



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) | - Negative Declaration (ND) |
| - Sustainable Communities Environmental Assessment (SCEA) | - Categorical Exemption (CE) |
| - Mitigated Negative Declaration (MND) | - 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-2020-3497-CE

Related Entitlement Case Number(s): DIR-2020-3496-TOC-HCA

Project Address: 3001-3009 W. Beverly Blvd

Date of Final Entitlement Determination: 10/23/2020

The CEQA Clearance being appealed is a(n):

☐ EIR ☐ SCEA ☐ MND ☐ ND ☒ CE ☐ SE

2. Appellant Identity (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Representative | <input type="checkbox"/> Property Owner | <input checked="" type="checkbox"/> Other Person |
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Operator of the Use/Site | |

3. Appellant Information

Appellant Name: Margarita Lopez

Company/Organization: Coalition for An Equitable Westlake Macarthur Park

Mailing Address: 811 Wilshire Blvd., 17th Floor

City: Los Angeles

State: CA

Zip: 90017

Telephone: (213) 269-4001

E-mail: _____

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

☐ Self ☒ Other: Coalition for An Equitable Westlake Macarthur Park

b. Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

4. Representative/Agent Information

Representative/Agent name (if applicable): Claudia Medina

Company: Law Office of Claudia Medina

Mailing Address: 811 Wilshire Blvd 17th Floor

City: Los Angeles State: CA Zip: 90017

Telephone: 213-269-4001 E-mail: claudia@cmedinalawoffice.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:  Date: 11-6-2020

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)

November 6, 2020

Los Angeles City Council
200 N. Spring Street
Los Angeles, CA, 90012

Re: Case Nos. CEQA No. ENV-2020-3497-CE; DIR-2020-3496-TOC
Project Location: 3001-3009 W. Beverly (“the Project”)

Dear Los Angeles City Council:

On behalf of Coalition for an Equitable Westlake/MacArthur Park (“Coalition”), an unincorporated association of long-time community residents, we are writing to object to the City’s CEQA determination for the reasons stated below.

CEQA

A project qualifies for a Class 32 Categorical Exemption if it is developed on an infill site and meets certain criteria. However, before a project can be determined to qualify for a categorical CEQA exemption, exceptions to the exemption, such as cumulative impacts, must be considered. If an exception to a categorical exemption applies, CEQA review in the form of an MND or EIR must be conducted. CEQA Guidelines § 15300.2(b) contains exceptions that apply to the Project and therefore prohibit the use of a categorical exemption in this case:

- A. Cumulative Impacts: There are numerous other approved housing projects in the vicinity of the Project, which contribute towards significant air quality, traffic, and noise impacts. The Project’s contribution to these impacts is cumulatively considerable. CEQA Guidelines section 15355 states: “Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”
- B. Unusual Circumstances: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances – the unusual circumstances being the influx in projects approved and proposed for the area in such a short time span, many of them TOC projects approved and proposed without proper environmental analysis

Measure JJJ

Measure JJJ Section 6 provides that “an Eligible Housing Development” shall be granted TOC incentives, as determined by the Department of City Planning consistent with residential density increase and reduced parking. LAMC § 12.22 A.31 allows up to three specific ministerial incentives (FAR and density increases, and reduced parking). This project received the following TOC incentives for a “qualifying Tier 3” project: (1) a 70 percent increase in density; (2) an increased floor area ratio of 3.25:1; (3) reduced required parking of 0.5 spaces per unit.

Measure JJJ Section 6, however, does not authorize the additional incentives granted to the Project. The “additional discretionary” incentives granted to this project were never approved by the voters. The Project received two additional incentives, which exceed the scope authorized by Measure JJJ: (1) a 20 percent reduction in open space; (2) a rear and side yard reduction.

In approving these additional incentives, the City acted in an arbitrary and capricious manner and violated both the directive of the voters in enacting Measure JJJ and the requirements of state law and municipal code.