



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

City Planning Commission

Date: May 11, 2017
Time: After 8:30 am
Place: Los Angeles City Hall
200 North Spring Street
Room 350, Public Works Board Room
Los Angeles, CA 90012

Public Hearing: Required
(May 11, 2017)

Case No.: CPC-2017-1240-CA

CEQA No.: ENV-2017-1241-CE

Related Case: N/A

Council No.: N/A

Plan Area: All

Specific Plan: All

Certified NC: All

GPLU: Various

Zone: Various

Applicant: City of Los Angeles

PROJECT

LOCATION: Citywide

PROPOSED

PROJECT: An Ordinance amending Sections 16.05 of the Los Angeles Municipal Code to align provisions of the Site Plan Review Ordinance with recent changes to state law, involving revisions to the California Environmental Quality Act (CEQA) (SB226, SB743, and SB375) and the dissolution of redevelopment agencies statewide (ABx1 26). The amendment will also bring Site Plan Review time limits into consistency with those applicable to other similar types of cases.

REQUESTED ACTION:

1. Pursuant to Section 12.32 E of the Los Angeles Municipal Code (LAMC), amendments to the following sections of the LAMC:

16.05.E(4): Removal of description of types of Environmental Clearances

16.05.G(2): Removal of requirement for the "CRA" to act as "Lead Agency"

16.05.H(3): Modification of time for an appeal to be set for public hearing

2. Based on the whole of the administrative record, the proposed ordinance is not a "project" as defined by State CEQA Guidelines, Sections 15061(b)(3) and 15378(b)(5) of the California Public Resource Code and City CEQA Guidelines, Article II, Section 2, Class (m).

RECOMMENDED ACTIONS:


1. **Approve and Recommend** that the City Council adopt the proposed ordinance (See Draft Ordinance, Exhibit A).
2. **Adopt** the staff report as its report on the subject

3. **Determine** based on the whole of the administrative record, the proposed ordinance is not a "project" as defined by State CEQA Guidelines, Sections 15061(b)(3) and 15378(b)(5) of the California Public Resource Code and City CEQA Guidelines, Article II, Section 2, Class (m).
4. **Adopt** the attached Findings

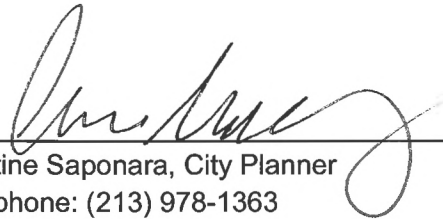
VINCENT P. BERTONI, AICP
Director of Planning



Craig Weber, Principal City Planner



Patricia Diefenderfer, Senior City Planner



Christine Saponara, City Planner
Telephone: (213) 978-1363

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

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PROJECT ANALYSIS

Project Summary

The proposed amendment to the Site Plan Review Ordinance involves a technical revision to the Los Angeles Municipal Code (LAMC) to better align provisions of this section of the LAMC with changes to state law made in recent years. These changes involve revisions to the California Environmental Quality Act (CEQA) (SB226, SB743, and SB375) and the dissolution of redevelopment agencies statewide (ABx1 26). The amendment will also bring the time limitations related to the appeal process for Site Plan Review into consistency with those applicable to other similar types of cases.

Initiation

Pursuant to Los Angeles Municipal Code Section 12.32.E, the Director of Planning has initiated routine maintenance of the provisions of Site Plan Review Ordinance in an effort maintain consistency with recent changes to State law that would affect the implementation of the Site Plan Review Process.

Research and Analysis

The Site Plan Review Ordinance originally became effective on October 13, 1990. The purpose of the Site Plan Review was to “promote orderly development, recognize and mitigate environmental impacts, and promote public safety and general welfare by ensuring that [large scale] development projects are properly related to their sites, surrounding properties, traffic circulation, sewer, infrastructure, capability needs, and environmental setting.” (Staff Report, Case Number CPC 1986-1084-CA.) Although the Site Plan Review Ordinance has been amended several times since then, the intent and purpose remain the same - holistic project review of larger scale projects in order to minimize potential impacts to surrounding properties. Just like previous amendments to the Site Plan Review, this amendment retains the original purpose and goals of the Site Plan Review procedure, while modernizing the provisions to correspond with relevant modifications to State law. The proposed Site Plan Review Code Amendment modifies three sections of the Ordinance in an effort to maintain consistency with ever-changing State CEQA Guidelines and requirements.

- **Modification 1: LAMC Section 16.05E(4)**

The first modification deals with the types of Environmental Clearance required for a Site Plan Review project. Typically, projects that require Site Plan Review are larger in scale, with at least 50,000 square feet of non-residential floor area, 50 or more dwelling units, a net increase of 500 or more daily trips, and/or other projects that may impact the surrounding properties. When the Site Plan Review process was created, State CEQA standards typically required Negative Declarations, Mitigated Negative Declarations or Environmental Impact Reports for projects of this scale. In recent years, the State of California has passed a variety of Senate Bills that aim to streamline environmental impacts review for infill development projects. Senate Bill 375 was adopted in 2009 and

streamlines environmental review for projects that are considered to be “transit priority projects” that are consistent with regional plans/Sustainable Communities Strategies that meet targets for reductions in greenhouse gas emissions. Senate Bill 226, adopted in 2011, introduced changes to the California Environmental Quality Act (CEQA) that aim to further streamline environmental review for urban infill projects within a one-half mile of high-frequency transit service. Lastly, Senate Bill 743, adopted in 2013, removes aesthetics and parking as topics that would be analyzed for potential environmental impacts for residential projects, employment centers or mixed-use developments in transit priority areas. Additionally, the State Office of Policy and Research was tasked in developing an alternative metric to auto level of service (LOS) for measuring traffic impacts.

The City of Los Angeles, a State Authorized Charter City, proposes to modify the Site Plan Review Ordinance in compliance with these recent changes to state legislation. Pursuant to State Law (California Constitution Art. XI and California Government Code § 34871), Charter Cities, such as the City of Los Angeles, are required to comply with state law on matters of “statewide concern” such as the environment. The proposed changes will permit the City to prepare the appropriate environmental review as authorized by state law.

- **Modification 2: LAMC Section 16.05.G(2)**

The second modification involves the removal of a requirement for the “CRA” to act as “Lead Agency.” When the Site Plan Review section was adopted in 1990, the City had a State authorized Redevelopment Agency, referred to as the Community Redevelopment Agency or CRA. The State of California granted the CRA a variety of powers to eliminate blighted conditions in urban areas. These powers included land use authority implemented through redevelopment plans for adopted Redevelopment Project Areas. Within these areas, the CRA was designated to be the “Lead Agency.” According to California Public Resources Code, division 13, chapter 2.5, “‘Lead Agency’ means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.”

Historically in the City of Los Angeles, the CRA played a significant role in reviewing and approving development projects in adopted Redevelopment Project Areas, and, in this capacity, acted as the lead agency for the purposes of environmental review. However, in 2012, a California State Assembly Bill (ABx1 26) dissolved all redevelopment agencies throughout the state and mandated that the agencies wind down their operations. When the CRA was dissolved it was replaced with a Designated Local Authority and Successor Agency (also known as CRA/DLA) operated by an Oversight Board which was delegated the responsibility of winding down the affairs of the agencies. Since the CRA is dissolved, and since the Designated Local Authority and Successor Agency (CRA/DLA) is not permitted to take on new functions or accept new financial obligations, the CRA/DLA is unable to operate as lead agency. In addition, the CRA/DLA is no longer the agency with the greatest responsibility for reviewing and approving a project. To ensure the continued implementation of the City’s land use plans and policies, this role has reverted to the City of Los Angeles which has always

conducted a parallel review process when required by the Los Angeles Municipal Code. As a result, the proposed ordinance would no longer identify the CRA as the lead agency for projects in adopted Redevelopment Project Areas.

- **Modification 3: LAMC Section 16.05.H(3)**

The final modification includes a change to the time for which an appeal can be set for public hearing. Upon receipt of an appeal application for a Site Plan Review Project, the appeal is currently required to be set for a public hearing before the relevant Area Planning Commission within 30 days of the appeal filing. However, due to scheduling conflicts, holidays or lack of a quorum, it is sometimes infeasible to schedule a matter for a public hearing within 30 days. Since it would be contradictory to the mission of the Department of City Planning to deny an appellant the right to an appeal, it is necessary to increase the time limit to schedule appeal hearings within legally required time limits. In an effort to best accommodate appeals and to standardize all City Planning procedures, the appeal period is proposed to be extended to 75 days, as is required for other Director's Decisions within the City.

Conclusion

The proposed code amendment to the Site Plan Review Ordinance reflects a series of technical revisions intended to ensure consistency of the Los Angeles Municipal Code with recent amendments to State Law. The revisions also aim to ensure that procedures are standardized throughout the City. These revisions do not conflict with the intent of the Site Plan Review Ordinance as it was approved and amended through time.

FINDINGS

General Plan/Charter Findings

The proposed Code amendment (Exhibit A) is consistent and not in conflict with the General Plan or City Charter. The proposed Code amendment focuses solely on technical and procedural modifications related to compliance with recent adoption of state laws and changes to the Time to Act relating to appeals of projects subject to the Site Plan Review Ordinance. The proposed ordinance does not affect land use and no development project is proposed at this time. As such, the proposed Code amendment is an administratively focused action that is consistent and not in conflict with the General Plan and City Charter.

As such, Charter Section 558 does not apply to the Code amendment because the proposed ordinance does not concern:

- 1.) The creation or change of any zones or districts for the purpose of regulating the use of land;
- 2.) Zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances;
- 3.) Private street regulations;
- 4.) Public projects; and
- 5.) The acquisition of, change of area or alignment to, abandonment of, or vacation of any public right of way, park, playground, airport, public building site or other public way, ground or open space, but not including easements for sewers, storm drains or slopes, nor the temporary transfer of jurisdiction over any portion of a street to another local agency.

Charter Section 556 also does not apply because it only pertains to items listed in Charter Section 558, which, in this instance, does not include the proposed Code amendment and proposed ordinance (Exhibit A).

CEQA Findings

Pursuant to Section 15061(b)(3) and/or Section 15378(b)(5) of the California Public Resource Code, the Department of City Planning has determined that the proposed Code amendment (Exhibit A) is exempt from the California Environmental Quality Act (CEQA). The proposed Code amendment modifies administrative procedures, changes appropriations of "Lead Agency" and amends Time to Act for the processing of Site Plan Review appeals and has no effect on the physical environment.

Per Section 15061(b)(3), the proposed Code amendment is not a project under CEQA, because “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 subject to CEQA.”

The proposed Code amendment is also not a project under CEQA per Section 15378(b)(5), because “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” are not considered a Project. The proposed Code Amendment does not change Site Plan Review thresholds. All projects that are currently required to apply for a Site Plan Review will continue to be subject to Site Plan Review procedures. Additionally the proposed Code Amendment will continue to ensure that projects meet all procedural requirements of CEQA, and that impacts are analyzed and environmental mitigations are imposed where necessary and appropriate.

Additionally the City’s CEQA Guidelines, Article II, Section 2, Class (m) also exempts the proposed Code Amendment as it does not result in impacts on the physical environment.

PUBLIC COMMUNICATIONS

On March 24, 2017 the Draft Site Plan Review Code Amendment Ordinance was publically posted on the City of Los Angeles, Department of City Planning Website, under the “What’s New.” Section. The draft Ordinance was also forwarded to an interested parties list, which included City of Los Angeles Council Liaisons, Neighborhood Council Presidents and those who requested to be informed via email. Staff received a few calls requesting more clarification regarding the Ordinance. Below is a list of the questions staff received followed by staff responses:

Why is this Site Plan Review Code Amendment necessary?

The proposed amendment to the Site Plan Review Ordinance is a minor technical revision to the Los Angeles Municipal Code (LAMC) to better align provisions of this section of the LAMC with changes to state law in recent years, involving revisions to the California Environmental Quality Act (CEQA) (SB226, SB743, and SB375) and the dissolution of redevelopment agencies statewide (ABx1 26). The amendment will also bring Site Plan Review time limits into consistency with those applicable to other similar types of cases.

What would the proposed Site Plan Review Code Amendment do?

The proposed Site Plan Review Code Amendment Ordinance acknowledges the ability to use the range of environmental clearances as allowed by CEQA for projects subject to Site Plan Review and creates consistency among time limits in the LAMC.

What is the relationship of this Code Amendment to other City Council Motions related to Site Plan Review?

The City Council adopted a motion (Council File No. 15-1003) on August 25, 2015 instructing the Department of City Planning to study the feasibility of amending the site plan review thresholds in order to increase housing production and supply. This broader policy discussion is not the focus of this targeted code amendment.

What are the next steps?

The City Planning Commission (CPC) will hold a public hearing and consider the proposed amendment to the Site Plan Review Code ordinance at one of its future regularly scheduled meetings. The City Planning Commission will make a recommendation, which will then be considered by the Planning and Land Use Management (PLUM) Committee of the City Council, and the matter will subsequently go to the full City Council for final adoption.

The proposed ordinance is set for a required public hearing on May 11, 2017 after 8:30 at City Planning Commission, located at Los Angeles City Hall, 200 North Spring Street, Room 340, Los Angeles, CA 90012.

Exhibit A: Site Plan Review Code Amendment Ordinance

Case Number: CPC-2017-1240-CA

City Planning Commission: May 11, 2017

ORDINANCE NO. _____

An ordinance amending Section 16.05 of the Los Angeles Municipal Code to align the Site Plan Review ordinance with recent changes to state law, involving revisions to the California Environmental Quality Act (CEQA) and the dissolution of redevelopment agencies statewide, and to make other cleanup amendments to the Municipal Code.

The People of the City of Los Angeles Do Ordain As Follows:

Sec. 1. Subdivision 4 of Subsection E of Section 16.05 of the Los Angeles Municipal Code is amended to read as follows:

E. Directors Authority.

The Director shall not approve or conditionally approve a site plan review for a development project unless ~~he or she does one of the following~~ an appropriate environmental review clearance has been prepared, in accordance with the requirements of CEQA ~~and the State and City CEQA Guidelines:~~

~~a. Approve a proposed Negative Declaration or Mitigated Negative Declaration.~~

~~b. Certify completion of an EIR.~~

Sec. 2. Subdivision 2 of Subsection G of Section 16.05 of the Los Angeles Municipal Code is amended to read as follows:

G. Procedure

2. **Environmental Review.** As part of the application for site plan review, the applicant shall file necessary forms and information for environmental review as prescribed by the Director. The Director, or his/her designee, shall cause to be prepared, concurrently with the review and approval of the site plan, the required environmental studies and notices for the project. ~~except that in the adopted Redevelopment project areas, the CRA shall assume lead agency responsibilities for environmental review of all projects subject to the provisions of this section and shall prepare the required environmental studies and notices.~~

Sec. 3. Subdivision 3 of Subsection H of Section 16.05 of the Los Angeles Municipal Code is amended to read as follows:

H. Appeals.

3. **Hearing Notice.** (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) Upon receipt of the appeal application, the Area Planning Commission Secretary shall set the matter for a public hearing to be held within ~~30~~ 75 days of the filing of the appeal. The Secretary shall give notice of the hearing to the appellant and to all the other parties specified in Subsection G.3.(b) above, within the time and in the manner specified in that subsection.

DRAFT

Exhibit B: Environmental Clearance ENV-2017-1241-CE

Case Number: CPC-2017-1240-CA

City Planning Commission: May 11, 2017

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT Citywide (1-15)
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PROJECT TITLE Site Plan Review Code Amendment	LOG REFERENCE ENV-2017-1241-CE
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PROJECT LOCATION
Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
The proposed amendment to the Site Plan Review Ordinance is a minor technical revision to the Los Angeles Municipal Code (LAMC) to better align provisions of this section of the LAMC with changes to state law in recent years, involving revisions to the California Environmental Quality Act (CEQA) (SB226, SB743, and SB375) and the dissolution of redevelopment agencies statewide (ABx1 26). The amendment will also bring Site Plan Review time limits into consistency with those applicable to other similar types of cases.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:

CONTACT PERSON CHRISTINE SAPONARA	AREA CODE (213)	TELEPHONE NUMBER 978-1363	EXT. N/A
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EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. II, Sec. 2
Class <u> M </u> Category (City CEQA Guidelines)		
<input checked="" type="checkbox"/> OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.	

*Section intentionally left blank.
Report Continued on page 2*

JUSTIFICATION FOR PROJECT EXEMPTION:


Pursuant to Section 15061(b)(3) and/or Section 15378(b)(5) of the California Public Resource Code, the Department of City Planning has determined that the proposed Code amendment (Exhibit A) is exempt from the California Environmental Quality Act (CEQA). The proposed Code amendment modifies administrative procedures, changes appropriations of "Lead Agency" and amends Time to Act for the processing of Site Plan Review appeals and has no effect on the physical environment.

Per Section 15061(b)(3), the proposed Code amendment is not a project under CEQA, because "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. 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 subject to CEQA."

The proposed Code amendment is also not a project under CEQA per Section 15378(b)(5), because "organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" are not considered a Project. The proposed Code Amendment does not change Site Plan Review thresholds. All projects that are currently required to apply for a Site Plan Review will continue to be subject to Site Plan Review procedures. Additionally the proposed Code Amendment will continue to ensure that projects meet all procedural requirements of CEQA, and that impacts are analyzed and environmental mitigations are imposed where necessary and appropriate.

Additionally the City's CEQA Guidelines, Article II, Section 2, Class (m) also exempts the proposed Code Amendment as it does not result in impacts on the physical environment.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 		TITLE City Planner	DATE April 21, 2017
FEE: N/A	RECEIPT NO. N/A	REC'D. BY	DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Rev. 11-1-03 Rev. 1-31-06 Word