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September 26, 2018

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

Attention: PLUM Committee

Dear Honorable Members:

UPDATED ORDINANCE FOR CEQA APPEALS CODE AMENDMENT; CF 18-2657

On August 30, 2018, the City Planning Commission recommended that the City Council adopt a proposed ordinance adding CEQA (California Environmental Quality Act) provisions to the Zoning Code. The intent of the ordinance was to codify a process for appealing CEQA clearances, such as an Environmental Impact Report (EIR), a Negative Declaration (ND), a Mitigated Negative Declaration (MND), a Sustainable Communities Environmental Assessment (SCEA), or an Exemption. Since the Commission's action, the Department of City Planning has continued to work closely with the Office of the City Attorney and has continued to refine the details of the ordinance in light of the requirements of state law. As a result, the Department recommends adoption of the attached updated proposed ordinance, which reflects the following recommended changes.

Enforcement

The updated ordinance includes provisions that address improper segmentation of projects, also known as "piece-mealing". CEQA requires that projects be described in their entirety, including site preparation, construction, and operations. Descriptions that omit segments of a project, such as the demolition of an existing structure, are in violation of CEQA. The revised proposed ordinance contains added provisions that prohibit any representation of a project intended to circumvent its CEQA review and provide enforcement options. If the Director of Planning finds that there is substantial evidence that the project has been misrepresented, the Director may request that the Department of Building and Safety take enforcement action, such as stop work or revoke permits. In addition, the revised ordinance provides that if a project was improperly segmented and project activity has occurred prior to the City's CEQA review, the City may use a

project description that is based on the physical conditions of the property prior to its improper segmentation.

Effect on Related Projects

The updated ordinance contains provisions that require a project approval and any discretionary or ministerial permits issued in reliance on the project approval be stayed upon the filing of an appeal to the CEQA clearance. In order to accommodate the stay, the revised proposed ordinance adds language to clarify that the count of days within which the decision-maker must act on any related project approval stops and does not restart until after the CEQA appeal is decided by the City Council.

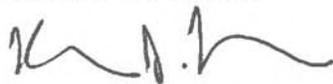
Technical Modifications

The revised ordinance also contains several technical modifications to bring the ordinance into compliance with state law.

Should you have any questions regarding this transmittal, please contact Phyllis Nathanson, Senior City Planner at (213)978-1474.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Kevin J. Keller, AICP
Executive Officer

VPB:KJK:pjn

Attachment: Updated Proposed Ordinance, dated September 26, 2018.