Department

Online Portal: <https://plncts.lacity.org/oas>

VIA EMAIL

Jivar Afshar, Planner (jivar.afshar@lacity.org)

Re: Appeal of Advisory Agency Certification and Adoption of the EIR and Approval of the Vesting Tentative Tract Map for 676 Mateo Street (SCH No. 2018021068; Case No. ENV 2016-3691-EIR; CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR; VTT-74550)

Dear Appeal Board, Planning Department, Ms. Afshar:

On behalf of the **Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA")**, we submit this appeal of the City of Los Angeles Deputy Advisory Agency's approval of the Vesting Tentative Tract Map and certification of the Final Environmental Impact Report ("EIR") for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR; CPC-2016-3689-GPA-ZC-HD-MCUP-DB-SPR; VTT-74550) ("Project"), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, "Applicant").

On September 16, 2021, the Advisory Agency issued a Letter of Determination ("LOD") stating that it had certified and adopted the EIR and approved the Vesting Tentative Tract Map for the Project. The LOD indicates that the appeal period for the determination ends on September 26, 2021, which falls on a Sunday. Per Los Angeles Municipal Code 19.00, that deadline "shall be extended to the close of business on the next succeeding working day."

This letter supplements CREED LA's Appeal Application, filed concurrently herewith. In accordance with City requirements, this appeal is accompanied by an L4986-009acp

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appeal filing fee of \$89. This appeal is based on each of the reasons set forth herein and in the attached and referenced exhibits.

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the **Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California**, along with their members, their families, and other individuals who live and work in the City of Los Angeles. Individual members of CREED LA and its member organizations include John Ferruccio, Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

I. REASONS FOR APPEAL

CREED LA hereby appeals all actions taken by the Advisory Agency and described in the LOD dated September 16, 2021. The reasons for this appeal are set forth in the attached comments and exhibits, including CREED LA's August 25, 2021 comment letter to the Advisory Agency, as well as the comments of air quality experts James Clark, Ph.D., and acoustics expert Neil A. Shaw, FASA, FAES.¹ Reasons include violations of CEQA, State and local land use codes, and of the Subdivision Map Act. We incorporate by reference all comments included in the expert letters, as well as our earlier preliminary and supplemental comments on the DEIR, which are in the City's record of proceedings for the Project.

Additionally, the LOD states that the Advisory Agency certified the FEIR pursuant to CEQA, despite the fact that the City has not approved the Project's remaining entitlements. It would be premature and improper for the City to certify the EIR for the Project at this time because the Project has not been fully approved as outstanding Project entitlements, including the General Plan amendment,

¹ Attached as Exhibit 1.
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vesting zone change and height district change, conditional use permit to allow the sale and dispensing of alcohol, a density bonus compliance review, and a site plan review, have yet to be considered by the City's decision-making body. These entitlements are part of the Project, and must be considered and acted upon before the City can take any action to certify the EIR.

A. The EIR Cannot Be Certified or Adopted Prior to Consideration of the Entire Project

It is well-settled that certification or adoption of a CEQA document cannot be issued before a project has been approved.² This is consistent with CEQA's requirement that an EIR consider the "whole of an action."³ This includes all phases of a project that are reasonably foreseeable.⁴ As the courts have held, "[t]he purpose of CEQA is to inform the public of plans, so that the public can help guide decision makers about environmental choices. It is not the purpose of CEQA to foment prophylactic litigation."⁵ Because the City has scheduled the remaining entitlements to be considered by the City Planning Commission on October 28, 2021, the Project cannot be approved and the EIR cannot be certified or adopted at this time.

B. The EIR Cannot Be Certified Because It Fails to Comply With CEQA

As discussed in our prior comments, the EIR fails to comply with CEQA. Though the Final EIR responded to some of our prior concerns regarding the Draft EIR issued for the Project, it failed to address or resolve many of the major issues we raised. In addition, significant new information was included in the Final EIR, necessitating the recirculation of the Draft EIR to allow the public to meaningfully review and comment on significant impacts or feasible mitigation measures that

² See, e.g., *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 963; *Coalition for an Equitable Westlake/MacArthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368, 379; *Stockton Citizens for Sensible Planning v. City of Stockton*, 48 Cal. 4th 481, 489; *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 418-25.

³ 14 CCR § 15378; *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1297.

⁴ *Id.*

⁵ *Endangered Habitats League, Inc. v. State Water Resources Control Bd.* (1997) 63 Cal.App.4th 227, 242

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had previously been omitted. Moreover, the Final EIR failed to adequately analyze the Project's impacts related to air quality, greenhouse gas ("GHG") emissions, cumulative impacts, noise impacts, and adverse effects on public health and safety. It also failed to propose mitigation measures capable of reducing potentially significant impacts to less than significant levels, leaving major Project impacts significant and unmitigated. Finally, as a result of these ongoing impacts, the City cannot make the findings required under State and City laws to issue the Project's land use entitlements.

II. CONCLUSION

CREED LA respectfully requests that the City set a hearing on this appeal, and that the Appeal Board uphold this appeal and vacate the Advisory Agency's certification and adoption of the EIR and approval of the Vesting Tentative Tract Map.

Sincerely,



Kendra Hartmann

KDH:acp

Attachments

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