

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICTS:
CPC-2018-2657-CA	ENV-2018-2658-CE	All
PROJECT LOCATION:		
Citywide		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
City of Los Angeles <input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Phyllis Nathanson	213-978-1474	phyllis.nathanson@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Proposed Ordinance		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other _____

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NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:** Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- City Planning Commission (CPC)
- Cultural Heritage Commission (CHC)
- Central Area Planning Commission
- East LA Area Planning Commission
- Harbor Area Planning Commission

- North Valley Area Planning Commission
- South LA Area Planning Commission
- South Valley Area Planning Commission
- West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:**COMMISSION VOTE:**

August 23, 2018	7 – 0
LAST DAY TO APPEAL:	APPEALED:
N/A	No
TRANSMITTED BY:	TRANSMITTAL DATE:
James K. Williams Commission Executive Assistant II	August 30, 2018



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: AUG 30 2018

Case No. CPC-2018-2657-CA
CEQA: ENV-2018-2658-CE
Plan Areas: All

Council Districts: All

Project Location: Citywide

Applicant: City of Los Angeles

At its meeting of **August 23, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following:

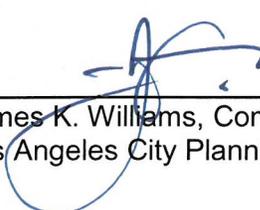
An ordinance establishing a new Section 11.5.13 within Article 1.5 to the Los Angeles Municipal Code, stating that when a decision-maker other than the City Council certifies an EIR, approves an ND, MND, or SCEA, or determines that a project is exempt, that environmental clearance may be appealed to the City Council within 15 days of the project's approval.

1. **Determined** 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. **Approved** and **recommended** that the City Council adopt the proposed ordinance;
3. **Adopted** the staff report as the Commission report on the subject; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Dake Wilson
Second: Choe
Ayes: Khorsand, Millman, Mitchell, Padilla Campos
Absent: Mack, Perlman

Vote: 7 - 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is not appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Ordinance, Findings

c: Thomas Rothmann, Principal City Planner
Phyllis Nathanson, Senior City Planner

Modified by the City Planning Commission on August 23, 2018

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. Failure by the City Council to render a decision within 75 days shall result in the denial of the appeal.

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

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.