



APPLICATIONS:

**APPEAL APPLICATION
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
Instructions and Checklist**

Related Code Section: The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

Purpose: *The Appeal* - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

General Information

Appealable CEQA documents:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Sustainable Exemption (SE)

NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- 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.

1. Case Information

Environmental Case Number: ENV-2018-4189-CE

Related Entitlement Case Number(s): DIR-2018-4190-TOC-SPR, DIR-2018-4190-TOC-SPR-1A

Project Address: 3800 - 3830 North Pasadena Avenue; 3832 - 3836 North Figueroa Street; 110 East Avenue 39

Date of Final Entitlement Determination: 05/23/2023

The CEQA Clearance being appealed is a(n):

EIR SCEA MND ND CE SE

2. Appellant Identity (check all that apply)

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

3. Appellant Information

Appellant Name: Supporters Alliance for Environmental Responsibility ("SAFER")

Company/Organization: Lozeau Drury LLP, representing Appellant

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA Zip: 94612

Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

- a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?
- Self Other: _____
- b. Is the appeal being filed to support the original applicant's position? Yes No

4. Representative/Agent Information

Representative/Agent name (if applicable): Amalia Bowley Fuentes

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA Zip: 94612

Telephone: (510) 836-4200 E-mail: amalia@lozeaudrury.com

5. Appeal Justification

Attach a separate sheet providing your specific reasons for the appeal. Your reasons must state how you believe CEQA was incorrectly applied, providing a legal basis for the appeal.

6. Applicant 's Affidavit

I certify that the statements contained in this application are complete and true:

Appellant Signature: *Amalia Bowley Fuentes* Date: June 6, 2023

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

Note: City Clerk prepares mailing list for CEQA appeals per LAMC Section 11.5.13 E.

1. Three (3) sets - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Environmental Appeal Application (form CP-7840)
- Justification/Reason for Appeal
- Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

2. Electronic Copy

- Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

3. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee of the Environmental case; provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Other Persons - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	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

3800 North Pasadena Avenue Project

DIR-2018-4190-TOC-SPR; ENV-2018-4189-CE

I. REASON FOR THE APPEAL

The Categorical Exemption prepared for the 3800 North Pasadena Avenue Project (DIR-2018-4190-TOC-SPR; ENV-2018-4189-CE) ("Project") fails to comply with the California Environmental Quality Act ("CEQA"). Furthermore, the approval of the Site Plan Review entitlements (DIR-2018-4190-TOC-SPR) was in error because (1) the City of Los Angeles ("City") must fully comply with CEQA prior to any approvals in furtherance of the Project and (2) the findings are not supported by substantial evidence. Therefore, the City of Los Angeles ("City") must set aside the Site Plan Review entitlements and prepare an initial study for the Project, followed by an environmental impact report ("EIR") or negative declaration, prior to considering approvals for the Project.

II. SPECIFICALLY THE POINTS AT ISSUE

Specifically, for the specific reasons set forth in the attached comment letters dated December 14, 2022 and February 6, 2023, the Project does not qualify for a categorical exemption pursuant to Section 15332 of the CEQA Guidelines ("Infill Exemption"). Furthermore, proper CEQA review must be complete *before* the City approves the Project's entitlements. (*Orinda Ass'n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 ["No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved."].) As such, the approval of the Project's Site Plan Review entitlements was in error. Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Site Plan Review entitlements.

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant Supporters Alliance for Environmental Responsibility ("SAFER") live and/or work 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.

IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The City Planning Commission upheld the City Planning Director's September 15, 2022 decision and approved a Categorical Exemption for the Project pursuant to Section 15332 of the CEQA Guidelines, despite expert evidence in the record establishing substantial evidence that the Project will have significant air quality and traffic impacts, and thus does not meet the requirements for the Infill Exemption. Rather than exempt the Project from CEQA, the City should have prepared an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project. The City is not permitted to approve the Project's entitlements until proper CEQA review has been completed.