

APPLICATIONS

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



RELATED CODE SECTIONS

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

PURPOSE

A CEQA determination 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. If a final decision on a project was made by the City Council, either as the initial decisionmaker or on appeal, the related CEQA determination is not appealable.

To initiate appeal of a CEQA appeal, this form must be completed with the required materials attached and filed within 15 calendar days from the final administrative decision of the entitlement application.

GENERAL INFORMATION

Appealable CEQA determinations:

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

Non-appealable CEQA determinations:

- Addenda to any of the above-listed CEQA determinations
- Findings made pursuant to CEQA Guidelines Section 15162
- 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 appeals related to determinations made by Los Angeles City Planning. All other CEQA appeals shall be filed with the City Clerk pursuant to 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.

CASE INFORMATION

Environmental Case Number: ENV-2022-7637-CE

Related Entitlement Case Number(s): DIR-2022-7636-TOC-SPR-VHCA-1A

Project Address: 728 – 742 ½ South Western Avenue

Date of Final Entitlement Determination: 7/18/2023

The CEQA Clearance being appealed is a(n):

☐ EIR ☐ SCEA ☐ MND ☐ ND ☒ CE ☐ SE

APPELLANT

Check all that apply.

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

APPELLANT INFORMATION

Appellant Name: Supporters Alliance for Environmental Responsibility

Company/Organization: Lozeau Drury LLP (representing Appellant)

Mailing Address: 1939 Harrison St Suite 150

City: Oakland State: CA Zip Code: 94612

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 St Suite 150

City: Oakland State: CA Zip Code: 94612

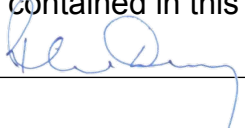
Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

JUSTIFICATION / REASON FOR APPEAL

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

APPLICANT'S AFFIDAVIT

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

Appellant Signature:  **Date:** August 1, 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: _____ **Date :** _____

Reviewed & Accepted by (DSC Planner): _____

Receipt No.: _____ **Date :** _____

Deemed Complete by (Project Planner): _____

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

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

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

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

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).