

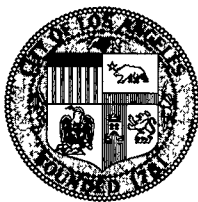
J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

02-1507

TY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

Office of the  
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HELEN GINSBURG  
Chief, Council and Public Services Division

PLACE IN FILES

AUG 08 2002

July 31, 2002

DEPUTY

All Councilmembers  
City Attorney  
Attn: Susan Pfann  
Chief Legislative Analyst  
City Planning Department  
Attn: Emily Gabel-Luddy  
City Planning Commission  
Director of Planning  
Office of Zoning Administration  
Advisory Agency

Community Planning Section  
GIS Section - Attn: Fae Tsukamoto  
Public Works  
Environmental Affairs Department  
Harbor Department  
Department of Recreation and Parks  
Department of Water and Power  
Department of Airports  
Department of Transportation  
Attn: General Manager

RE: UPDATING THE CITY'S CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

At the meeting of the Council held JULY 31, 2002, the following action was taken:

Attached report adopted.....	X
Attached resolution adopted.....	X
Ordinance adopted.....	
Ordinance number .....	
Publication date.....	
Effective date.....	
Mayor approved.....	
Findings adopted .....	
Mitigated Negative Declaration adopted .....	
Categorically exempt .....	X

J. Michael Carey

City Clerk  
vdw

steno\021507

FF 8/17/02



11

**PLANNING AND LAND USE MANAGEMENT COMMITTEE**  
**Report/Communication for Signature**

Council File Number: 02-1507  
Committee Meeting Date: 7-23-02  
Council Date: 7-31-02

COMMITTEE MEMBER	YES	NO	ABSENT
Councilmember Ed Reyes, Chair	✓		
Councilmember Bernson	✓		
Councilmember Greuel	✓		

Remarks CEQA guideline amendment

John A. White, Legislative Assistant ----- Telephone (213) 978-1068

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

FILE NO. 02-1507

Your                      PLANNING AND LAND USE MANAGEMENT                      Committee

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u>  </u>

CATEGORICAL EXEMPTION, PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT, and RESOLUTION relative to updating the City's California Environmental Quality Act (CEQA) guidelines.

Recommendations for Council action:

1. FIND that this action is categorical exempt from California Environmental Quality Act pursuant to Article III, Section 2, Subsection (n) of the City's Environmental Guidelines.
2. ADOPT the accompanying RESOLUTION updating the City's CEQA guidelines to incorporate the City's amended list of exemptions, categorical exemptions, and ministerial projects, as contained in Articles II and VII, and to replace the remaining City CEQA Guidelines with the current State CEQA Guidelines.

Fiscal Impact Statements: None submitted by the Planning Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Summary:

In a July 11, 2002 report to the Planning and Land Use Management Committee (attached to Council file), the Planning Department requests that Council approve the accompanying Resolution to update the City's CEQA Guidelines. The Department reports that CEQA was passed in 1970 to ensure that local governmental agencies consider environmental factors prior to approving projects which may have adverse environmental impacts. Subsequently, the City adopted its own CEQA Guidelines, consistent with the State's. Over the years, State Guidelines have been amended to incorporate case-mandated changes and clarifications. The City Guidelines, however, have not had a major revision since 1981.

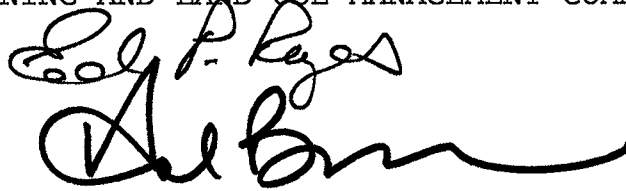
The lack of revisions to the City's CEQA Guidelines has resulted in confusion for City Departments, the public, developers, and environmental consultants. The adoption of the Department's proposed resolution will result in clear and consistent guidelines that will assist in providing predictability and the timely processing of CEQA clearances.

At its meeting held July 23, 2002, the Planning and Land Use Management Committee considered the Planning Department's report. Representatives of the Department and the City Attorney were present to discuss this matter with the Committee members. The Department and City Attorney representatives stated that the proposed Resolution will make the City's Guidelines consistent with the State's. It was further stated that this action does not preclude the Council from taking future actions to amend the City's Guidelines.

The Planning and Land Use Management Committee recommended that Council approve the accompanying Resolution to update the City's CEQA Guidelines, as recommended by the Planning Department and the City Attorney.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



JAW:ys

7/25/02

ATTACHMENT: RESOLUTION

#021507.wpd

*Rept & Reso*  
**ADOPTED**

JUL 31 2002

**LOS ANGELES CITY COUNCIL**  
*CAT EXEMPT APPROVED*

## **APPENDIX A**

### **RESOLUTION REPEALING AND READOPTING CITY OF LOS ANGELES GUIDELINES UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Whereas in 1981, the City Council adopted, by resolution, guidelines for the implementation of the California Environmental Quality Act ("City CEQA Guidelines"), and

Whereas, the City CEQA Guidelines, at the time adopted, were consistent with the State CEQA Guidelines adopted pursuant to the authority of the California Environmental Quality Act, and

Whereas, the State CEQA Guidelines have been amended from time to time since 1981, and

Whereas, as a result of amendments to the state CEQA Guidelines, the City CEQA Guidelines need updating. Therefore, the City Council of the City of Los Angeles hereby resolves as follows:

**Section 1.** Articles II, IV through VI, and VIII through X of the 1981 City CEQA Guidelines are hereby repealed.

**Section 2.** Article I of the City CEQA Guidelines is hereby amended to read as follows:

#### **"Article I. INCORPORATION OF STATE CEQA GUIDELINES**

The City hereby adopts as its own City CEQA Guidelines all of the State CEQA Guidelines, contained in title 15, California Code of Regulations, sections 15000 et seq, and incorporates all future amendments and additions to those guidelines as may from time to time be adopted by the State."

**Section 3.** Article III of the City CEQA Guidelines is hereby renumbered as Article II and is amended to read as follows:

#### **"ARTICLE II: EXEMPTIONS**

##### **1. General Rule and General Exemption.**

These Guidelines apply generally to discretionary actions by City agencies which may have a significant effect on the environment. However, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the

environment, the activity is not covered by CEQA and these Guidelines do not apply.<sup>1</sup>

## 2. Exempt Activities.

The following activities are exempt from the requirements of CEQA and these Guidelines:

### a. Emergency projects, such as:

- 1) Projects undertaken, carried out, or approved by a City agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area for which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1, Title 2 of the Government Code.
- 2) Emergency repairs to public service facilities necessary to maintain service.
- 3) Specific actions necessary to prevent or mitigate an emergency.

### b. Ministerial projects,<sup>2</sup> such as,

- 1) Issuance of building permits,<sup>3</sup> including:
  - a) Demolition permits except those involving the demolition or removal of buildings or structures of historical, archaeological or architectural consequence as officially designated by federal, State or local government action.
  - b) Electrical permits.
  - c) Heating, ventilating, air-conditioning and refrigeration permits.
  - d) Elevator permits.
  - e) Boiler and pressure vessel permits.
  - f) Plumbing permits.
  - g) Relocation permits.

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<sup>1</sup> A form that may be used for this general exemption is attached as Exhibit J.

<sup>2</sup> Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA. (State CEQA Guidelines, Section 15268 (d).)

<sup>3</sup> A building permit will not be ministerial if the parcel in question is covered by a specific plan that gives discretion to a City official or Decision-Making Body regarding the design of the project for which the permit is sought.

- 2) Issuance of business licenses.
- 3) Approval of final subdivision maps.
- 4) Issuance of Fire Department permits necessary for the safeguarding of life and property from the hazards of fire, explosion or panic.
- 5) Approval and installation of individual utility service connections and disconnections, including:
  - a) Water and electrical facilities to serve approved projects of public agencies, including, but not limited to, street lighting systems, fire hydrants, etc.
  - b) Utility extensions of reasonable length to serve projects for which permits have been issued.
- 6) Permits issued by the Department of Public Works as follows:
  - a) Class "A" permits for construction or repair of sidewalks, driveways and curbs.
  - b) Excavation permits except those involving areas of archaeological consequence as officially designated by federal, State or local government action
  - c) House-moving permits.
  - d) Permits for house numbers on curbs.
  - e) Manhole cover permits.
  - f) Overload permits (height, width and weight).
  - g) Permit for lease dump truck (personal).
  - h) Sewer permits (special connections).
  - i) Storm drain connection permits.
  - j) Permits for private rubbish trucks.
- 7) Projects requiring the approval of the City Planning Department:

- a) Parcel Maps – determination that existing regulations do not apply.
  - b) Airport Approach Zoning Regulations – Planning Director authority to determine airport hazard area boundaries.
  - c) Change of Zone or Height District (Ordinances implementing change):  
Removal of "F" Funded Improvement – removal of designation from map; "Q" and "T" Classification – removal of designation from map; and "Q" plot plan approval pursuant to precise instructions from City Council leaving no discretion.
  - d) Office of Zoning Administration – plot plan approvals pursuant to precise instructions or conditions leaving no discretion.
  - e) Conditional Uses – plot plan approvals pursuant to precise instructions from the Decision-Making Body.
- 8) Engineering permits issues in accordance with an entitlement for use previously granted.
- 9) Permits issued by the Department of Traffic as follows:
- a) Searchlight permits.
  - b) Bicycle rack permits.
  - c) Vendors' permits.
- 10) Permits issued by the Police Commission as follows:
- a) Café and entertainment shows.
  - b) Equine license.
  - c) Breeders license.
  - d) Sentry dog trainer license.
- c. Categorical Exemptions, as set forth in Article VII of these Guidelines.
- d. Feasibility and planning studies for possible future action, although such studies shall include consideration of environmental factors.



- e. Proposals for legislation to be enacted by the State Legislature.
- f. Continuing administrative, maintenance and personnel-related activities.<sup>4</sup>
- g. The submission of proposals to a vote of the people of the City of Los Angeles.
- h. Any activity specifically exempted from the requirements of CEQA by State Law.
- i. Any activity (approval of bids, execution of contracts, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of these Guidelines.
- j. Projects which are rejected or disapproved.<sup>5</sup>
- k. Actions undertaken by the City of Los Angeles relating to any thermal power plant site or facility, including the expenditure, obligation or encumbrance of funds for planning, engineering or design purposes, or for the purchase of equipment, fuel, water, (except ground water), steam or power for such a thermal power plant, if the thermal power plant site and related facility will be the subject of an EIR or Negative Declaration or other document or documents prepared pursuant to Public Resources Code Section 21080.5, which will be prepared by:
  - 1) The State Energy Resources Conservation and Development Commission,
  - 2) The Public Utilities Commission, or
  - 3) The City or County in which the power plant and related facility would be located.

The EIR, Negative Declaration, or other document prepared for the thermal power plant site or facility shall include the environmental impact, if any, of the action described in this Subsection.

- l. Activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, Olympic Games under the authority of the International Olympic Committee (IOC), except for the construction or enlargement of facilities necessary for such Olympic Games. If such facilities are required by the IOC as a

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<sup>4</sup> This subsection should not be construed by City Agencies to exempt their ongoing programs that may have significant impacts on the environment.

<sup>5</sup> This Subsection is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the environmental review process where the Lead City Agency can determine that the project cannot be approved. This Subsection shall not be construed to relieve an applicant from paying the costs of an EIR or Negative Declaration prepared for his project prior to a disapproval after normal project evaluation and processing.

condition of being awarded the Olympic Games, the Lead City Agency need not discuss the "no project" alternative in the EIR with respect to those facilities.

- m. The adoption of ordinances that do not result in impacts on the physical environment.
- n. General policy procedure making, except if applied to a specific "project" as defined in State CEQA Guidelines section 15378.
- o. The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by the City of Los Angeles which the Decision-Making Body finds are for the purpose of:
  - 1) Meeting operating expenses, including employee wage rates and fringe benefits,
  - 2) Purchasing or leasing supplies, equipment or materials,
  - 3) Meeting financial reserve needs and requirements,
  - 4) Obtaining funds for capital projects, necessary to maintain service within existing service areas, or
  - 5) Obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter.

The Decision-Making Body shall incorporate written findings in the record of any proceeding in which an exemption under this section is claimed setting forth with specificity the basis for the claim of the exemption.

- p. Actions taken prior to January 1, 1982, by the City of Los Angeles to implement the transition from the property taxation system in effect prior to June 1, 1978, to the system provided for by Article XIII A of the California Constitution. This exemption is limited to projects directly undertaken by a person which are supported in whole or in part through contracts, grants, subsidies, loans, or other forms of assistance from the City of Los Angeles where the projects:
  - 1) Initiate or increase fees, rates, or charges charged for any existing public service, program, or activity, or
  - 2) Reduce or eliminate the availability of an existing public service program, or activity, or
  - 3) Close publicly owned or operated facilities, or
  - 4) Reduce or eliminate the availability of an existing publicly owned transit service, program, or activity.

- q. Activities and proposals by the City of Los Angeles necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act, (commencing with Section 30000 of the Public Resources Code). CEQA shall apply to the certification of a local coastal program by the California Coastal Commission pursuant to Chapter 6 of the California Coastal Act.
- r. Projects for the institution or increase of passenger or commuter service on rail lines already in use, including the modernization of existing stations and parking facilities.
- s. Projects for the development of a regional transportation improvement program or the state transportation improvement program.
- t. Zone change ordinances initiated by the City for the purpose of complying with Section 65860 (d) of the California Government Code, provided that the zone change provides for the least intensive use category allowed by the applicable provisions of the General Plan of the City of Los Angeles."

**Section 4.** Article VII of the City CEQA Guidelines is hereby renumbered as Article III and reads as follows:

**"ARTICLE III: CATEGORICAL EXEMPTIONS    ARTICLE    III CATEGORICAL EXEMPTIONS**

1. Classes of Categorical Exemptions.

The Secretary for Resources has provided a list of classes of projects which he has determined do not have a significant effect on the environment and which are therefore exempt from the provisions of CEQA. The following specific categorical exemptions within such classes are set forth for use by Lead City Agencies, provided such categorical exemptions are not used for projects where it can be readily perceived that such projects may have a significant effect on the environment.

a. Class 1. Existing Facilities.

Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing.

- 1) Interior or exterior alterations involving remodeling or minor construction where there be negligible or no expansion of use.
- 2) Operation, repair, maintenance or minor alteration of existing facilities of both investor and publicly owned utilities, electrical power, natural gas, sewage, water, and telephone, and mechanical systems serving existing facilities, including alterations to accommodate a specific use.
- 3) Operation, repair, maintenance or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, storage areas, parking lots, aircraft parking areas, wharves, railroads, runways, taxiways, navigable waterways, bridle trails, service roads, fire lanes and golf-cart paths, except where the activity will involve removal of a scenic resource including but not limited to a stand of trees, a rock outcropping or an historic building.
- 4) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment and systems to meet current standards of public health, safety and environmental protection.
- 5) Additions to existing structures provided that the addition will not result in an increase of more than:

- a) 50 percent of the floor area of the structures before the addition or 2,500 square feet, whichever is less; or
  - b) 10,000 square feet of:
    - i. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
    - ii. The area in which the project is located is not environmentally sensitive.
- 6) Addition of safety, security, health or environmental protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features (including navigational devices).
- 7) New copy on existing on and off-premise signs.
- 8) Maintenance of existing landscaping, native growth, water supply reservoirs; and brush clearance for weed abatement and fire protection (excluding the use of economic poisons as defined in Division 7, Chapter 2, California Agricultural Code).
- 9) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources, lakes and reservoirs.
- 10) Division of existing multiple family rental units into condominiums or stock cooperatives.<sup>6</sup>
- 11) Demolition and removal of individual small structures listed in this subdivision except where the structures are of historical, archaeological or architectural significance:
- a) Single-family residences not in conjunction with the demolition of two or more units;
  - b) Motels, apartments, and duplexes designed for not more than four dwelling units of not in conjunction with the demolition of two or more such structures;
  - c) Stores, offices, and restaurants of designed for an occupant load of 20 persons or less, if not in conjunction with the demolition of two or more such structures;
  - d) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

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<sup>6</sup> A multiple family rental unit is "existing" when the Department of Building and Safety has issued a certificate of occupancy.

- 12) Outdoor lighting and fencing for security and operations.
- 13) Interior or internal modifications to established and discrete areas which are fully developed within the larger environment of parks or recreation centers, where such interior or internal modification is essentially a rearrangement (rather than an additive function) such as might occur at a zoo, outdoor museum, arboretum, formal garden, or similar display area.
- 14) Issuance, renewal or amendment of any lease, license or permit to use an existing structure or facility involving negligible or no expansion of use.
- 15) Installation of traffic signs, signals and pavement markings, including traffic channelization using paint and raised pavement markers.
- 16) Installation of parking meters.
- 17) Operation, repair, maintenance or minor alteration of surface pipelines serving industrial or commercial facilities and all subsurface pipelines.
- 18) Issuance of permits, leases, agreements, berth and space assignments, and renewals, amendments or extensions thereof, or other entitlements granting use of the following existing facilities and land and water use areas involving negligible or no expansion of use and/or alteration or modification of the facilities or its operations beyond that previously existing or permitted:
  - a) Municipal Warehouses and Transit Sheds.
  - b) Municipal Wharves.
  - c) Municipal Airports.
  - d) Storage areas for domestic shipment-receipt and foreign import-export commodities.
  - e) Office Space.
  - f) Surface or subsurface pipelines serving industrial or commercial facilities in the Harbor District.
  - g) Municipal Utility Rights-of-Way.
- 19) The granting of variances by the Board of Police Commissioners from the requirements of Section 41.40 of the L.A.M.C., where the activity permitted will be completed within 30 days after the variance is granted.

- 20) Modernization of an existing highway, street, alley, walk, mall or minor drainage channel by construction of improvements, resurfacing, reconstruction, eliminating jut-outs, widening less than a single lane width, adding shoulders or parking lanes, adding auxiliary lanes for localized purposes (turning, passing, and speed change), correcting substandard curves and intersection, bottleneck bridge widenings not to exceed the width of the adjacent existing roadway approaches, and other bridge widenings less than an additional lane on the bridge. This exemption shall not be used where extensive tree removal will be involved.
- 21) Modifications to existing storm drain systems for collection of local water at alternate points within an existing local drainage area unless impact on a park is anticipated.
- 22) Granting or renewal of a variance or conditional use for a nonsignificant change of use in an existing facility.
- 23) Granting of a variance to permit continued operation of a non-conforming essential service or retail convenience after the mandated Zoning Code removal date.
- 24) Relocation of an existing use within a publicly owned facility.
- 25) Installation of fire hydrants on existing water mains.
- 26) Construction of erosion control facilities.
- 27) Zoning Administrator approval of foster care and day care homes pursuant to L.A.M.C. Section 12.27 E.
- 28) Zoning Administrator approval to use existing dwelling units as model homes.
- 29) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
- 30) Actions of the Board of Building and Safety Commissioners on Appeals of Determinations of the Superintendent of Building, except actions of the Commission taken pursuant to L.A.M.C. Sections 91.3002(f)-4-e.
- 31) Establishment or modification of any rate, fee or charge for the use of existing municipal facilities and services involving negligible or no expansion of use.
- 32) Installation, maintenance or modification of mechanical equipment and public convenience devices and facilities which are accessory to the use of the existing structures or facilities and involve the negligible or no expansion of use.
- 33) The issuance, modification or relocation of police permits for antique shops, auto parks, auto rental, bath and massage, card club, card school, dancing academy, dance

(public one night), escort bureau, figure studios, game arcade, games of skill and science, identification card, jewelry auction, locksmith, messenger service, nudist colony, pawnbroker, pool table (single), pool tables, poolroom, billiard room, family billiard room, private patrol, rides/merry-go-round, rummage sale, sales (closing out and removal), secondhand (auto parts, books, jewelry, and general), seller of concealable firearms, shooting gallery, towing operation, social clubs, and proprietor or subscriber alarm system.

- 34) Federally funded programs for revitalization of deteriorating urban areas for purposes of correcting building code violations and making other improvements to existing dwelling units, including coordinating those public improvements necessary to improve public facilities in connection with such revitalization. This exemption does not include the construction of new public facilities.
- 35) Minor extensions of, and connections between, existing taxiways which permit alternative aircraft ground maneuvering operations and involve negligible or no expansion of use.
- 36) The issuance, modification or relocation of animal regulation permits for impounding stray animals declared to be a nuisance, disposal of old, crippled or infected dogs, neighborhood retail pet shops, animal trapping, keeping or wild animals as pets, and keeping of carrier or homing pigeons which are to be liberated for exercise or racing.
- 37) Crushing of cement concrete, asphalt concrete, masonry and other related materials resulting from demolition work when the crushing activity occurs on industrial zoned land, is in compliance with L.A.M.C. Secs. 112.04 and 112.05 , and includes dust suppression measures sufficient to meet the requirements of the Southern California Air Quality Management District.
- 38) Conversion of a single family residence to office use.
- 39) The conversion of existing commercial or industrial units in one structure from single to condominium type ownership.
- 40) Federally funded programs for the provision of public services that result in negligible or no impact on the physical environment and that do not involve the construction of new public or private facilities.



b. Class 2. Replacement or Reconstruction.

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

- 1) Replacement or reconstruction of existing schools, hospitals, recreation buildings and libraries to provide earthquake resistant structures which do not increase capacity more than fifty percent (50%).
- 2) Replacement of a commercial or industrial structure with a new structure of substantially the same size, purpose and capacity.
- 3) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- 4) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.
- 5) Replacement or reconstruction of surface or subsurface pipelines involving negligible or no expansion of use beyond that previously existing.
- 6) Replacement or reconstruction of existing heating and air-conditioning systems.
- 7) Replacement of existing pedestrian stairways, including such additional rights of way as needed to bring the stairways up to current standards of length and width, providing that the project does not impact cultural resources or remove mature trees.

c. Class 3. New Construction of Small Structures.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable within a two year period. Examples of this exemption include but are not limited to:

- 1) Single family residences not in conjunction with the building of two or more units. In urbanized areas, up to three single family residences may be constructed under this exemption.
- 2) Apartments, duplexes and similar structures, designed for not more than four dwelling units of not in conjunction with the building of two or more such structures. In urbanized areas, the exemption applies to single apartments, duplexes and similar

structures designed for not more than six dwelling units of not constructed in conjunction with the building of two or more such units.

- 3) Stores, motels, offices, restaurants, and similar small commercial structures not involving the use of significant amounts of hazardous substances, designed for an occupant load of 30 persons or less, if not in conjunction with the building of two or more structures. In urbanized areas, the exemption also applies to commercial buildings on sites zoned for such use, if designed for an occupant load of 30 persons or less, of not constructed in conjunction with the building of 4 or more such structures and of not involving the use of significant amounts of hazardous substances.
- 4) Installation of new equipment and/or industrial facilities involving negligible or no expansion of use if required for safety, health, the public convenience, or environmental control.
- 5) Water main, sewage, electrical, gas and other utility extensions of reasonable lengths to serve already approved construction.
- 6) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, fences, game courts (including tennis courts accessory to residential developments), play areas and retaining walls.
- 7) Installation of scientific measuring, monitoring and testing devices.
- 8) Additions to underground electric and water utility distribution system facilities such as cables, conduits, pipelines, manholes, vaults and appurtenances, including connections to existing overhead electrical utility distribution lines.
- 9) Installation of surface and subsurface pipelines and equipment in industrial facilities involving negligible or no expansion of use beyond that previously existing.
- 10) Street lighting projects, with the exception of those systems where illumination levels would materially exceed minimum levels of illumination recommended in the current edition of the "American National Standard Practice for Roadway Lighting" as approved by the American National Standards Institute.
- 11) Sewers constructed to alleviate a high potential or existing public health hazard. Such sewers shall be of a size and capacity to serve only the area of need.
- 12) Storm drains constructed to collect low flow or alleviate other local drainage problems unless impact on a park is anticipated.
- 13) Offsite sewers as described in Section 64.11.2 of the L.A.M.C., of no greater diameter than 10 inches, that will serve an area local in nature.

- 14) Authorizations by the Department of Public Utilities and Transportation for the installation, relocation and/or replacement of police and fire boxes, and poles, guys and antennas external to existing buildings.
- 15) Recommendations by the Department of Public Utilities and Transportation for improved crossing protection.
- 16) Issuance by the Department of Public Utilities and Transportation of permits for ambulance driver or attendant, auto-for-hire, public service vehicle, or school bus.
- 17) Projects involving less than 35 dwelling units or 15,000 square feet of commercial, industrial, governmental or institutional floor space where, as determined by the appropriate City department, the project is not in a designated hillside ("H") area or in an officially mapped area of severe geologic hazard, conforms with or is less intensive than the adopted plan, is a fill-in rather than an initial intrusion into an established pattern of development, is not in an officially designated Paleontological, Historical, Archaeological or Seismic Study Area, and, of residential, is more than 1,000 feet from a freeway, railway, or airport, except where the mitigation of potentially significant noise and air quality impacts to an insignificant level is ensured. If any grading is required in connection with such projects, this Categorical Exemption shall not apply unless the grading is also exempted by Subsection d of Subsection 1 of this Article.

d. Class 4. Minor Alterations to Land.<sup>7</sup>

Class 4 consists of minor public or private alterations to the condition of land, water and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes:

- 1) Grading on land with a slope of less than ten percent (10%), except where it is to be located in a waterway, in any wetland, in an officially designated (by federal, State, or local governmental action) scenic area or in an officially mapped areas of severe geologic hazard.
- 2) Grading on land with a slope of fifteen percent (15%) or more, and/or involving grading in excess of 20,000 cubic yards. This exemption will not apply to grading located in a waterway, in any wetland, in an officially designated (by federal, State, or local action) scenic area, or in officially mapped areas of severe geologic hazard, or contains scenic trees.
- 3) New gardening, tree planting, or landscaping, but not including tree removal except dead, damaged or diseased trees or limbs.

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<sup>7</sup> See "Exemption by Location," Section 4a of this Article.

- 4) Filling of earth into previously excavated land, and maintenance and preservation of land elevation in areas of land settlement and subsidence with material compatible with the natural features of the site.
- 5) Minor alterations in land, water and vegetation on existing officially designated wildlife management areas of fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production.
- 6) Temporary uses of land having no permanent effects on the environment, including but not limited to carnivals, parades, temporary location filming, sales of Christmas trees, building materials storage on street or sidewalk during job, construction offices and tract sales offices.
- 7) The issuance, renewal or amendment of any lease, license or permit to use land involving minor alterations to the condition of the land.
- 8) The renewal or amendment of any lease which allows for a minor increase in leased acreage.
- 9) Watercourse permits.
- 10) Grading and/or paving of existing rights of way for parking where zoning laws permit such use, street access exists, and the project does not significantly impact local drainage patterns, cultural resources, or trees.
- 11) Zoning Administrator approval to erect and maintain temporary subdivision directional signs.
- 12) Minor trenching and backfilling where the surface is restored.
- 13) The creation of bicycle lanes on existing rights-of-way.
- 14) Relocation of residential structures located on lands acquired for a public use to a new site.
- 15) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable State and federal regulatory agencies.
- 16) Corrective grading to repair slope failures and for restoration of previously graded areas to their original configurations.

e. Class 5. Alterations in Land Use Limitations.<sup>8</sup>

Class 5 consists of minor alterations in land use limitations in areas with less than a 20% slope, which do not result in any changes in land use or density, including but not limited to:

- 1) Minor lot line adjustments, side yard and setback variances not resulting in the creation of any new parcel nor in any change in land use or density.
- 2) Issuance of minor encroachment permits.
- 3) Minor street, alley and utility easement vacations where the vacated property does not constitute a buildable site that would allow a commercial or industrial development of more than 10,000 square feet or a residential development of more than 25 units.
- 4) Conveyances of minor miscellaneous easements, including street, alley or walkway easements.
- 5) Acquisition of public street easements and the construction of street improvements required pursuant to Section 12.37 of the L.A.M.C. including minor modifications and minor waiver requirements.
- 6) Minor modifications of the conditions of previously approved tentative tract maps involving improved design features when no increase in the number of lots or parcels is proposed.
- 7) Changes in Council instructions related to a change of zone or height district.
- 8) Extensions of time to utilize "Q" provisions imposed upon changes of zone or height district, to utilize a variance or conditional use grant, or to record a final tract.
- 9) Interpretations and minor adjustments to the boundaries of zones or height districts limited by the existing provisions of Section 12.30 of the L.A.M.C.
- 10) Minor area variances, building location and configuration variances, yard variances, or slight modifications which do not result in any change in land use or additional dwelling units.
- 11) Department of Building and Safety Orders and Zoning Administrator Interpretations and appeals therefrom which do not result in change in land use or additional dwelling units.

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<sup>8</sup> See "Exemption by Location," Section 4a of this Article.

- 12) Zone changes that reduce the maximum intensity of use of the land, but do not change the nature of the use.
- 13) Zone changes or variances that merely conform zoning to an existing use where the existing use was legally commenced.
- 14) Zone changes from residential to P-1 on connection with an already developed commercial or industrial use.
- 15) Acceptance of future streets to provide windows for sewer house connections.
- 16) Removal of minor vehicular access restrictions.
- 17) Dedication of easements for streets, alleys and walkways over City-owned property already improved as streets, alleys or walkways.
- 18) Conveyance of easements between public agencies for streets, alleys or walkways over properties already improved as streets, alleys or walkways.
- 19) Acquisition of easements for drainage and sanitary sewers for the conveyance of local drainage and sewage flow into existing outlet facilities.
- 20) Acquisition of easements for future streets, alleys and walkways.
- 21) Acceptance of future streets, alley and walkways which are already improved as streets, alley and walkways, as public streets, alley and walkways.
- 22) Release of agreements on property involving lot ties, public easements, dedications, and submittals of plans.
- 23) Granting or renewal of a variance or conditional use for a non-significant change of use of land.
- 24) Reversion to acreage in accordance with the Subdivision Map Act.
- 25) Establishment, change or removal of building lines.
- 26) Consolidation of contiguous properties into a lesser number of parcels which may involve the vacation of unimproved paper streets or alleys.
- 27) Termination of City Council approved zone changes or height district files if not implemented after three (3) years, including "T" removals and seven (7) step subdivisions subject to a withholding ordinance for dedication and improvements, if in conflict with the most recent City Council adopted community plan.

- 28) Acquisition of land for the purpose of acquiring fee title underlying an existing easement.
- 29) Acquisition of tax delinquent property where no use other than the existing use is contemplated.
- 30) Granting easements to other local agencies, utilities or private persons to accomplish activities that are categorically exempted by these Guidelines.
- 31) Transfer of jurisdiction of a portion of the Los Angeles City Street System to the County of Los Angeles to allow the County to improve the street.
- 32) Reduction of a conditional use site pursuant to Section 12.24 G. 2. of the L.A.M.C.
- 33) Zone variances to convert guest rooms into apartments.
- 34) Granting of a conditional use for the on-site consumption of alcoholic beverages pursuant to L.A.M.C. Sections 12.21 and 12.24, as amended by Ordinance No. 148,994 (effective March 1, 1977), beverages will be dispensed and consumed do not exceed an occupant load of 200 persons, and provided that the premises will not also require an original dancehall, skating rink or bowling alley permit from the Los Angeles Police Commission.
- 35) Granting of Zone Boundary Adjustments or Zone Changes incident to Subdivision pursuant to L.A.M.C. Section 12.32F.
- 36) Approval of Private Street Maps pursuant to Article 8, Chapter I of the L.A.M.C. to provide access to existing legal lots.
- 37) Approval of Reversion to Acreage Maps pursuant to L.A.M.C. Section 17.10.
- 38) Height District changes that reduce the intensity of development of land (L.A.M.C. Section 13.05).
- 39) Modification or removal of a "K" Horsekeeping Supplemental Use District (L.A.M.C. Section 13.05).
- 40) Acceptance of future streets and alleys dedicated pursuant to tract map procedures.

f. Class 6. Information Collection<sup>9</sup>

Class 6 consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

- 1) Permits for test holes in public areas which will be used for engineering evaluations for street, sewer, storm drain, buildings or utility installations.
- 2) Basic data collection, field testing, research, experimental management and resource activities of City Departments, bureaus, divisions, sections, offices or officers which do not result in serious or major disturbances to an environmental resource.
- 3) Permits to drill test holes in navigable waters or submerged lands which will be used for chemical and biological engineering evaluations for marine facilities, and for chemical and biological analysis of sediments.

g. Class 7. Actions by Regulatory Agencies for Protection of Natural Resources.

Not applicable at the present time in the City of Los Angeles.

h. Class 8. Actions by Regulatory Agencies for Protection of the Environment.

Class 8 consists of actions taken by regulatory agencies as authorized by State or local ordinance to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities are not included in this exemption.

- 1) Industrial waste permits.
- 2) Design approvals by the Municipal Arts Commission pursuant to Charter Section 165 and Section 91.4509 (a) of the L.A.M.C.
- 3) Renewals of permits by the Bureau of Street Maintenance for operation of existing sanitary landfills. (This exemption shall not be used where a new sanitary landfill site is to be established.)
- 4) Acquisition of lands for the purpose of preserving flood plains and/or open space where no increase in use is proposed.

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<sup>9</sup> See "Exemption by Location," Section 4a of this Article.



i. Class 9. Inspections.

Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or the quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products:

- 1) Inspection of private refuse disposal sites.
- 2) Activities of City departments, bureaus, divisions, sections, offices or officers limited entirely to inspection, to check for performance of an operation, or the quality or safety of a project.

j. Class 10. Loans.

Not applicable at the present time in the City of Los Angeles.

k. Class 11. Accessory Structures.<sup>10</sup>

Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.

- 1) On-premise signs.
- 2) Parking lots under 110 spaces where no decking or undergrounding is involved.
- 3) Game courts, play equipment, drinking fountains, restrooms, fences, walks, visual screens, or single tennis courts constructed in residential areas.
- 4) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.
- 5) Signs located on City property managed by a City department which has a sign policy adopted by the City Council or, in the case of a proprietary department, by its Board of Commissioners.
- 6) Construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities.
- 7) Construction or placement of buildings, or additions to buildings, involving the addition of less than 15,000 square feet, which additions are accessory to existing commercial, industrial or institutional facilities.

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<sup>10</sup> See "Exemption by Location," Section 4a of this Article.

- 8) Authorizations by the Department of Airports for the installation, maintenance, relocation, replacement and/or removal of: structures; lighting, fencing and security facilities; noise and environmental monitoring systems and facilities; storage tanks and facilities; utility, sewer and drainage system facilities; mechanical and electrical equipment; and, other facilities which are accessory to the use of existing or approved airport structures, facilities, or operations, and involve negligible or no expansion of airport operations beyond that previously existing or permitted.

l. Class 12. Surplus Government Property Sales.

Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy Report, prepared pursuant to Government Code Section 65041, et. seq. However, if the surplus property to be sold is located in those areas identified in the Governors' Environmental Goals and Policy Report, its sale is exempt if:

- 1) The property does not have significant values for wildlife habitat or other environmental purposes, and
- 2) Any of the following conditions exist:
  - a) The property is of such size or shape that it is incapable of independent development or use, or
  - b) The property to be sold would qualify for an exemption under any other class of categorical exemption in Article VII of these Guidelines, or
  - c) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

m. Class 13. Acquisition of Lands for Wildlife Conservation Purposes.

Not applicable at the present time to the City of Los Angeles.

n. Class 14. Minor Additions to Schools.

Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or five classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

- 1) Minor additions to City operated training facilities within existing facility grounds where the addition does not increase original trainee capacity of the facility by more than 25% or five classrooms is included in this exemption.

o. Class 15. Minor Land Divisions

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have a slope greater than 20%.

p. Class 16. Transfer of Ownership in Land in order to Create Parks.

Class 16 consists of the acquisition or sale of land in order to establish a park where the land is in a natural condition or contains historic sites or archaeological sites and either:

- 1) The management plan for the parks has not been prepared, or
- 2) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological site. CEQA will apply when a management plan is proposed that will change the area from its natural condition or significantly change the historic or archaeological site.

q. Class 17. Open Space Contracts or Easements.

Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserve, contracts, interests of easements is not included.

r. Class 18. Designation of Wilderness Areas.

Class 18 consists of the designation of wilderness areas under the California Wilderness System.

s. Class 19. Annexations of Existing Facilities and Lots for Exempt Facilities.

Class 19 consists of only the following annexations:

- 1) Annexations to the City of Los Angeles of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- 2) Annexations of individual small parcels of the minimum size for facilities exempted by Subsection c of this Section, New Construction of Small Substructures.

t. Class 20 Changes in Organization of Local Agencies.

Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change to geographical area in which previously existing powers are exercised. Examples include but not limited to:

- 1) Establishment of a subsidiary district.
- 2) Consolidation of two or more districts having identical powers.
- 3) Merger with a city of a district lying entirely within the boundaries of the City.

u. Class 21. Enforcement Actions by Regulatory Agencies.

Class 21 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate or other entitlement for use which is issued, adopted or prescribed by the regulatory agency or a law, general rule, standard or objective which is administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:<sup>11</sup>

- 1) The direct referral of a violation of a lease, permit, license, certificate or other entitlement for use or of a general rule, standard or objective to the Attorney General, District Attorney or City Attorney, as appropriate for judicial enforcement.
- 2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate or other entitlement for use or enforcing the general rule, standard or objective.

v. Class 22. Educational or Training Programs Involving No Physical Changes.

Class 22 consists of the adoption, alteration or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include, but are not limited to the following:

- 1) Development of or changes in curriculum or training methods.
- 2) Changes in the grade structure of a school which do not result in changes in student transportation.

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<sup>11</sup> Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

w. Class 23. Normal Operations of Facilities for Public Gatherings.

Class 23 consists of the normal operations of existing facilities designed for public gatherings where there is a history of the use of the facility for that purpose. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks.

x. Class 24. Regulation of Working Conditions.

Class 24 consists of actions taken by regulatory agencies, including the Industrial Welfare Commission as authorized by statute, to regulate any of the following:

- 1) Employee wages.
- 2) Hours of work.
- 3) Working conditions where there will be no demonstrable physical changes outside the place of work.

y. Class 25. Transfers of Ownership of Interests in Land to Preserve Open Space.

Class 25 consists of the transfers of ownership of interests in land in order to preserve open space. Examples include but are not limited to:

- 1) Acquisition of areas to preserve existing natural conditions.
- 2) Acquisition of areas to allow continued agricultural use of the areas.
- 3) Acquisitions to allow restoration of natural conditions.
- 4) Acquisition to prevent encroachment of development into flood plains.

z. Class 26. Acquisition of Housing for Housing Assistance Programs.

Class 26 consists of actions by a redevelopment agency, housing authority, or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units. The housing units may be either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units.

aa. Class 27. Leasing New Facilities.

Class 27 consists of the leasing of a newly constructed or previously unoccupied privately-owned facility by a local or state agency where the local governing authority determined that the building was exempt from CEQA. To be exempt under this section, the proposed use of the facility shall be in conformance with existing State plans and policies and with general, community, and specific plans for which an EIR or Negative

Declaration has been prepared, shall be substantially the same as that originally proposed at the time the building permit was issued, shall not result in a traffic increase of greater than 10% of front access road capacity, and shall include the provision of adequate employee and visitor parking facilities. Examples of Class 27 include but are not limited to:

- 1) Leasing of administrative offices in newly constructed office space.
- 2) Leasing of client services offices in newly constructed retail space.
- 3) Leasing of administrative and/or client services offices in newly constructed industrial parks.

2. Procedures for Adding Categorical Exemptions.

a. New Classes.

Requests for new classes of categorical exemptions must be submitted to the State Office of Planning and Research. All such requests by the Lead City Agencies shall be first submitted to the City Council for approval.

b. New Exemptions Under Existing Classes.

A Lead City Agency may petition the City Council to add a categorical exemption under an existing class. The Lead City Agency must provide the City Council with detailed information supporting its contention that the type of project in question does not significantly effect the environment. Where such projects may potentially be carried out in substantially different environments, specific mention should be made as to the type of environment in which the exemption may be applied.

3. Relation to Ministerial Projects.

The categorical exemptions listed above include classes of projects which in the City of Los Angeles are already exempted from the requirements of CEQA as ministerial. It is not necessary to refer to a project as categorically exempt if it is already exempt as ministerial.

4. Exceptions.

a. Location.

Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its effect on the environment may in a particularly sensitive environment be significant. Therefore, these classes may not be utilized where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

(over)

I CERTIFY THAT THE FOREGOING  
RESOLUTION WAS ADOPTED BY THE  
COUNCIL OF THE CITY OF LOS ANGELES  
AT ITS MEETING OF JUL 31 2002  
BY A MAJORITY OF ALL ITS MEMBERS.



J. MICHAEL CAREY,  
CITY CLERK

BY

DEPUTY

*Veronica Walmsley*

COUNCIL VOTE

Jul 31, 2002 10:37:07 AM, #6

ITEM NO. (11)

Voting on Item(s): 11

Roll Call

BERNSON	Yes
GALANTER	Absent
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
HOLDEN	Yes
LABONGE	Yes
MISCIKOWSKI	Yes
PACHECO	Yes
PERRY	Yes
REYES	Yes
RIDLEY-THOMAS	Yes
WEISS	Yes
ZINE	Yes
*PADILLA	Yes

Present: 14, Yes: 14 No: 0



DATE: 7-31-02

ITEM #: 11

[illegible]

**PLANNING AND LAND USE MANAGEMENT COMMITTEE  
SUGGESTED NOTIFICATION OF COUNCIL ACTION**

Council File No. 02-1507

sign

Applicant/Appellant/Owner	Representative
	<del>See Attached</del>

☒ Council Member(s) All

Office of the Mayor (w/file) - Section \_\_\_\_\_

☒ City Attorney-Attn: Susan Pfann - ICO; CA;

City Administrative Officer (CAO)

☒ Chief Legislative Analyst (CLA)

☒ City Planning Department: Attn: Emily Gabel-Luddy

☒ City Planning Commission - (ZC; HD; BL; HE; HPOZ; GPA; SPE; CPU; CPR; CA; ICO; TOD; SP; CDO)

☒ Director of Planning - (same as Comsn.)

☒ Office of Zoning Administration - (All ZA cases; CU; ZV;)

☒ Advisory Agency - (PM; TT; CPU; CPR; CA; ICO; TOD; SP; CDO)

☒ Community Planning Section - (DRB; CPU; CPR; SPE; TT; PM; CA; ICO; CDO; HE)

☒ Geographic Information Section - Attn: Fae Tsukamoto - (same as Comsn.)

Information Technology Agency - (large projects)

Bureau of Engineering, Land Development & Mapping Division - (generally most cases)

Department of Transportation, Traffic/Planning Sections - (generally most cases)

Department of Building & Safety c/o Zoning Coordinator - (generally most cases)

Bureau of Street Lighting, "B" Permit Section - (all zoning cases)

Department of Water and Power - (DB & large projects)

Fire Department - (all zoning and hillside cases)

Police Department - (beer & wine; adult entertainment, revocations)

Community Development Department

Los Angeles County Assessor - (CU appeals & large projects)

☒ Public Works

☒ Environmental Affairs Department

☒ Rec. & Parks, DWP, Harbor, Airports, DOT - General Managers

July 30, 2002

Councilman Alex Padilla - All Council Members  
 President of City Council  
 Los Angeles City Hall  
 200 North Spring Street  
 Los Angeles, CA. 90012

FAX NO: (213) 847-0707

RE: COUNCIL FILE NO. 02-1507, AGENDA ITEM 11/PROPOSED NEW CITY, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES. NEED FOR CITY COUNCIL PROCESS TO MODIFY OR REMOVE ENVIRONMENTALLY HARMFUL EXEMPTIONS.

The Federation of Organizations For Conserving Urban Space (FOCUS) has appeared frequently before the City Council since our founding in 1972.

COUNCIL HEARING PROCESS ON ADDITION OF NEW CATEGORICAL EXEMPTIONS.

We're pleased that the revised City CEQA Guidelines provide for public input when lead City agencies request a new categorical exemption be added to the City CEQA Guideline. The City Council's support for an open hearing process is much appreciated by FOCUS.

NEED FOR GUIDELINE PROCESS TO MODIFY OR REMOVE CATEGORICAL EXEMPTIONS

Due to the occasional arbitrary and marginal nature of many of the Categorical Exemption requests brought to the City Council by City Agencies, there is a need to incorporate a process into the newly updated City CEQA Guidelines that will provide for the removal or the modification of categorical exemptions that are environmentally destructive. AN EXAMPLE OF ENVIRONMENTALLY DAMAGING CATEGORICAL EXEMPTION IS THE CLASS A, DEPARTMENT OF PUBLIC WORKS PERMIT THAT EXEMPTS "..... CONSTRUCTION OR REPAIR OF SIDEWALKS, DRIVEWAYS AND CURBS." (See exempt activities, 6a, Categorical Exemptions, ARTICLE II.)

DESTRUCTION OF LARGE, VALUABLE STREET TREES IN SIDEWALK REPAIR PROGRAM.

Due to a Categorical Exemption that continues to be allowed under the newly updated City CEQA Guidelines, many of our large, valuable and healthy street TREES ARE BEING CUT DOWN UNDER THE CURRENT SIDEWALK REPAIR AND REPLACEMENT PROGRAM. ONE ESTIMATE PROJECTS THE LOSS OF APPROXIMATELY 12,000 SUBSTANTIAL TREES DURING THE CONSTRUCTION AND REPAIR OF 400 MILES OF CITY SIDEWALKS, MAINLY IN RESIDENTIAL AREAS.

TODAY'S UPDATING OF CEQA GUIDELINES & EXEMPTIONS, OPPORTUNITY TO REJECT OR MODIFY THIS TREE DESTRUCTIVE CATEGORICAL EXEMPTION. MEANDERING SIDEWALKS, ENLARGING TREE WELLS, INSTALLING ROOT BRIDGES AND FLEXIBLE SIDEWALKS ADJACENT TO LARGE, VALUABLE & HEALTHY STREET TREES WILL SAVE TREES.

Sincerely,

*Alexander M. Man*  
 Alexander M. Man  
 Chairmah, FOCUS  
 (310) 459-6398

CITY CLERK  
 DEPUTY  
*J. Michael Carey*

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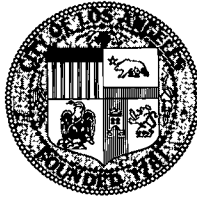
POST OFFICE BOX 1711 • SANTA MONICA, CALIFORNIA 90406 • TELEPHONE (310) 459-6398

**J. MICHAEL CAREY**  
City Clerk

**FRANK T. MARTINEZ**  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

**CITY OF LOS ANGELES**  
CALIFORNIA



**JAMES K. HAHN**  
MAYOR

Office of the  
**CITY CLERK**  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1183  
Fax: (213) 978-1040

**HELEN GINSBURG**  
Chief, Council and Public Services Division

02-1507

July 15, 2002

**PLANNING & LAND USE MANAGEMENT COMMITTEE**

In accordance with Council Rules, communication from the Director of Planning relative to Resolution updating the City's California Environmental Quality Act (CEQA) Guidelines to incorporate the City's amended list of exemptions, categorical exemptions and ministerial projects, as contained in the Article II and VII, and replacing the remaining City CEQA Guidelines with the current State CEQA Guidelines, was referred on July 15, 2002, to the PLANNING & LAND USE MANAGEMENT COMMITTEE.

*J. Michael Carey*

City Clerk  
amm

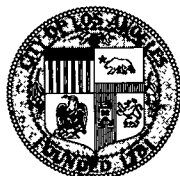


DEPARTMENT OF  
**CITY PLANNING**  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
CITY PLANNING COMMISSION

MITCHELL B. MENZER  
PRESIDENT  
JOSEPH KLEIN  
VICE-PRESIDENT  
RICHARD BROWN  
MABEL CHANG  
DORENE DOMINGUEZ  
JAVIER O. LOPEZ  
PASTOR GERARD MCCALLUM II  
ROBERT L. SCOTT  
PETER M. WEIL  
GABRIELE WILLIAMS  
COMMISSION EXECUTIVE ASSISTANT  
(213) 978-1247

July 11, 2002

**ITY OF LOS ANGELE**  
CALIFORNIA



JAMES K. HAHN  
MAYOR

**EXECUTIVE OFFICES**  
5<sup>TH</sup> FLOOR

CON HOWE  
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ROBERT H. SUTTON  
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FAX: (213) 978-1275  
INFORMATION  
(213) 978-1270

Planning and Land Use Management Committee  
City Hall  
200 North Spring Street, Room 525  
Los Angeles, CA 90012

Attention: John White, Legislative Assistant

**CEQA GUIDELINES**

Honorable Committee Members:

**REQUEST**

That the City Council approve this report and adopt the attached resolution which will update the City's California Environmental Quality Act (CEQA) Guidelines to incorporate the City's amended list of exemptions, categorical exemptions, and ministerial projects, as contained in the Articles III and VII, and replace the remaining City CEQA Guidelines with the current State CEQA Guidelines.

**DISCUSSION**

The California Environmental Quality Act (Public Resource Code Sections 21000, et seq. "CEQA") was passed in 1970 to ensure that local agencies consider environmental factors prior to approving projects which may have adverse environmental impacts. The State has adopted Guidelines to administer and accomplish the aims of CEQA. Those Guidelines, contained in Title 14, California Code of Regulations, Section 15000 et seq ("state CEQA Guidelines") encourage local jurisdictions to adopt their own objectives, criteria, and specific procedures consistent with the State CEQA Guidelines. See section 15022 (a) of the State CEQA Guidelines. The City adopted its own CEQA Guidelines, consistent with CEQA and the State Guidelines, shortly after the adoption of CEQA in the early 1970's. Over the years, the State Guidelines have been amended to incorporate various case-mandated changes and clarifications. However, the City Guidelines have not had a major revision since 1981.

The lack of revisions to the City CEQA Guidelines has resulted in confusion for City Departments, the public, developers, and environmental consultants. In 1994, as part of the Ad Hoc Committee on Development Reform (CF-94-1923-S5) a task force was created consisting of various City departments to update the City CEQA Guidelines, and complete various other tasks related to

**PLAN & LAND USE MGT.**

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

JUL 12 2002

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development reform. While the task force met and discussed various matters, final resolution of the updates was not completed.

The Planning Department and the City Attorney's Office propose that the Council update the existing CEQA Guidelines to (1) incorporate State CEQA Guidelines, which provide definitions, procedures and processes and standards for preparation and processing of environmental documents; (2) incorporate the City's amended list of exemptions, categorical exemptions and descriptions of "ministerial" projects, which are presently contained in Article III, sections 1 (general exemption) and 2 (statutory exemptions and ministerial projects), and Article VII (categorical exemptions). Staff recommends that in doing so, the City Council agree to adopt into the City's CEQA Guidelines any future amendments to the State CEQA Guidelines, except as expressly excepted by future action of the City Council; and to rescind all remaining portions of the City CEQA Guidelines. Attached as Appendix A is a proposed resolution accomplishing these changes.

The adoption of the proposed resolution will result in clear and consistent guidelines that will assist in providing predictability and the timely processing of CEQA clearances.

### **ENVIRONMENTAL IMPACT**

The proposed Council Resolution (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 2, Subsection (n) of the City's CEQA Guidelines (general policy procedure making). All projects that currently receive environmental review pursuant to the City CEQA Guidelines will continue to require environmental review under the State CEQA Guidelines.


### **RECOMMENDATION**

Adopt the proposed resolution updating the City CEQA Guidelines to clarify the City's practices and procedures, avoid future conflicts between state and local guidelines, and simplify compliance with CEQA within the City. The ability to utilize future amendments to the State CEQA Guidelines will assist City staff, the public, developers and environmental consultants in following a comprehensive and continually updated set of guidelines that are responsive to changing circumstances.

Should you have any questions we will be present at your committee meeting.

Sincerely,

CON HOWE  
Director of Planning

  
Emily Gabel-Luddy  
Deputy Advisory Agency  
Environmental Review Section

Attachments: Appendix A, Proposed Council Resolution (includes list of exemptions, categorical exemptions, and ministerial projects)

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*Record 1 of 2***DOCID**

94-1923-S5

**STATUS**

0

**CHNGDATE**

7/15/02

**TITLE**

CEQA GUIDELINES

**AUTHOR**

Ad Hoc Comt on Development Reform

**SUBJECT**

Req Ccl approve rept relative to the updating the LA City Guidelines for the Implementation of the California Quality Act of 1970 (City CEQA Guidelines) in connection with Mayor's Recommendation #3.

NEW COUNCIL FILE 02-1507

**DATEREC**

5/19/95

**ACTIONS**

5-19-95 - For Ccl - File to Ad Hoc Comt Clk per req

6-7-95 - Ad Hoc Comt on Development Reform rept ADOPTED TO REQUEST City Atty to convene a working group composed of staff from City Atty's Office, Planning Dept, the EAD, DOT, CRA, DWP, Harbor, Airport & Bureau of Eng to review the existing guidelines to:

1. Make them consistent with current State law,
2. Delete guidelines which have no legal support,
3. Clarify ambiguous guidelines,
4. Add guidelines where needed for consistency with the State law as well as the Permit Streamlining Act & the development process in the City
5. Make recs for the Ccl to submit to State to change list of categorical exemptions.

6-15-95 - File to City Atty

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