



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

CITY PLANNING COMMISSION

DATE: August 23, 2018
TIME: after 8:30 a.m.*
PLACE: Van Nuys Civic Center
14410 Sylvan Street, 2nd Floor
Los Angeles, CA 91401

CASE NO: CPC-2018-2657-CA
COUNCIL FILE: 18-0066
CEQA: ENV-2018-2658-CE
LOCATION: Citywide
COUNCIL DISTRICT: All
PLAN AREAS: All


PUBLIC HEARING HELD ON: June 6, 2018

SUMMARY: An ordinance adding a Section 11.5.13 to the LAMC to codify a process for appealing CEQA clearances when those clearances are made by a decision-making body other than the City Council.

RECOMMENDED ACTIONS:

1. **Consider** based on the whole of the administrative record, that the proposed ordinance is not a project under CEQA pursuant to CEQA Guidelines Section 15378(b) and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15308 (Class 8);
2. **Approve and recommend that the City Council adopt** the proposed ordinance;
3. **Adopt** the staff report as the Commission report on the subject; and
4. **Adopt** the Findings as recommended by staff.

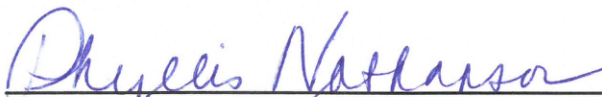
VINCENT P. BERTONI, AICP
Director of Planning



KEVIN KELLER, AICP
Executive Officer




THOMAS ROTHMANN, Principal City Planner



PHYLLIS NATHANSON, Senior City Planner



ERICK LOPEZ, City Planner



AZEEN KHANMALEK, City Planning Associate
(213) 978-1336

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 agendaized 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

Table of Contents

Summary.....	3
Initiation and Background.....	3
Proposed Ordinance	4
Public Participation.....	6
Conclusion	8

Exhibits

A. Proposed Ordinance.....	A-1
B. Land Use and Environmental Findings.....	B-1
C. Notice of Exemption (ENV-2018-2658-CE)	C-1
D. Motion (CF 14-0611)	D-1

Summary

The California Environmental Quality Act (CEQA) is a State law requiring that all discretionary actions made by lead agencies, such as local governments or public agencies, be reviewed to assess whether there will be any impacts to the environment as a result of the project. Currently, the Zoning Code is silent on the subject of CEQA appeals. However, under CEQA if a non-elected decision-making body of a lead agency, such as the Director of Planning, Zoning Administrator, or Planning Commission, certifies an Environmental Impact Report (EIR), approves a Negative Declaration (ND) or Mitigated Negative Declaration (MND), or determines that a project is exempt, that CEQA clearance can be appealed to the lead agency's elected decision-making body, which in Los Angeles is the City Council. The CEQA Appeals Code amendment would establish a new section in the Zoning Code codifying existing City practice of allowing appeals of CEQA clearances to the City Council.

Initiation and Background

The California Environmental Quality Act (CEQA) is a State law requiring that all discretionary actions made by lead agencies, such as local governments or public agencies, be reviewed to assess whether there will be any impacts to the environment as a result of the project. These assessments take the form of CEQA clearances. Depending on the scope of the project, there are different types of CEQA clearances that may be used, including an Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), Negative Declaration (ND), and exemptions. In practice most CEQA clearances for development projects regulated by Chapter 1 of the LAMC (the Zoning Code) are processed and prepared by City staff within the Department of City Planning and adopted by a decision maker, such as the Director of Planning, Zoning Administrator, or a Planning Commission, in approving a project's discretionary entitlements.

Currently, the Zoning Code is silent on the subject of CEQA appeals. However, under CEQA (Public Resources Code Section 21151(c)) if a non-elected decision-making body of a lead agency (such as the Director of Planning, Zoning Administrator, or Planning Commission) certifies an EIR, approves an ND or MND, or determines that a project is exempt, that CEQA clearance can be appealed to the lead agency's elected decision-making body, which in Los Angeles is the City Council, whether the Council had reviewed the land use entitlement or not.

In 2008, California Senate Bill (SB) 375 was enacted to coordinate land use and transportation planning to reduce greenhouse gas emissions. SB 375 created new CEQA clearances, including the Sustainable Communities Environmental Assessment (SCEA). A SCEA is new type of CEQA clearance, similar to a negative declaration or mitigated negative declaration, which requires an initial study and mitigation measures, but with certain key differences. Only projects that meet the requirements of being an eligible

“transit priority project” may use a SCEA. To be an eligible transit priority project, the project must be consistent with the Southern California Association of Government 2014-2016 Regional Transportation Plan/Sustainable Communities Strategy (SCAG RTP/SCS), be at least 50 percent residential, have a density of at least 20 dwelling units an acre, and be located within one-half mile of a major transit stop or high quality transit corridor. In addition, a SCEA’s assessment of environmental impacts and mitigation measures requires imposition of mitigation measures from a prior EIR, which may be the EIR certified for the SCAG RTP/SCS.

California Public Resources Code Section 21155.2(b) requires that in order for a lead agency to approve a SCEA, a public hearing must be conducted by its legislative body. Locally, this requirement has resulted in an inefficient work flow in that the City Council must review the SCEA for a project prior to the project being considered by the applicable decision-making body, which in many cases is not the City Council. However, California Public Resources Code Section 21155.2(b)(6) allows a planning commission to conduct the hearing instead, if local ordinances allow direct appeals of CEQA clearances to the legislative body. While the City, in compliance with State law, accepts appeals of CEQA clearances to the City Council, the Zoning Code does not currently contain a provision that affirmatively allows for CEQA clearances to be appealed to the City Council.

On January 23rd, 2018, the City Council adopted a motion instructing the City Planning Department to prepare an ordinance to permit hearings required for adoption of a SCEA to be held by a planning commission. The proposed CEQA Appeals Code amendment remedies the current situation by adding a provision to the Zoning Code to explicitly provide for the appeal of CEQA clearances to the City Council. Specifically, the Code amendment would establish a new provision in the Zoning Code stating that when a decision-maker other than the City Council certifies an EIR, approves an ND, MND, or SCEA, or determines that a project is exempt, that environmental clearance is appealable to the City Council within 15 days of the project’s approval. This ordinance would codify and clarify existing City practice, as well as permit public hearings required for the adoption of a SCEA to be held by a planning commission.

Proposed Ordinance

In May 2018, the Department of City Planning released a proposed ordinance establishing a new section in the Zoning Code stating that when a decision-maker other than the City Council certifies an EIR, approves an ND, MND, or SCEA, or determines that a project is exempt, that environmental clearance is appealable to the City Council within 15 days of the project’s approval. A public hearing was held on June 6, 2018. Following the public hearing, the Department made further revisions to the May draft ordinance and prepared the proposed ordinance (Exhibit A) now being recommended for adoption.

The key provisions of the ordinance are as follows:

Establishes a new provision in the Code addressing CEQA appeals

- When a decision-maker other than the City Council certifies an EIR, approves an ND, MND, or SCEA, or determines that a project is exempt, that environmental clearance is appealable to the City Council.

Appeals of the Project:

- Appellants must first utilize all available administrative appeals, and no further appeals of the project must be available before appealing a project's CEQA clearance to the City Council.

Time Limit:

- Appellants have 15 days from the project's approval date to submit a CEQA appeal. A project's approval date is the day the project's letter of determination is published. If a project is appealed, then a project's approval is final when the appellate body (denies the appeal, upholds the initial decision, and) releases its letter of determination sustaining the original decision. The 15-day time limit is consistent with the majority of other appeal time limits within the Zoning Code.
- The City Council has 75 days from the expiration of the appeal period to act on a CEQA appeal.

Stay on Building Permits

- The ordinance imposes a stay on all building permits and other project sign-offs while the CEQA appeal is considered by the City Council.

Fee Limit:

- The ordinance limits fees for CEQA appeals to \$500.00. This limit comes directly from California Public Resources Code Section 21155.2 (b)(7), and is a limit mandated by State law.
- No fees are changing at this time. The fee to file an appeals by any party other than a project applicant will continue to be approximately \$110.00. Fee amounts are listed within Article 9 of the Zoning Code, and require a separate ordinance to be modified.

The proposed amendment adds new regulations in keeping with State law and will codify the existing the City practice of allowing CEQA clearances made by decision-making bodies other than the City Council to be appealed directly to the Council. In addition, the ordinance clarifies when a project's CEQA clearance can be appealed to the Council, and in what time frame.

Moreover, the ordinance revises and improves an inefficient workflow encountered under the current regulations that require a SCEA to be approved by the City Council before

being approved by the appropriate decision-making body. With these proposed regulations, it is anticipated that the process for appealing CEQA clearances will be clear and transparent, and the process for utilizing the newest CEQA clearance, the SCEA, more efficient.

Public Participation

An initial draft of the proposed ordinance was released for public review on May 14, 2018. A public hearing was held on June 6, 2018. The public comment period concluded on July 6, 2018. At the hearing, nine people submitted speaker cards and provided testimony to the Hearing Officer. Many of the issues discussed at the hearing were similar in nature, and are summarized below:

- Fees should not be increased for appeals.
- The date at which a project's approval is final needs to be clear.
- There should be a deadline for when City Council must act on CEQA appeals.
- There should be an appeal fee waiver process.
- A 15 day time limit is too little.
- There should be an even lower cap than State law on fees for CEQA appeals.

Several speakers mentioned concerns not summarized above, which are listed below:

- The City should include a staff-level process for the Sustainable Communities Exemption as well.
- The appeals process should require more explanation and evidence of appeals points from the appellant.
- There should be a better way to send out determination letters upon approval.
- Everyone should be able to appeal Density Bonus determinations, not just abutting properties.

City staff received approximately 15 written letters commenting on the proposed ordinance. The heavy majority of the letters received focused on expressing opposition to raising the fee for CEQA appeals. However, some letters expressed other concerns, summarized below:

- Fees should be increased
- The timeline to file a CEQA appeal to the City Council should be 20 or 30 days.
- The ordinance should include a 60-day time to act for the City Council
- Appellants should be required to provide a greater amount of evidence in filing CEQA appeals.
- The language regarding when a project's approval is final should be clearer

- The City should also create a process for the Sustainable Communities Exemption contained in SB375 to be delegated to staff, instead of having to go to the City Council

Project Approval

In response to comments that language regarding the date on which a project's approval becomes final should be clearer, staff amended the ordinance language to state that CEQA clearances for projects subject to approval under the Zoning Code may be appealed to the City Council provided that "no further appeals are available on the approval of the project." This clearly states that a project approval is not final until all other administrative appeals have been exhausted.

Time to Act

In response to comments that the ordinance should include a deadline by which the City Council must act, staff amended the ordinance to include a 75-day time to act for the City Council once a CEQA appeal is filed.

Fees

As previously stated, the proposed ordinance does not raise any fees for appeals. Fee amounts are listed in Article 9 of Chapter 1, and require a separate ordinance to be amended. Inclusion of the \$500.00 cap on CEQA appeals will ensure that no future fee amendments or increases can raise the fee for CEQA appeals above the State-mandated limit.

Sustainable Communities Exemption

The City has determined that SB 375 does not give the City authority to further delegate authority for approving Sustainable Communities exemptions away from the City Council. California Public Resources Code Section 21155.2(b) affirmatively states that municipalities can delegate the responsibility to hold the hearing required to approve a SCEA to planning commissions. However, Section 21155.1, the section regulating the Sustainable Communities Exemption, does not contain similar language.

Appeal Time Limit

Though some commenters expressed concerns regarding the 15-day limit to file CEQA appeals, this time limit is consistent with the majority of other appeals timelines contained in the Zoning Code. Because the CEQA appeal is the last appeal available after all other appeals are exhausted, there is ample time for consideration of environmental concerns that appellants may have.

Comprehensive Procedural Changes

Regarding all other comments on the proposed ordinance, the City Planning Department is currently comprehensively updating all processes and procedures, including the CEQA appeals process, as part of the re:code LA project. The subject ordinance is meant to be limited in scope, leaving the rewrite of the Code's processes and procedures to more comprehensively address broader changes to the CEQA appeals process.

Conclusion

Codifying regulations for appealing CEQA clearances to the City Council will help to clarify existing City practice, and bring consistency and transparency to the CEQA appeals process. The proposed ordinance (Appendix A) requires that all administrative appeals first be exhausted, as well as requires appeals to be filed within 15 days of a project's approval becoming final. In addition, the ordinance caps any fees that may be charged to \$500.00, consistent with current State law. Adopting an ordinance affirmatively stating that CEQA clearances made by non-elected decision-makers may be directly appealed to the City Council will allow a planning commission to hold the public hearing necessary for approving a SCEA, and thus will make this City process more transparent, accessible, and efficient for all stakeholders.

Exhibits

- A. Proposed Ordinance
- B. Land Use and Environmental Findings
- C. Notice of Exemption
- D. Motion (CF 14-0611)

ORDINANCE NO. _____

An ordinance adding Section 11.5.13 to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to allow appeals to the City Council from CEQA clearance approvals by lower decision-making bodies.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 11.5.13 is added to Article 1.5 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

SEC. 11.5.13. CEQA Appeals.

A. Purpose. This section is intended to implement California Public Resources Code Sections 21151(c) and 21155.2(b)(5).

B. Appeal. When any decision-maker in any action authorized by this Chapter, other than the City Council, certifies an environmental impact report, adopts a negative declaration, mitigated negative declaration or a sustainable communities environmental assessment, or determines that the project subject to approval under this Chapter is not subject to the California Environmental Quality Act, that certification, approval, or determination may be appealed to the City Council provided no further appeals are available on the project approval for which the certification, approval or determination under CEQA was made, the appeal is filed with the Department of City Planning within 15 days of the project approval becoming final, and the appeal is filed in a form and manner required by the Department of City Planning.

C. Stay. Upon the filing of an appeal pursuant to Subsection B, there shall be a stay on the project approval and any discretionary or ministerial permits issued in reliance upon the project approval.

D. Hearing and Decision. The City Council shall act on the CEQA appeal within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the City Council. The City Council shall hold a hearing before acting on the appeal. Notice of the hearing shall be given at least 10 days before the hearing. Notice by mail shall be given to the applicant, appellant, any person or entity that has requested notice in writing of CEQA notices, and responsible and trustee agencies, if any.

E. Fee Limit. Notwithstanding any other provision in this Code, no fee for an appeal under this Section shall exceed \$500.

Sec. 2. The City Clerk shall certify....

Appendix B: Findings

LAND USE FINDINGS

The Department of City Planning recommends that the City Planning Commission, finds:

1. In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent and provisions of the General Plan. In the Introduction section, the General Plan Framework Element states that:

The General Plan Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the community plan and citywide elements...It defines citywide policies that will be implemented through subsequent amendments of the City's community plans, zoning ordinances, and other pertinent programs.

In order for any strategy contained within the General Plan to be implemented, a new ordinance will have to be adopted containing new regulations, new specific plans, or updates to existing regulations or Community Plans. These regulations will shape future development within the city by regulating the use of land and private land development.

All discretionary actions, including private development projects requiring discretionary actions, are required by State law to have CEQA clearances. Currently, the City of Los Angeles is hampered in utilizing all available CEQA clearances, due to the inefficient workflow resulting from current regulations requiring Sustainable Communities Environmental Assessments (SCEA) to be approved by the City Council before a project entitlement is determined by the appropriate decision-maker. By adding a section to the Zoning Code to affirmatively state that CEQA clearances made by decision-makers other than the City Council can be appealed to the Council will allow SCEAs to be heard and approved by a planning commission, making it both easier to use and more time-efficient. By streamlining the CEQA clearance process, the proposed ordinance will help to facilitate development projects which implement the vision of the General Plan. By helping to implement the vision the General Plan, the proposed Code amendment is therefore in conformance with the purposes, intent, and provision of the Plan.

2. In accordance with Charter Section 558 (b)(2), the proposed ordinance will be in conformance with public necessity, convenience, general welfare and good zoning practice. As stated above, all discretionary actions, including development projects which require City approval, need a CEQA clearance. However, the City of Los Angeles is hindered in utilizing all available CEQA clearances, since Sustainable Communities Environmental Assessments (SCEA) need to be approved by the City Council before a project entitlement is determined by the appropriate decision-maker. By adding a section to the Zoning Code to affirmatively state that CEQA clearances made by decision-makers other than the City Council can be appealed

to the Council will allow SCEAs to be heard and approved by a planning commission, making it easier to use. This will result in both time savings for applicants, more efficient time use among City staff, and add a new tool for accurately and effectively assessing and mitigating potential environmental impacts from new development projects. By making SCEAs easier to use, the proposed amendment will be in conformance with the public convenience by creating a simpler process. Further, by making a new tool for assessing and mitigating potential environmental impacts easier to use, the proposed amendment is in conformance with the public necessity.

In addition, State law requires that when CEQA clearances are made by a decision-maker other than the City Council, then those clearances shall be appealable to the Council. Currently the Zoning Code is silent on CEQA appeals. However, in compliance with State law, the City accepts appeals of CEQA clearances to the City Council. This new ordinance will codify existing City practice and applicable State law requirements regarding CEQA appeals. Moreover, the proposed ordinance will set clear guidelines establishing a time limit for filing appeals, clear guidelines as to when a CEQA appeal can be filed, and a cap on all future CEQA appeals fees. By bringing clarity and transparency to the CEQA appeals process, the proposed ordinance is in conformance with the general welfare, as all interested parties can clearly informed of the process for filing a CEQA appeal. Furthermore, by codifying a requirement in State law, the proposed ordinance is in conformance with good zoning practice by ensuring State law requirements are clearly implemented in the City.

ENVIRONMENTAL FINDING

The project is a Code amendment which clarifies provisions in the Zoning Code pertaining to appeals of CEQA clearances made by decision-makers other than the City Council without changing the substance of the regulations. The Code Amendment codifies existing City practice in compliance with California Public Resources Code Section 21151(c), affirmatively stating that CEQA clearances made by decision makers other than the City Council are directly appealable to the Council. Pursuant to CEQA Guidelines, Sections 15060(c)(2) and 15378(a), the proposed Code amendment is not considered a "Project" under CEQA because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This is due to the fact that the Code amendment does not change any practice or procedure, but rather clarifies and codifies existing practice based on State law.

The Code amendment also meets the requirements of the Class 8 Categorical Exemption pursuant to CEQA Guidelines, Section 15308. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to ensure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. This project is

initiated by the City Council to provide clarity and guidance to the general public as to how appeals of CEQA determinations can be made.

Therefore, the Code amendment is not considered a "Project" under CEQA. However, if it were a project, it would be exempt from CEQA under the Class 8 Categorical Exemption and none of the exceptions to exemption under CEQA Guidelines Section 15300.2 apply.

COUNTY CLERK'S USE CITY CLERK'S USE

CITY OF LOS ANGELES
 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 All
--	--------------------------------

PROJECT TITLE CEQA Appeals Code Amendment; CPC-2018-2657-CA	LOG REFERENCE ENV-2018-2658-CE
---	--

PROJECT LOCATION
Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
 A proposed ordinance adding a section to the Zoning Code to codify a process for appealing California Environmental Quality Act (CEQA) clearances to the City Council.

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

CONTACT PERSON Azeen Khanmalek	AREA CODE (213)	TELEPHONE NUMBER 978-1336	EXT.
--	---------------------------	-------------------------------------	-------------

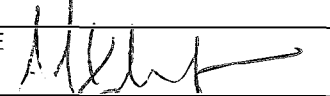
EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
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. III, Sec. 1
Class <u>8</u> (City CEQA Guidelines)		
<input checked="" type="checkbox"/> OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.	

JUSTIFICATION FOR PROJECT EXEMPTION: The project is a Code amendment which clarifies provisions in the Zoning Code pertaining to appeals of CEQA clearances made by decision-makers other than the City Council without changing the substance of the regulations. The Code Amendment codifies existing City practice in compliance with California Public Resources Code Section 21155, affirmatively stating that CEQA clearances made by decision makers other than the City Council are directly appealable to the Council. Pursuant to CEQA Guidelines, Sections 15060(c)(2) and 15378(a), the proposed Code amendment is not considered a "Project" under CEQA because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This is due to the fact that the Code Amendment is not changing any practice or procedure, rather clarifying and codifying existing practice based on State law.

However, the Code amendment also meets the requirements of the Class 8 Categorical Exemption pursuant to CEQA Guidelines, Section 15308. 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. This project is initiated by the City Council to provide clarity and guidance to the general public as to how appeals of CEQA determinations can be made.

Therefore, the Code amendment is not considered a "Project" under CEQA. However, should it be a project, it is exempt from CEQA under the Class 8 Categorical Exemption.

SIGNATURE 	TITLE City Planning Associate	DATE 6/1/18
---	---	-----------------------

PLANNING & LAND USE MANAGEMENT

MOTION


In 2008, Senate Bill (SB) 375 was enacted to coordinate land use and transportation planning to reduce greenhouse gas emissions. SB 375 requires Metropolitan Planning Organizations (MPOs), such as the Southern California Association of Governments (SCAG), to create a new component in their Regional Transportation Plan (RTP) to include a Sustainable Communities Strategy (SCS). Government Code 65080(b)(2)(B) requires the SCS to set forth a forecasted development pattern for the region that integrates transportation policies to reduce greenhouse gas emissions and achieve the reduction targets approved by the California Air Resources Board. SB 375 also contains new environmental clearances in the California Environmental Quality Act (CEQA) for projects that can qualify as "Transit Priority Projects (TPPs)." The SB 375 clearances are intended to meet the goals of the SCS to encourage higher density, infill development located near transit.

Specifically, SB 375 included a new environmental clearance referred to as a, "Sustainable Communities Environmental Assessment (SCEA)," which is codified at Public Resources Code Section 21155.2(b). The procedures in PRC Section 21155.2(b) for approving a project with a SCEA require the lead agency to conduct a public hearing and adopt findings, PRC § 21155.2(b)(5). Additionally, Section 21155.2(b)(6) requires that the public hearing to be conducted by the legislative body, with the exception that the public hearings may be conducted by a Planning Commission if "local ordinances allow a direct appeal of approval of a document prepared under [CEQA] subject to a fee not to exceed five hundred dollars (\$500)."

Inasmuch as many types of land use approvals that could qualify as a "transit priority project" may be eligible for use of a SCEA would not be considered by the City Council as the initial decisionmaker or on appeal, it is inefficient to require a City Council hearing on the SCEA prior to SCEA adoption and project approval. Additionally, the City's practice is to comply with Public Resources Code Section 21151 (c) and provide direct appeal of CEQA clearances approved by the City Planning Commissions and Area Planning Commissions to the City Council.

I THEREFORE MOVE that the Council instruct the Planning Department, in consultation with the City Attorney, to prepare and present an ordinance, to authorize the public hearing required to approve a new environmental clearance referred to as a "Sustainable Communities Environmental Assessment" (SCEA), pursuant to California Public Resources Code § 21155.2(b)(5), to be heard by Planning Commissions, consistent with the requirements of PRC Section 21155.2(b)(6).

PRESENTED BY: _____


JOSE HUIZAR
Councilmember, 14th District

SECONDED BY: _____



JAN 23 2018

ORIGINAL




INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

The following submissions are not integrated or addressed in the Staff Report but have been distributed to the Commission.

Material which does not comply with the submission rules is not distributed to the Commission.

ENABLE BOOKMARS ONLINE:

**If you are using Explorer, you need will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

CITY OF LOS ANGELES
HOLLYWOOD STUDIO DISTRICT
NEIGHBORHOOD COUNCIL

Officers:

Damien Burke, Chair
Anthony Conley, Vice Chair
Kent Winfrey, Treasurer

5500 Hollywood Blvd. #313
Los Angeles, CA 90028
info@hsdnc.org
www.hsdnc.org



ERIC GARCETTI
MAYOR



Board Members:

Alex Alferov	Anita McMillan
Damien Burke	Bill Murphy
Anthony Conley	Bryan Parent
Keith Cornella	Carlos Narriqyub
Paul Dougherty	Myra Chete
Doug Haines	Jessica Salanz
Dassler Jimenez	Jason Vogel
Richard King	Kent Winfrey
Jessica Kwon	vacant

July 16, 2018

Los Angeles City Planning Commission
City of Los Angeles, City Planning Department
200 N. Spring Street, 5th Floor
Los Angeles, CA 90012

Re: Proposed ordinance to regulate CEQA appeals filed under Public Resources Code Section 21151(c).
CPC-2018-2657-CA; CPC-2018-2658-CE.

The Board of the Hollywood Studio District Neighborhood Council voted unanimously at its July 9, 2018 regular meeting to oppose the planning department's current draft ordinance for appeals filed under California Public Resources Code Section 21151(c). The Board opposes the proposed ordinance unless it is amended as follows: 1) The time period to file an appeal is extended from 15 days to 30 days; and 2) The fee charged to file a CEQA appeal is consistent with the lowest fee charged for any appeal of a planning department decision (currently \$89 plus taxes).

It is the Board's determination that the wording of the City's draft ordinance for CEQA appeals does not take into account the artificial distinction set out in the City's SB1818 Implementation Ordinance that limits those who can appeal density bonus entitlement determinations to the Commission and City Council. This arbitrary distinction of appellant rights between adjacent and non-adjacent property owners and tenants, which burdens speech disparately dependent on the proximity to the land use approval, would under a 15-day filing limitation for CEQA appeals necessitate that non-adjacent parties file an appeal to the City Council while adjacent tenants and property owners file an appeal to the Commission. A 30-day deadline for CEQA appeals would prevent such confusion.

The Board's request for a low appeal filing fee is consistent with the legislative intent of Public Resources Code Section 21151(c), which is to guarantee the public's rights and ability to fairly challenge a project.

Thank you for your time and consideration of this important matter.

Anthony Conley, Vice Chair
Hollywood Studio District Neighborhood Council