

Justification/Reason for Appeal

1360 North Vine Street Project

VTTM No. 74613, CPC-2016-3777-VZC-HD-BL-DB-MCUP-ZAD-RDP-SPR,
CPC-2016-5003-GPA-VZC-HD-BL-MCUP-RDP-SPR

I. REASON FOR THE APPEAL

Supporters Alliance for Environmental Responsibility (“SAFER”) appeals the Advisory Agency’s approval of the Vesting Tentative Tract Map (VTT-74613) for the 1360 North Vine Street Project (CPC-2016-3777-VZC-HD-BL-DB-MCUP-ZAD-RDP-SPR, CPC-2016-5003-GPA-VZC-HD-BL-MCUP-RDP-SPR) (“Project”). The Vesting Tentative Tract Map approval is invalid because it is based upon incorrect findings. In particular, the Environmental Impact Report (“EIR”) prepared for the Project fails to comply with the California Environmental Quality Act (“CEQA”).

The City of Los Angeles (“City”) must set aside all Project approvals and circulate a revised EIR prior to considering approvals for the Project.

II. SPECIFICALLY THE POINTS AT ISSUE

Specifically, for the reasons described in the attached comment letters dated October 2, 2023 and October 3, 2023, the EIR fails to adequately analyze the Project’s environmental impacts and fails to impose all feasible mitigation measures to reduce the Project’s impacts including, but not limited to, impacts to air quality. A revised EIR must be prepared to remedy these issues.

Because the EIR prepared for the Project fails to comply with CEQA, the approval of the Project’s Vesting Tentative Tract Map was in error. 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.”].) Additionally, by failing to properly conduct environmental review under CEQA, the City lacks substantial evidence to support its findings for the Vesting Tentative Tract Map approvals. The City must comply with CEQA prior to *any approvals* in furtherance of the Project.

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 Advisory Agency adopted the EIR and approved a Vesting Tentative Tract Map for the Project despite a lack of substantial evidence that impacts would be less than significant and a failure to impose all feasible mitigation measures to reduce the Project’s impacts. The Department of City Planning should therefore have prepared a revised EIR and recirculated the revised document prior to consideration of approvals for the Project. The City is not permitted to make any approvals in furtherance of the Project until the EIR’s deficiencies are remedied.

APPLICATIONS



APPEAL APPLICATION Instructions and Checklist

RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

PURPOSE

This application is for the appeal of Los Angeles City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals.

APPELLATE BODY

Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.

- Area Planning Commission (APC) City Planning Commission (CPC) City Council
 Zoning Administrator (ZA) Director of Planning (DIR)

CASE INFORMATION

Case Number: VTTM No. 74613, CPC-2016-3777-VZC-HD-BL-DB-MCUP-ZAD-RDP-SPR

Project Address: 1330-1360 North Vine Street, 6254-6274 West De Longpre Avenue, and 6241-6265 West Afton Place

Final Date to Appeal: October 21, 2023

APPELLANT

For main entitlement cases, except for Building and Safety Appeals:

Check all that apply.

- Person, other than the Applicant, Owner or Operator claiming to be aggrieved
 Representative Property Owner Applicant Operator of the Use/Site

For Building and Safety Appeals only:

Check all that apply.

- Person claiming to be aggrieved by the determination made by **Building and Safety**¹
 Representative Property Owner Applicant Operator of the Use/Site

¹ Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 12.26 K, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2.

APPELLANT INFORMATION

Appellant Name: Supporters Alliance for Environmental Responsibility

Company/Organization: Lozeau Drury LLP (representing Appellant)

Mailing Address: 1123 Park View Drive, Suite 300

City: Covina State: CA Zip Code: 91724

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

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Richard Drury

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA Zip Code: 94612

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

JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part? Entire Part

Are specific Conditions of Approval being appealed? YES NO

If Yes, list the Condition Number(s) here: All conditions

On a separate sheet provide the following:

- Reason(s) for the appeal
- Specific points at issue
- How you are aggrieved by the decision
- How the decision-maker erred or abused their decision

APPLICANT'S AFFIDAVIT

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

Appellant Signature:  Date: 10/19/2023

GENERAL NOTES

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.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$ 166

Reviewed & Accepted by (DSC Planner): J. C. [Signature]

Receipt No.: 19102390 - C75B8537 Date: 12/14/23

Determination authority notified Original receipt and BTC receipt (if original applicant)