

Google Groups

Draft Ordinance, CEQA Appeals, Council File No.: 18-0066, PLUM Committee Agenda, 9/17/19, Item No. 7

Casey Maddren <cmaddren@gmail.com>

Sep 15, 2019 7:57 PM

Posted in group: **Clerk-PLUM-Committee**

September 15, 2019

Planning & Land Use Management Committee
Los Angeles City Council
200 N. Spring St.
Los Angeles, CA 90012

Re: Draft Ordinance Adding Section 11.5.13 to Article 1.5 of Chapter 1 of the LAMC, CEQA Appeals
PLUM Committee Agenda, September 17, 2019, ITEM NO. (7)
Council File No.: 18-0066

Dear Members of the PLUM Committee,

I am writing to express my concern over the ordinance referenced above which proposes to establish a procedure for CEQA appeals by lower decision-making bodies. The following language is included in the proposed ordinance:

C. 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, a mitigated negative declaration, or a sustainable communities environmental assessment; or determines that the Project subject to approval under this Chapter is not subject to CEQA, that certification, approval, or determination may be appealed to the City Council, provided that:

- 1. all administrative appeals of the Project approval were exhausted;*
- 2. the appeal is filed with the Department of City Planning within 15 days of the Project approval becoming final;*

The proposed ordinance does not take into account the possibility of an appeal of a density bonus filed previous to any CEQA appeal. It is unlikely that a density bonus appeal would be resolved before the proposed 15 day time limit, which would make it impossible to exhaust administrative appeals. This seems to create a conflict which could lead to confusion and legal uncertainty.

I urge you to postpone consideration of this ordinance until this matter can be resolved, in order to create a rational and orderly appeals process. Adoption of the ordinance as currently written will only foster ambiguity which could lead to costly and unnecessary litigation.

Thank you for your time.

Casey Maddren
2141 Cahuenga Blvd., Apt. 17
Los Angeles, CA 90068