

FINDINGS

Program Findings and Discussion

A.	City	Charter	Findings
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City Charter Section 556, 558 and LAMC Section 13B.1.3 - Charter Sections 556 and 558 and LAMC Sec. 13B.1.3 require the City Planning Commission and the City Council to adopt the following findings when taking any action to amend zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements (collectively zoning ordinances):

(1) The zoning ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan.

(2) The zoning ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice.

(3) Other findings required by law.

Pursuant to City Charter Section 556 and 558, and LAMC Sec. 13B.1.3, the proposed Emergency Shelter Code Amendment as part of the 2021 - 2029 Housing Element Program 115 (Zoning and Development Standards for Homeless Housing) are in substantial conformance with the purpose, intent and provisions of the General Plan. The code amendment is also in conformance with the public necessity, convenience, general welfare and good zoning practice and other laws. In particular, they respond to the City's declared shelter crisis, which is meant to facilitate the provision of emergency shelters for persons experiencing homelessness in a timely manner to help alleviate hardship and potential threats to their health and safety that may occur as a result of the shelter crisis.

B. General Plan Findings

The City's General Plan includes an overarching goal of preventing and ending homelessness, as well as a number of related objectives and policies around the provision of short-term emergency housing. Specifically, the proposed ordinance is consistent with, and helps to further accomplish the following goals, objectives and policies of the General Plan as set forth below.

General Plan Framework Element

GOAL 4A – An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

Objective 4.4 – Reduce regulatory and procedural barriers to increase housing production and capacity in appropriate locations.

Housing Element

GOAL 5 – A City committed to preventing and ending homelessness.

Objective 5.1: Provide an adequate supply of short-term and permanent housing in addition to supportive services throughout the City that are appropriate for and meet the specific needs of all persons who are homeless or at-risk of homelessness.

Policy 5.1.1 - Ensure an adequate supply of emergency and transitional housing for people who are homeless or are at a risk of becoming homeless, including people with disabilities.

Policy 5.1.5 - Expand housing, shelter, and supportive services for the homeless and special needs populations in all communities, and reduce zoning and other regulatory barriers to their placement and operation

The proposed ordinance meets the intent and purposes of the General Plan in that it supports the by-right operation and placement of shelters for the homeless when a shelter crisis is declared. The proposed ordinance will provide greater alignment between local zoning code regulations for emergency shelters, and the applicable provisions of State Law, thereby providing for greater certainty for providers who partner with the City to open and operate emergency shelters. By aligning procedures with state law, the proposed ordinance will help ensure that an adequate supply of emergency and short-term housing can be established for people who are homeless or at risk of experiencing homelessness.

The ordinance also supports the implementation of Program 115 in the Housing Element (Zoning and Development Standards for Homeless Housing) in that it facilitates by-right siting of shelter and transitional housing facilities, as described in the Program 115 objective.

Summary of CEQA Findings

Pursuant to California Government Code Section 8698.4(a)(4), Section 21080(b)(4) of the Public Resources Code and California Environmental Quality Act (CEQA) Guidelines Sections 15378(b), the adoption of the proposed ordinance amending LAMC Ch. 1 Sec. 12.80 and 12.81 and Ch. 1A Sec. 1.6.2 and 1.6.3, and other related sections are exempt from CEQA.

Government Code Section 8698.4(a)(4)

Section 8698.4(a)(4) provides that actions by a local agency, such as the City, that will facilitate the lease, conveyance, or encumbrance of land owned by the City for a homeless shelter constructed or allowed by CA Gov. Code § 8698.4 are statutorily exempt from the requirements of CEQA. The proposed ordinance does precisely that, thus, is exempt from the requirements of CEQA.

CEQA Guidelines Section 15378(b)

Adoption of the proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15378(b) because it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

CEQA Guidelines Section 15378(a) provides that a project under CEQA is one that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Section 15378(b) provides that administrative and organizational activities that will not result in direct or indirect physical changes in the environment are not projects for purposes of CEQA.

The proposed ordinance does not involve any activities that will directly or indirectly alter the environment from its current conditions. The proposed amendments to LAMC Ch. 1 Sec. 12.80 and 12.81 and Ch. 1A Sec. 1.6.2 and 1.6.3 are administrative and organizational in nature, and will ensure that local regulations align with the applicable provisions of State law. There is no potential that the proposed ordinance will result in the creation of additional emergency shelters, as it does not make any changes to existing allowances for emergency shelters. The anticipated result of the proposed ordinance is that temporary emergency shelters will continue to be able to be established, and would not result in any direct or indirect impact to the environment. The provisions will continue to only apply during a declared shelter crisis emergency pursuant to state law (CA Gov. Code Sec. 8698 et. seq). A shelter crisis may be revoked by the Mayor or City Council at any time.

PRC Section 21080(b)(4) (Emergency Projects)

Additionally, approval of the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4), which provides that emergency projects are exempt from the requirements of CEQA. In particular, this exemption provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA.

While it is clear that the proposed ordinance will not have any significant effect on the environment, even in the unlikely and unforeseeable event that they did, any impacts that could occur from the existing and continuing regulations would occur during times of extreme need for housing, upon declaration of a shelter crisis emergency pursuant to CA Gov. Code Sec. 8698 et seq. Any potential impacts from the proposed amendments to LAMC Ch. 1 Sec. 12.80 and 12.81 and Ch. 1A Sec. 1.6.2 and 1.6.3, and other related sections would therefore be temporary in nature and necessary to mitigate an emergency shelter crisis in the City of Los Angeles.

Therefore, on the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that the adoption of the proposed ordinance is exempt from CEQA. The analysis reflects the lead agency’s independent judgment and analysis. The records upon which this decision is based are with the Planning Department in Room 750, 200 North Spring Street in Los Angeles, California