

LAND USE FINDINGS

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

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.