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December 10, 2021

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VIA ONLINE SUBMISSION

Los Angeles City Council
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 City Planning Commission 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; VTT-74550-CN-1A) (Related Case: CPC-2016-3689-GPA-VZC-HD-MCUP-DB-SPR)

Dear Councilmembers, 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 Planning Commission’s (“Commission”) October 28, 2021 denial of CREED LA’s appeal of the City’s approval of the Vesting Tentative Tract Map (“VTTM”) for the 676 Mateo Street Project (SCH No. 2018021068; Case No. ENV 2016-3691-EIR; VTT-74550) (“Project”), proposed by District Centre, LP, & District Centre-GPA, LP (collectively, “Applicant”). CREED LA appeals all actions taken by the Commission related to Case Nos. VTT-74550-CN-1A and ENV-2016-3691-EIR; SCH. 2018021068, including but not limited to denial of CREED LA’s appeal; certification of the Final Environmental Impact Report (“EIR”); adoption of findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Program pursuant to the California Environmental Quality Act (“CEQA”); approval, pursuant to Section 17.15 of the Los Angeles Municipal Code (“LAMC”), a Vesting Tentative Tract Map No. 74550-CN; and adoption of Modified Conditions of Approval and findings.¹

¹ 12/2/2021 LOD for Case No. VTT-74550-CN-1A, p. 1.
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On September 16, 2021, the City Advisory Agency approved the Vesting Tentative Tract Map and adopted the Project's EIR. On September 23, 2021, CREED LA timely filed an appeal, which was heard by the Commission on October 28, 2021. The Commission denied the appeal, issuing a Letter of Determination ("LOD") on December 2, 2021 affirming the Commission's approval of the VTT, certification and adoption of the EIR, and other related approvals.

This letter supplements CREED LA's Appeal Application, filed concurrently herewith. In accordance with City requirements, this appeal is accompanied by an appeal filing fee of \$89, and a copy of the LOD. 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 Commission regarding the Project as described in the LOD dated December 2, 2021. The reasons for this appeal are set forth in the attached comments and exhibits, including CREED LA's previous comment letters dated August 25, 2021 and October 26, 2021, as well as the comments of air quality expert James Clark, Ph.D., and acoustics expert Neil A. Shaw, FASA, FAES.² Reasons for the appeal include violations of CEQA, State and local land use codes, and of the Subdivision Map Act. We incorporate by reference

² Attached as **Exhibits 1 and 2**.
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all comments included in the expert letters, as well as our earlier preliminary and supplemental comments on the Draft EIR, which are in the City's existing record of proceedings for the Project and attached hereto.³ A brief summary of issues is below. CREED LA respectfully requests that the City Council consider all of our comments on the Project in their entirety in responding to this appeal.

A. The EIR was Prematurely Adopted Before All Project Entitlements Were Considered

It is well-settled that certification or adoption of a CEQA document cannot be issued before a project has been approved.⁴ This is consistent with CEQA's requirement that an EIR consider the "whole of an action."⁵ This includes all phases of a project that are reasonably foreseeable.⁶ 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."⁷ CREED LA's appeal of the Advisory Agency's actions explained that the Advisory Agency improperly certified the Final EIR pursuant to CEQA, despite the fact that the Commission had not yet approved the Project's remaining entitlements. Because an interim decision maker certified and adopted the EIR prior to City decision makers considering all Project entitlements, which were finally approved at the Commission's October 28, 2021 hearing, the Advisory Agency's initial adoption of the EIR was premature and should not have been approved by the Commission.

B. The EIR Fails to Comply With CEQA

As discussed in our prior comments, including our comments on the Draft EIR, comments to the Advisory Agency, and our October 26, 2021 reply comments to the City's rebuttal to those comments, the EIR fails to comply with CEQA and

³ Attached as **Exhibit 3**.

⁴ 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.

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

⁶ *Id.*

⁷ *Endangered Habitats League, Inc. v. State Water Resources Control Bd.* (1997) 63 Cal.App.4th 227, 242

should not have been certified by the Advisory Agency or any other decision-making body.

The Final EIR responded to some of our prior concerns regarding the Draft EIR issued for the Project, but failed to address or resolve many of the major issues we raised. In addition, significant new information was included in the Final EIR which was not included in the Draft EIR or circulated for public comment, necessitating the recirculation of the Draft EIR to allow the public to meaningfully review and comment on new analysis, newly identified significant impacts and feasible mitigation measures that had previously been omitted from the Draft EIR. 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 require mitigation measures capable of reducing potentially significant impacts to less than significant levels, leaving major Project impacts significant and unmitigated. As a result of these deficiencies, the EIR fails to comply with CEQA and fails to mitigate all potentially significant impacts to less than significant levels, as claimed.

As a result of the Project's ongoing unmitigated impacts, the findings made by the Advisory Agency and Commission that are required under State and City laws to approve the Project and issue the Project's land use entitlements were not supported by substantial evidence. In particular, the findings necessary to approve the VTTM pursuant to the Subdivision Map Act—specifically, the findings that the Project is not likely to cause substantial environmental damage or result in serious public health problems—were not supported by substantial evidence. Finally, the Statement of Overriding Considerations adopted by the City failed to consider whether the Project provides employment opportunities for highly trained workers, as required by CEQA.⁸

II. CONCLUSION

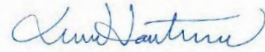
CREED LA respectfully requests that the City Council set a hearing on this appeal, and that the Council vacate the Commission's denial of our appeal, vacate the Advisory Agency's certification and adoption of the EIR, approval of the Vesting Tentative Tract Map, and all other related actions taken by the Commission on October 28, 2021. The Council should also direct City staff to correct the errors in

⁸ Pub. Resources Code, § 21081, subs. (a)(3) and (b).
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the EIR raised herein and in our prior comment letters and recirculate a revised EIR for public review and comment.

Sincerely,



Kendra Hartmann

Attachments

KDH:acp

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APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- Area Planning Commission City Planning Commission City Council Director of Planning
- Zoning Administrator

Regarding Case Number: VTT 74550-CN; ENV-2016-3691-EIR

Project Address: 668-678 S. Mateo Street and 669-679 S. Imperial Street (676 Mateo Project)

Final Date to Appeal: 12/13/2021

2. APPELLANT

Appellant Identity:
(check all that apply)

- Representative Property Owner
- Applicant Operator of the Use/Site

Person, other than the Applicant, Owner or Operator claiming to be aggrieved
Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA)

Person affected by the determination made by the **Department of Building and Safety**

- Representative Owner Aggrieved Party
- Applicant Operator

3. APPELLANT INFORMATION

Appellant's Name: CREED LA c/o Kendra Hartmann

Company/Organization: Adams, Broadwell, Joseph & Cardozo

Mailing Address: 601 Gateway Blvd. Ste. 1000

City: South San Francisco State: CA Zip: 94080

Telephone: (650) 589-1660 E-mail: khartmann@adamsbroadwell.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- Self Other: CREED LA

b. Is the appeal being filed to support the original applicant's position? Yes No