



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)
- Statutory Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE) determination
- Statutory Exemption (SE) determination

NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or a determination that an action 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-2019-6070-EAF

Related Entitlement Case Number(s):

Project Address: 2471 Lincoln Boulevard

Date of Final Entitlement Determination: 06/18/2020

The CEQA Clearance being appealed is a(n):

- checkbox EIR, checkbox SCEA, checkbox MND, checkbox ND, checked checkbox CE, checked checkbox SC

2. Appellant Identity (check all that apply)

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

3. Appellant Information

Appellant Name: Michael Davitt, Director of Real Estate

Company/Organization: Roman Catholic Archdiocese of LA / Archdiocese Education and Welfare Corp.

Mailing Address: 3424 Wilshire Boulevard

City: Los Angeles State: CA Zip: 90010

Telephone: 213-637-7273 E-mail: MTDavitt@la-archdiocese.org

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company? checkbox Self, checked checkbox Other: Roman Catholic Archdiocese of LA / Archdiocese Education and Welfare Corp

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

**4. Representative/Agent Information**

Representative/Agent name (if applicable): Bill Christopher  
 Company: Urban Concepts  
 Mailing Address: 3731 Wilshire Boulevard, Suite 670  
 City: Los Angeles State: CA Zip: 90010  
 Telephone: 310-717-1773 E-mail: BillC@urban-concepts.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: Bill Christopher Date: 06/17/2020  
Bill Christopher (Jun 17, 2020 10:52 PDT)

**ENVIRONMENTAL APPEAL FILING REQUIREMENTS**

Note: City Clerk prepares mailing list for CEAQ 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)	







# CEQA Appeal Application

Final Audit Report

2020-06-17

Created:	2020-06-17
By:	Planning Intranet (planning.intranet@lacity.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAxzs7_5fsposHcWd1xq6kMjQYKob2vDKQ

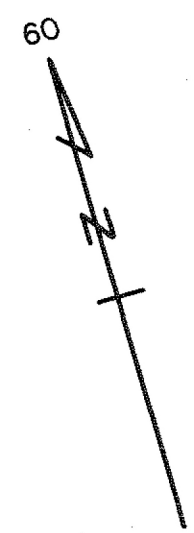
## "CEQA Appeal Application" History

-  Web Form created by Planning Intranet (planning.intranet@lacity.org)  
2020-05-07 - 4:20:11 PM GMT
-  Web Form filled in by Bill Christopher (BillC@urban-concepts.com)  
2020-06-17 - 5:52:33 PM GMT- IP address: 172.249.67.136
-  Document emailed to Bill Christopher (BillC@urban-concepts.com) for signature  
2020-06-17 - 5:52:35 PM GMT
-  Email viewed by Bill Christopher (BillC@urban-concepts.com)  
2020-06-17 - 5:53:19 PM GMT- IP address: 172.249.67.136
-  E-signature verified by Bill Christopher (BillC@urban-concepts.com)  
2020-06-17 - 5:53:22 PM GMT- IP address: 172.249.67.136
-  Signed document emailed to Planning Intranet (planning.intranet@lacity.org) and Bill Christopher (BillC@urban-concepts.com)  
2020-06-17 - 5:53:22 PM GMT



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Adobe Sign

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LINCOLN BLVD. C.F. 1220

Subject Parcel

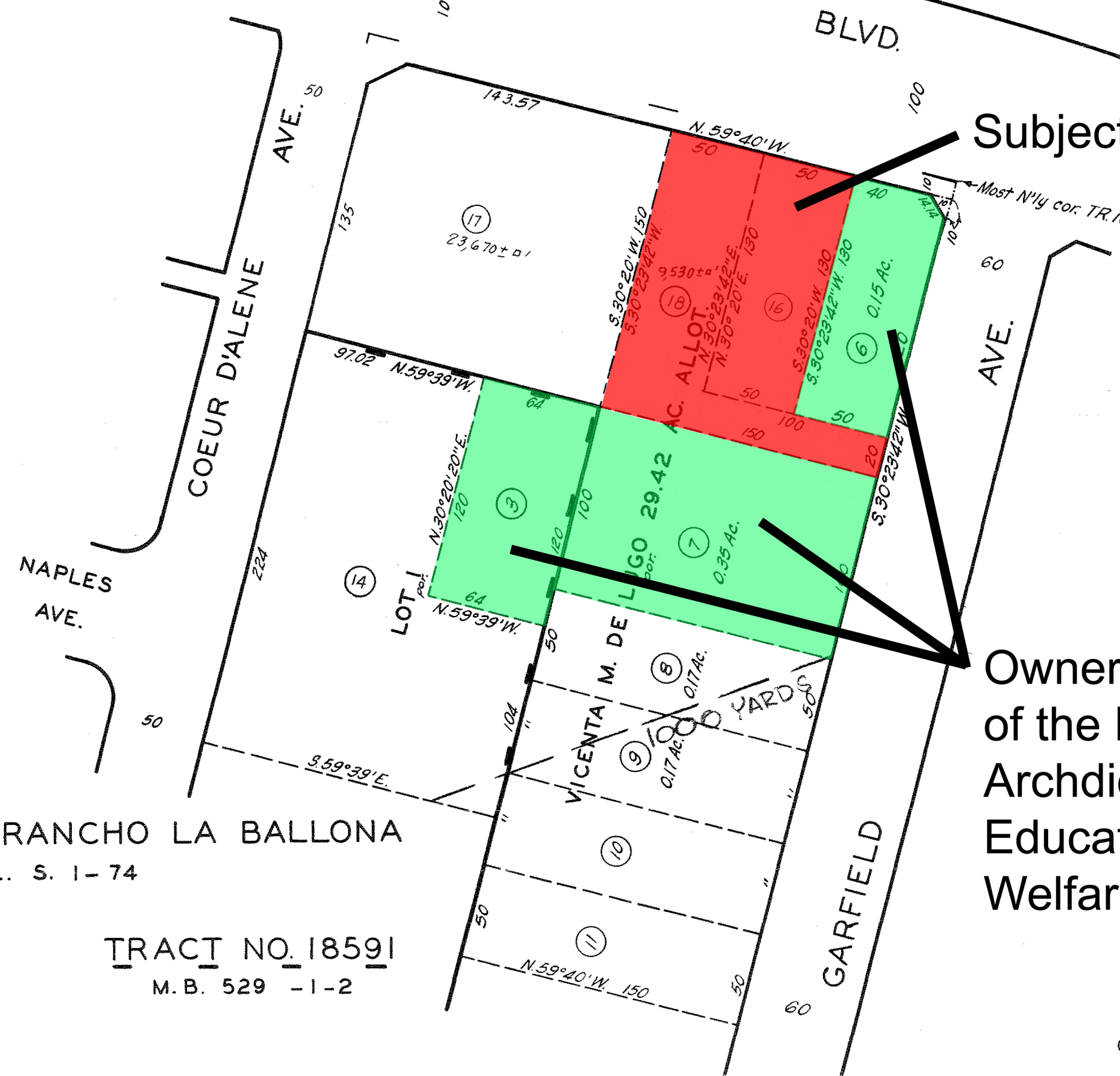
Ownerships of the Los Angeles Archdiocese Education and Welfare Corp.

PART OF THE RANCHO LA BALLONA  
L. S. 1-74

TRACT NO. 18591  
M. B. 529 -1-2

CODE 67

FOR PREV. ASSM'T. SEE: 571-1, 2 & 20  
4237-17





Ownership #6

Address: 1177 GARFIELD AVE  
VENICE, CA 90291-4936

Owner Name: ARCHDIOCESE OF L A EDUC & ST MARKS  
APN: 4237-023-007

Ownership #7

Address: 2475 LINCOLN BLVD  
VENICE, CA 90291-5040

Owner Name: ARCHDIOCESE OF L A EDUC & ST MARKS  
APN: 4237-023-006

Ownership #3

Address: NONE  
VENICE, CA 90291-4936

Owner Name: ARCHDIOCESE OF L A EDUC & ST MARKS  
APN: 4237-023-003

Regards,  
Alicia Pinkley

The Chicago Title Premier Services Team

Please contact [GPS@FNF.Com](mailto:GPS@FNF.Com) or call (877) 477-2880 if you have any questions or concerns.  
This email was sent at 10:08 AM (PDT) on 6/16/2020.

JUSTIFICATION  
CEQA Appeal to City Council  
June 16, 2020

CPC-2019-6070-EAF

The Roman Catholic Archdiocese of Los Angeles, on behalf of St. Mark's Parish and school, is appealing the CEQA findings of the City Planning Commission as laid out in its decision letter, dated June 3, 2020 referencing the above noted case.

In this action, the Archdiocese recognizes two aspects of its core mission, serving the needs of the less fortunate in the community and its responsibility to ensure the safety of the children in its care at St. Mark's Elementary School. The subject action of the City Planning Commission brings these two aspects into direct conflict. On balance, the Archdiocese must support the concerns of its parishioners at St. Mark's and the parents of the children enrolled at St. Marks School.

For clarity, the Los Angeles Archdiocese Education and Welfare Corporation, is the legal owner of the abutting properties, to the southeast and to the southwest of the subject site, which house St. Mark's Parish and School. See attached Title Summary and Assessor's Map for APN's 4237-023-006 & 4237-023-007.

The CEQA appeal is filed in an abundance of caution, and is not intended as any type of concessions that the underlying land use entitlements are not further appealable. To the contrary, they are also being appealed.

A. The Reason for the Appeal.

The vast majority of parents of the children enrolled at St. Mark's Elementary School and share sincere concerns for the safety of the school children based on documented evidence over the past several years.

The abutting elementary school enrolls a diverse group of 310 students ages 4 to 13, 43% of which are children of color.

The safety concerns are rooted in the well documented operational and public safety issues of the Safe Place for Youth (SPY) social service and referral center that has operated on the subject site for the past five years. The public record supports the concerns of the parents.

Facts:

- LAPD & LA Fire have responded to 117 calls at SPY over the past three years.
- These public safety responses average almost a call per week and SPY is only open for drop in services three afternoons each week. See the attached police and fire call logs.
- The public safety logs show that the police have responded to a wide range of calls, including but not limited to: Assault with a Deadly Weapon, Violent Mentally Ill, Overdose, Battery, Burglary, and Vandalism.

The most egregious example of the real threat to the children's safety occurred this past January 15th when a Spy client wielding a heavy chain went on a rampage near the school campus, putting the school on lockdown and necessitating a major police response. An expanded SPY operation—without much improved safety and security measures—is likely to lead to an increase in public safety incidents.

St. Mark's is not the only local stakeholder impacted by SPY. A local businessman has testified at XYZ Hearing that "my employees and clients have encountered incidents of assault, vandalism, theft, drug use, public nudity, lewd acts and verbal abuse towards others from persons who are patrons of SPY. I have clients who are now afraid to come to my office because of the verbal assaults they have encountered. I have employees and associates who have been harassed repeatedly."

Parishioners and parents have also reported similar threatening behavior directed at them and their children by SPY's clients during pick-up and drop-off at the school over the past several years. On the morning of October 3, 2017, a SPY client invaded the Parish Hall, aggressively confronting parishioners meeting in the building. As he was directed to leave the premises, he threatened the life of a parishioner and his children.

In addition to the safety issues posed by the expansion of SPY, the addition of 40 units of supportive housing will also very likely increase the calls for Fire and Police services. For comparison, the other Venice Community Housing (VCH) supportive housing project in Venice, Gateway Apartments, has had 46 police calls and 132 fire department calls in the past three years. Gateway Gardens is half the size of the proposed project.

Taken together, the Expansion of SPY and addition of supportive housing

pose a very significant risk to the safety of the children attending St. Mark's School. To date SPY and Venice Community Housing have been unwilling to make any substantial changes to their plans or proposed operations to address the safety and security concerns raised by St. Mark's.

As a result, the Commission erred in approving an incompatible land use (a social service counseling and referral center/Permanent Supportive Housing project) immediately abutting an Elementary School and Church.

B. The Points at Issue.

1. The claimed statutory and categorical exemptions used by the City in this matter do not properly apply, and the City's use of same is a failure to proceed in the manner required by law.

The Commission determined that the project qualifies for a Class 32 (Urban Infill) Categorical Exemption from CEQA. We believe that two of the six criteria for an exception to the Categorical Exemption apply in this case.

*(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*

No. The project is not consistent with all applicable policies as explained below.

*(d) Approval of the project would not result in any significant effects relating to noise, air quality, or water quality.*

No. There are likely to be significant impacts related to construction noise. Project construction would require demolition, excavation for a foundation and highly impactful construction barely inches from the school walls. Compliance with the Noise Ordinance is not a properly adopted noise threshold, and it imposes no absolute limitation on construction noise.

In the subject matter, the City's finding that the project qualifies for a statutory exemption from CEQA pursuant to Public Resources Code, Section 21080.27(b)(1) does not apply in this case due to the fact that the project is a mixed use project containing a social service and referral center providing services to a broad range of clients in the community beyond the residents of the permanent supportive housing.

2. The Commission approved a Conditional Use permit by making a finding that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

No. The proposed project's operations will not be compatible with the abutting St. Mark's Elementary School and will have an adverse effect on the parish and school for the reasons outlined above related to the Safety of the children. Further, the Decision contains no recognition of dangerous past incidents related to SPY clients or analysis of the safety of the proposed project in relation to the elementary school children immediately adjacent to the project and sharing a pedestrian path of travel with the proposed residents of the project.

Also, the project does not conform to the provisions of the Venice Coastal Zone Land Use Plan or the Venice Coastal Zone Specific Plan

3. The Commission approved a Waiver of Development Standards to permit a building height of 49 feet which is not consistent with the Venice Specific Plan.

Similarly, the Commission approved a waiver of the requirement for a step-back of the street facade, which is not consistent with the Venice Specific Plan.

In both cases, the waivers may have specific adverse impacts upon public health and safety or the physical environment, specifically on the safety of the school children at St. Mark's Elementary School.

4. The Commission approved a Coastal Development Permit

Policy I.E.2 (Scale) holds that “New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods.”

The subject project is clearly out of scale with the surrounding community.

5. The Commission approved a Community Design Overlay Plan Approval subject to finding that “The structure, site plan, and landscaping are harmonious in scale and design with existing development and any cultural, scenic, or environmental resources adjacent to the site and in the vicinity.”

- (a) The subject site is clearly not harmonious in scale with existing development.

- (b) The Land Use Plan would require 104 parking spaces for the project, yet the project proposes only 6 parking spaces. The City failed to comply with policies requiring documentation to justify the full extent of the parking reduction.

6. The Commission approved a Project Permit Compliance Review under the provisions of the Venice Coastal Zone Specific Plan subject to the following findings and requirements:

- (a) That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

As noted above, the proposed project is not in scale with the surrounding development and in this case represents a use that will likely be materially detrimental to the abutting elementary school.

- (b) Section 13 of the Specific Plan would require 104 parking spaces for the proposed project. The proposed project includes only six spaces which does not meet the requirements for either the Permanent Supportive Housing project or the proposed expansion of the existing social service counseling and referral center.

C. How the St. Mark's Parish is Aggrieved by the Decision.

Safe Place for Youth (SPY) has operated at the subject site for the past five years. SPY is intended to be folded into the project and provide supportive services to the residents, while expanding their services to the broader community.

Consistently, during the preceding five years, the parish, the elementary school and the local residential neighbors have been disturbed and disrupted by SPY's clients, to the extent that the elementary had to go on lockdown when one of SPY's clients was wielding a chain on a rampage near the school campus which sent the school into lockdown. Expanding SPY's services, whose residents could potentially suffer addiction issues or mental health issues, presents a risk to the elementary school children and the neighboring residents. The evidence presented in the case file and outlined in the Reason for the Appeal supports the Parish's position that the approval of this project increases the risk to the safety of the school children.

The Venice Neighborhood Council's Land Use and Planning Committee (LUPAC) voted overwhelmingly (after a three hour public hearing) to oppose the project. The full board of the Venice Neighborhood Council stayed with their hearing until after midnight for another three hours and also voted overwhelmingly to oppose the project.

By contrast, the Planning Commission limited public debate to 45 minute a side. Egregiously, the staff minimized the tsunami of intense local opposition letters and signatures by equating them to a much lesser set of support petition and form letters – many of which were from outside Venice.

To clarify the record:

- 927 local residents emailed the Commission in opposition
- More than 222 parents at St. Mark's Elementary School also emailed the Commission in opposition
- Total communications in opposition: 1,149

C. Why We Believe the Commission Erred in its Decision.

We believe the Commission erred in the following actions:

1. With regard to the Class 32 Categorical Exemption, we believe the Commission erred in finding that the proposed project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

Further, we believe that there may be significant impacts related noise as well as public safety as it relates to the proposed expansion of the social service counseling and referral center.

In addition, the City's finding that the project qualifies for a statutory exemption from CEQA pursuant to Public Resources Code, Section 21080.27(b)(1) does not apply in this case due to the fact that the project is a mixed use project containing a social service and referral center providing services to a broad range of clients in the community beyond the residents of the permanent supportive housing.

2. The Commission erred in approving a Conditional Use permit by making a finding that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

The proposed project will not be compatible with the abutting elementary school and will have an adverse effect on the parish and school, particularly as it relates to the safety of the school children.

3. The Commission erred in approving a Waiver of Development Standards to permit a building height of 49 feet which is not consistent with the Venice Specific Plan.

Similarly, the Commission erred in approving a waiver of the requirement for a step-back of the street facade, which is not consistent with the Venice Specific Plan.

In both cases, we believe that the waivers will have specific adverse impacts upon public health and safety or the physical environment, specifically on the safety of the school children at St. Mark's Elementary School.

4. We believe the Commission erred in approving a Coastal Development Permit subject to LUP Policy I.E.2 (Scale). The policy holds that "New development within the Venice Coastal Zone shall respect the scale and character of community development. Buildings which are of a scale compatible with the community (with respect to bulk, height, buffer and setback) shall be encouraged. All new development and renovations should respect the scale, massing, and landscape of existing residential neighborhoods."

The subject project is clearly out of scale with the surrounding community.

5. The Commission erred in issuing a Community Design Overlay Plan Approval subject to finding that "The structure, site plan, and landscaping are harmonious in scale and design with existing development and any cultural, scenic, or environmental resources adjacent to the site and in the vicinity."

The subject site is clearly not harmonious in scale with existing development.

6. The Commission erred in approving a Project Permit Compliance Review under the provisions of the Venice Coastal Zone Specific Plan subject to the following findings and requirements:

- (a) That the Venice Coastal Development Project is compatible in scale and character with the existing neighborhood, and that

the Venice Coastal Development Project would not be materially detrimental to adjoining lots or the immediate neighborhood.

As noted above, the proposed project is not in scale with the surrounding development and in this case represents a use that will likely be materially detrimental to the abutting elementary school.

- (b) Section 13 of the Specific Plan would require 104 parking spaces for the proposed project. The proposed project includes only six spaces which does not meet the requirements for either the Permanent Supportive Housing project or the proposed expansion of the existing social service counseling and referral center.