

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

0220-05285-000

Date: November 4, 2016

To: The Council

From: Miguel A. Santana, City Administrative Officer

Subject: **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ANALYSIS
RELATED TO VEHICULAR DWELLING PILOT PROGRAM (C.F. 14-1057-S1)****RECOMMENDATION**

That the Council determine that this project is exempt from the California Environmental Quality Act (CEQA) based upon the Class 6 categorical exemption set forth in CEQA Guidelines Section 15306 for this proposed ordinance. Adoption of this categorical exemption is appropriate when the Council, exercising its independent judgment, determines that the project meets all of the requirements set forth in the above referenced section of the CEQA Guidelines and none of the exceptions to the use of a Categorical Exemption set forth in CEQA Guidelines Section 15300.2 apply to this proposed ordinance, based upon substantial evidence contained in the entire administrative record.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ANALYSIS

Our Office has worked with representatives from the City Planning Department, the Department of Transportation, and the Los Angeles Homeless Services Authority (LAHSA), among others, to develop the vehicular dwelling pilot program pursuant to Council's action on September 28, 2016. Staff has determined that the regulations contained in the proposed ordinance are exempt from CEQA pursuant to the Class 6 Categorical Exemption, set forth in the state's CEQA Guidelines, Section 15306. This exemption states:

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

As set forth in the proposed ordinance, although the City has received reports from the community expressing concerns regarding litter, unsanitary conditions, noise and crime that is claimed to be associated with the use of vehicles as dwellings, the City has no reliable data or information establishing a clear connection between the use of vehicles and dwellings and impacts to public health, safety or the physical environment.

In addition, the City has no reliable data regarding the number and locations of vehicles used as dwellings and whether these uses are concentrated in certain parts of the City. The primary purpose of the proposed ordinance, which is of limited duration, is to collect data and information regarding the following: 1) the nature and extent of the use of vehicles as dwellings; 2) the impacts to public health, safety and the physical environment from this use, and 3) the effectiveness of the regulations contained in the ordinance in controlling the use and limiting its effects on various communities throughout the City.

After researching and considering various options for obtaining this data and information, staff, in consultation with LAHSA, has determined there are not any other sources or reliable methods currently available from which to draw the necessary analyses. Furthermore, staff has concluded that implementing these regulations and using them as a tool to gather the information to evaluate the effectiveness the regulations is the most appropriate method to gather the necessary information to make recommendations to the City Council for the long-term regulation of this activity.

As set forth in the proposed ordinance, our Office will coordinate the gathering and analysis of this data and information by City departments and third-party organizations with relevant expertise, and will prepare a report to the Mayor and Council with recommendations regarding the nature and scope of regulations to address the use of vehicles as dwellings on a long-term basis. Approximately, 18 months will be needed to collect data and information described above. The first 6 months will be used for hiring, training, outreach, and procurement followed by 12 months of data collection and analysis.

The City is aware that the use of vehicles as dwellings is currently occurring within the City, and currently is not subject to City regulations, other than existing parking restrictions. Therefore, staff does not believe the implementation of these regulations would result in new serious or major disturbances to the physical environment. It should be noted that the regulations contained in the proposed ordinance do not supersede or take precedence over current parking regulations that prohibit or limit the duration of parking in various parts of the City.

Finally, there is no substantial evidence that there exist unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

(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 impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except 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.

Analysis: This exception applies to the Class 6 Categorical Exemption where the project is located in a particularly sensitive environment. The proposed ordinance establishes

regulations of limited duration pertaining to the use of vehicles as dwellings and identifies particular public streets where vehicles used as dwellings may park during specific periods of the day. The City of Los Angeles precisely designates maps and officially adopted areas of special resources and hazards in the Safety Element of the General Plan adopted in 1996. These maps identify the following: Alquist-Priolo Special Study Zones and Fault Rupture Study Areas; Areas Susceptible to Liquefaction; Landslide Inventory and Hillside Areas; Wildfire Hazard Area; Oil Field and Oil Drilling Areas; 100-year and 500-year Flood Plains, Inundation and Tsunami Hazard Areas. It is possible that the proposed ordinance will result in a change in the nature, extent and locations of vehicle dwellings and that some of this activity would occur in these identified potential hazard areas. However, vehicles used as dwellings will not have a significant impact on these identified areas. This is because the proposed ordinance would merely regulate an activity that is already occurring in the City and identify public streets where vehicles used as dwellings may be parked for specific periods of time during any given day. These regulations do not supersede or take precedence over current parking regulations that prohibit or limit the duration of parking in various parts of the City. The proposed ordinance will not introduce a new permanent population or increase the likelihood of new development as it does not address permanent dwellings.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Analysis: There are no successive projects of the same type, in the same place, planned for the City of Los Angeles. In addition, this ordinance is of limited duration. Therefore, the proposed ordinance will not have a significant impact over time. The proposed ordinance establishes regulations addressing the use of vehicles as dwellings and identify particular public streets within the City as places vehicles used as dwellings may park during specific periods of time of each day. These regulations do not supersede or take precedence over current parking regulations that prohibit or limit the duration of parking in various parts of the City.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Analysis: There is no reasonable possibility that the regulations in the proposed ordinance will have a significant effect due to unusual circumstances. The proposed ordinance establishes regulations, of limited duration, addressing the use of vehicles as dwellings and identify particular public streets within the City as places vehicles used as dwellings may park during specific periods of time of each day. These regulations do not supersede or take precedence over current parking regulations that prohibit or limit the duration of parking in various parts of the City. As such, these regulations are not anticipated to disrupt current parking patterns within the City. In addition, if during the study period associated with the limited duration of this ordinance unusual circumstances are identified that result in significant effects, these may be addressed in the CAO's report and recommendations to the City Council regarding the long-term regulation of this activity.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

Analysis: The only designated State Scenic Highway in Los Angeles County is Route 2 from 2.7 miles north of State Route 210 at La Canada to the San Bernardino County Line. The designated State Scenic Highway is not located within the Los Angeles City Boundaries; therefore, the proposed ordinance does not impact any State Scenic Highway. It is plausible that the use of vehicles as dwellings may occur on or near designated City Scenic Highways as illustrated in Appendix B (commencing on page 185) of the Mobility Plan, which is the Transportation Element of the Los Angeles General Plan. However, the regulations contained in the proposed ordinance do not supersede or take precedence over current parking regulations that prohibit or limit the duration of parking in various parts of the City. As such, staff does not anticipate that the vehicles used as dwellings would not obstruct Scenic Highway vistas to any greater extent than vehicles that are park on or near City Scenic Highways pursuant to current City parking regulations. The proposed regulations will not result in damage to scenic resources, including trees, historic buildings, rock outcroppings, or similar resources.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Analysis: These regulations address the use of specifically identified public streets as places vehicles used as dwellings may park during specific periods of time of each day. Staff is not aware of any public streets within the City that have been included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, this exception to the exemption does not apply.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Analysis: The regulations contained in the proposed ordinance will not permit any activities that would result in reasonably foreseeable structural or physical changes that would impact any historical resource. These regulations address the use of specifically identified public streets as places vehicles used as dwellings may park during specific periods of time of each day. These regulations do not permit any activities that could have a foreseeably detrimentally effect on historical resources. Therefore, this exception to the exemption does not apply.

For the reasons stated above, none of the exceptions to the use of Categorical Exemptions set forth in Section 15300.2 of the State CEQA Guidelines applies to the proposed ordinance.