

Fwd: For Council File: 14-0090-S1, Procedures for Appeals/CEQA Determinations

1 message

Anna Martinez <anna.martinez@lacity.org>
To: Clerk Council and Public Services <Clerk.CPS@lacity.org>

Thu, Jun 27, 2019 at 7:56 AM

----- Forwarded message -----

From: **Casey Maddren** <cmaddren@gmail.com>
Date: Wed, Jun 26, 2019 at 5:59 PM
Subject: For Council File: 14-0090-S1, Procedures for Appeals/CEQA Determinations
To: <cityclerk@lacity.org>, Shannon Hoppes <shannon.hoppes@lacity.org>

Dear City Clerk.

Please add the following letter to Council File: 14-0090-S1, Procedures for Appeals/CEQA Determinations.

Thanks for your help.

Casey Maddren

2141 Cahuenga Blvd., Apt. 17

Los Angeles, CA 90068

From: Casey Maddren [mailto:cmaddren@gmail.com]
Sent: Wednesday, June 26, 2019 5:48 PM
To: 'councilmember.ryu@lacity.org'; 'Nicholas Greif'; 'Justin Orenstein'
Cc: 'councilmember.buscaino@lacity.org'; 'councilmember.cedillo@lacity.org'; 'councilmember.krekorian@lacity.org'; 'councilmember.blumenfield@lacity.org'; 'paul.koretz@lacity.org'; 'Councilmember.Rodriguez@lacity.org'; 'councilmember.martinez@lacity.org'; 'councilmember.harris-dawson@lacity.org'; 'councilmember.price@lacity.org'; 'councilmember.wesson@lacity.org'; 'councilmember.bonin@lacity.org'; 'councilmember.Smith@lacity.org'; 'councilmember.ofarrell@lacity.org'; 'councilmember.huizar@lacity.org'
Subject: Procedures for Appeals/CEQA Determinations, Council File: 14-0090-S1, STRONGLY OPPOSED

Dear Councilmember Ryu,

I am writing to express my strong opposition to the proposed ordinance Procedures for Appeals/CEQA Determinations, Council File: 14-0090-S1. I have to say, I'm absolutely amazed that this ordinance has gotten this far. It appears to create more problems than it solves, and promises to make CEQA appeals more difficult. Is this the Council's intent?

While I understand the need to create a uniform process for CEQA appeals, this ordinance seems to have been slapped together without careful consideration of what it intends to accomplish, unless its intent is raise barriers to appellants. Below is a short summary of my objections.

The Ordinance Fails to State Clearly Which Departments It Applies To

Under "Applicability" the proposed ordinance states which departments the appeal process doesn't apply to, but it does not specify which departments it does apply to. While it seems logical to assume that "non-elected decision-making bodies" would refer to the various Commissions within the DCP, why is this not stated clearly? And why would an ordinance seeking to create a uniform process for CEQA appeals not apply to the Department of Airports, the Harbor Department, and the DWP? If the City Council truly wishes to create a uniform process that allows citizens to appeal CEQA decisions, it needs to state clearly which departments are covered by the ordinance.

Time Frame for Appeal Fails to Specify Whether Business or Calendar Days

Under the section entitled "Time Frame to File an Appeal" the ordinance fails to specify whether the expiration date is measured in business days or calendar days. The specified period should be at least 10 business days, and 15 would be more reasonable.

There Is No Reliable Mechanism for Members of the Public to Receive Notices of Exemption

These days the DCP frequently declares projects exempt from CEQA, but it has established no reliable mechanism to inform community members of this decision. I try hard to keep track of proposed projects in my community, but when a project is declared exempt I often don't hear about it until long after the decision is made. **If the clock is going to start ticking from the time a Notice of Exemption is published, then there needs to be a reliable, consistent mechanism to communicate this information to community members.**

The Requirement to File in Two Locations Seems Designed to Thwart Appeals

Under "Place to File" the ordinance states that "The CEQA Appeal and all supporting documents must be filed in the Office of the City Clerk, and a complete copy filed concurrently in the office of the nonelected decisionmaking body or individual whose Environmental Determination is being appealed." This is clearly an effort on the City's part to raise barriers to the public's ability to file appeals, and also seems designed as a trap for those who fail to understand the peculiarities of the process. **Why should appellants be required to file in two locations? Are the City's departments incapable of distributing copies to involved parties?**

Also, the fact that the ordinance specifies that appeals must be filed "in the office of the nonelected decisionmaking body or individual whose Environmental Determination is being appealed," adds to the confusion. This seems to indicate that the appeal must be filed in a location specifically occupied by either the Planning Commission or Zoning Administrator responsible for the decision. Why does the ordinance not state that the appeal needs to be filed with the department to which the decisionmaking body or individual belong? Again, this seems to be a deliberate attempt to take what is currently a fairly straightforward process and make it more complicated, with the apparent goal of tripping up appellants who fail to understand these more complicated requirements.

After reading this bizarre new ordinance carefully, I can only conclude that the City is deliberately trying to create roadblocks to prevent members of the public from filing CEQA appeals. It takes what is now a fairly simple and straightforward process and adds new requirements that will make it difficult for most members of the public to file an appeal in a timely manner. I'm deeply disappointed that the Council is even considering this ordinance.

I strongly urge you to reject this ordinance.

Thank you for your time.

Sincerely,

Casey Maddren

[2141 Cahuenga Blvd., Apt. 17](#)

[Los Angeles, CA 90068](#)

Fwd: Council File: 14-0090-S1, Procedures for Appeals/CEQA Determinations, Council Agenda June 28, 2019, Item 2, ADDITIONAL OBJECTION

1 message

Anna Martinez <anna.martinez@lacity.org>
To: Clerk Council and Public Services <Clerk.CPS@lacity.org>

Thu, Jun 27, 2019 at 9:24 AM

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From: **Casey Maddren** <cmaddren@gmail.com>

Date: Thu, Jun 27, 2019 at 9:20 AM

Subject: Council File: 14-0090-S1, Procedures for Appeals/CEQA Determinations, Council Agenda June 28, 2019, Item 2, ADDITIONAL OBJECTION

To: <councilmember.ryu@lacity.org>, Nicholas Greif <nicholas.greif@lacity.org>, Justin Orenstein <justin.orenstein@lacity.org>

Cc: <councilmember.buscaino@lacity.org>, <cityclerk@lacity.org>, Shannon Hoppes <shannon.hoppes@lacity.org>, <councilmember.cedillo@lacity.org>, <councilmember.krekorian@lacity.org>, <councilmember.blumenfield@lacity.org>, <paul.koretz@lacity.org>, <Councilmember.Rodriguez@lacity.org>, <councilmember.martinez@lacity.org>, <councilmember.harris-dawson@lacity.org>, <councilmember.price@lacity.org>, <councilmember.wesson@lacity.org>, <councilmember.bonin@lacity.org>, <councilmember.Smith@lacity.org>, <councilmember.ofarrell@lacity.org>, <councilmember.huizar@lacity.org>

Attn: City Clerk**Please add this letter to Council File: 14-0090-S1, Procedures for Appeals/CEQA Determinations**

To: Councilmember David Ryu
Members of the City Council
City Clerk

Re: Procedures for Appeals/CEQA Determinations, Council File: 14-0090-S1
City Council Agenda, June 28, 2019, Item 2
STRONGLY OPPOSED

Dear Councilmember Ryu and Members of the City Council,

I'd like to add an additional objection to my comments dated June 26, 2019 regarding proposed ordinance Procedures for Appeals/CEQA Determinations, Council File: 14-0090-S1, which will be considered by the Council on June 28, 2019.

The Ordinance Unnecessarily Makes Filing Appeal a Two-Step Process

The proposed ordinance contains the following language:

Within ten (10) days of filing the CEQA appeal, Appellant shall submit to the City Clerk all documentary evidence, other supporting material, and argument that Appellant wishes to present to the City Council. The written argument shall specify all grounds for the CEQA Appeal, specifying in detail why the Appellant contends that the Environmental Determination does not comply with CEQA.

Why are evidence, supporting materials and arguments to be filed separately from the appeal application? The ordinance adds a completely unnecessary additional step with no justification. This only adds an additional burden on the appellant and also makes the City's job of tracking appeals more complex.

This ordinance creates arbitrary and unnecessary barriers to public engagement. I urge you to reject it.

Thank you for your time.

Casey Maddren

2141 Cahuenga Blvd., Apt. 17

Los Angeles, CA 90068