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April 11, 2018

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: City Council

Dear Honorable Members:

**CEQA CLEARANCE RELATIVE TO PROPOSED ORDINANCE AMENDING SECTION 91.8605 OF DIVISION 86, ARTICLE 1, CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO CLARIFY APPLICABILITY OF STANDARDS TO INCLUDE NEW AND EXISTING BUILDINGS OR STRUCTURES, ADD PROVISIONS TO FACILITATE THE ESTABLISHMENT OF TEMPORARY EMERGENCY SHELTERS, ADD PROVISIONS TO FURTHER ENSURE SAFETY OF OCCUPANTS WITHIN TEMPORARY EMERGENCY HOMELESS SHELTERS.**

On March 9, 2018, the City Council directed the City Attorney's Office to make several amendments to a proposed ordinance amending Los Angeles Municipal Code (LAMC) Section 91.8605 to include new and existing buildings or structures and to add provisions to facilitate the establishment of temporary emergency shelters and to further ensure the safety of occupants within temporary emergency homeless shelters.

The Department of City Planning has amended its findings under the California Environmental Quality Act (CEQA) to reflect the revisions to the proposed ordinance as described in the February 16, 2018 report transmitted by the City Attorney's Office. This transmittal contains the amended CEQA findings.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

Kevin J. Keller, AICP  
Executive Officer

VPB:KJK:DK:mn

### CEQA Findings

Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15268 (statutory exemption for ministerial projects), 15269 (statutory exemption for emergency projects), 15301 (categorical exemption for existing facilities), 15302 (categorical exemption for replacement or reconstruction of existing structures and facilities), 15303 (categorical exemption for new construction or conversion of small structures), 15304 (categorical exemption for minor alterations to land), 15311 (categorical exemption for accessory structures), 15323 (categorical exemption for normal operations of facilities for public gatherings), 15327 (categorical exemption for leasing new facilities), 15332 (categorical exemption for in-fill development projects), and 15378 (definition of a project), the adoption of the proposed ordinance amending Los Angeles Municipal Code (LAMC) Section 91.8605 to clarify applicability of standards to include new and existing buildings or structures, and add provisions to facilitate the establishment of temporary emergency shelters with provisions to ensure the safety of occupants during a shelter crisis is categorically exempt from CEQA. Additionally, none of the exceptions to the categorical exemptions identified in CEQA Guidelines Section 15300.2 apply.

The provisions of the ordinance would only apply during a declared shelter crisis emergency pursuant to state law. A shelter crisis may be revoked by the Mayor or City Council at any time. Any significant changes on the ground, therefore, would largely only occur during times of extreme need for housing. Any potential impacts from the changes to LAMC Section 91.8605 would be temporary in nature and necessary to mitigate an emergency shelter crisis that exists in the City.

No new major or permanent construction is anticipated as a result of the ordinance, nor does the ordinance create any permanent change to density or permitted uses. The most likely scenario is a potential for increased re-use of existing facilities including interior or exterior alterations involving such things as interior partitions and new fire-safety provisions, etc., all of which would be considered a minor alteration to existing structures or facilities and would be exempt under CEQA Guidelines Section 15301. Such activities would likely involve negligible or no expansion of an existing use, because a provider is likely to operate a temporary shelter within an existing structure and shelters serve a limited number of guests during a temporary period of operation. In some cases, minor new construction activities within the limits prescribed by CEQA Guidelines Section 15303 may also occur. Construction of large permanent facilities is not anticipated because the approvals granted under this program are temporary by their nature. However, if a new building were to be constructed as a temporary emergency shelter, this ordinance would only facilitate the use of that structure as a shelter and not grant any other permissions for the construction of that building than would otherwise be allowed. Furthermore, any minor construction resulting from this ordinance would likely be categorically exempt pursuant to CEQA Guidelines Section 15332 (in-fill development) and/or CEQA Guidelines Section 15304 (minor alterations to land).

The construction of any new buildings for use as a temporary shelter would satisfy the following requirements of CEQA Guidelines Section 15332: (a) the project would be consistent with the site's general plan designation and all applicable general plan policies and zoning regulations; (b) the project would be within the boundaries of the City of Los Angeles, and is not reasonably expected to be located on a site larger than five acres; (c) the project site would not have any value as habitat for endangered, rare or threatened species as the site would foreseeably be

surrounded by development; (c) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because emergency shelters for the homeless would not exceed City thresholds for Traffic, the project would be subject to Regulatory Compliance Measures (RCMs) which require compliance with the City of Los Angeles Noise Ordinance, and there are no foreseeable significant effects to Air or Water quality; and (e) the site would be adequately served by all required utilities and public services.

While it is not possible to evaluate every sort of temporary emergency shelter that may be impacted by the proposed ordinance, the City has evaluated projects that have been established as a result of LAMC Sections 12.80 and 12.81 in prior years. In looking at projects that have occurred under LAMC Sections 12.80 and 12.81, as well the entirety of the record, the Department determines that the proposed ordinance will not result in significant effects on the environment and similarly, that none of the exceptions to the categorical exemptions set forth in CEQA Guidelines Section 15300.2 apply.

Additionally, the proposed shelter crisis declaration is not a "project" under CEQA pursuant to CEQA Guidelines Section 15378, which provides that CEQA applies to "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."

The records upon which this decision is based are with the Planning Department in Room 278, 200 North Spring Street in Los Angeles, California.