

ORIGINAL



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: Vesting Tentative Tract No. 74593; CEQA: ENV-2016-3766-EIR

Project Address: 319-323 5th Street and 440-442 South Hill Street

Final Date to Appeal: 08/12/2019

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): Supporters Alliance for Environmental Responsibility

Company: _____

Mailing Address: 4399 Santa Anita Ave., Suite 205

City: El Monte

State: CA

Zip: 91731

Telephone: (510) 836-4200

E-mail: michael@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

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Michael Lozeau

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland

State: CA

Zip: 94612

Telephone: (510) 836-4200

E-mail: michael@lozeaudrury.com

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: All Conditions

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:

Michael R. Joyce

Date: 08/09/2019

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:	Reviewed & Accepted by (DSC Planner):	Date:
<u>\$89.00</u>	<u>[Signature]</u>	<u>8, 12 '19</u>
Receipt No:	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified ☐ Original receipt and BTC receipt (if original applicant)		

Justification/Reason for Appeal

5th and Hill Project

Vesting Tentative Tract No. 74593; CEQA ENV-2016-3766-EIR

319-323 5th Street and 440-442 South Hill Street

REASON FOR THE APPEAL: The Environmental Impact Report (“EIR”) prepared for the 5th and Hill Project (CEQA No. ENV-2016-3766-EIR) (“Project”) fails to comply with the California Environmental Quality Act (CEQA).

SPECIFICALLY THE POINTS IN ISSUE: The EIR fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts. Specifically, the EIR found potentially significant impacts in the following categories: noise, public services, transportation and traffic. It also found potentially significant impacts for one of the mandatory findings of significance required by CEQA. Appellant also believes the Project will have significant air quality impacts, indoor air quality impacts, as well as traffic impacts and other impacts. The CEQA document fails to tie environmental impacts to human health impacts in violation of CEQA. These potentially significant impacts must be analyzed in a revised EIR.

HOW YOU ARE AGGREIVED BY THE DECISION: Members of **Supporters Alliance for Environmental Responsibility (“SAFER”)** live 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. Members of SAFER, will be directly affected by soil contamination, improperly controlled construction equipment, and other risks during Project construction.

WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION: The Advisory Agency approved the EIR, the Statement of Overriding Considerations, the Mitigation Monitoring Program, and the Vesting Tentative Tract No. 74593 for the Project despite the fact that the EIR fails to comply with CEQA.