



ALSTON & BIRD LAND USE MATTERS

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Each month, *Land Use Matters* will provide information and insights into legal and regulatory developments, primarily at the Los Angeles City and County levels, affecting land use matters, as well as new CEQA appellate decisions.

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City of Los Angeles

Mayor's Office

Vince Bertoni Nominated to Head Department of City Planning

On January 4, 2016, Mayor Eric Garcetti announced the [nomination of Vince Bertoni](#) as the new General Manager of the Department of City Planning (DCP). Bertoni has served five years as the City of Pasadena's Planning and Community Development Director. Prior to working for Pasadena, he served as Deputy Planning Director for DCP, where he oversaw the adoption of 16 historic preservation zones, new guidelines for the Broadway Historic District, the bicycle master plan and the Hollywood community plan. In his role as Deputy Planning Director, Bertoni also managed the operations of DCP's community planning, historic resources, urban design, environmental review, zoning, code studies and expedited processing sections and the public counters. Bertoni has 25 years of planning experience and has served as planning director for Beverly Hills, Santa Clarita and Malibu. The nomination will be considered by the Planning and Land Use Management Committee at the February 2, 2016, meeting and the full City Council on February 3, 2016.

City Council

City Council Approves Amendments to Mobility Plan 2035

At the January 20, 2016, meeting, by a vote of 12 to 2, the City Council adopted a Resolution amending [Mobility Plan 2035](#). The amendments include provisions related to equity, public safety, community input and flexibility in implementation and City Council oversight.

California Environmental Quality Act

Los Angeles Releases Guidance for Not Analyzing Aesthetic and Parking Impacts for Projects in Transit Areas

Senate Bill 743, enacted by the State Legislature in September 2013, provides that CEQA no longer requires the analysis of aesthetic and parking impacts for residential and mixed use projects located on infill sites within a "transit priority area." The City of Los Angeles Planning Department has now released [Zoning Information File No. 2451](#), which provides guidance on implementing that provision in SB 743. That guidance provides that "visual resources, aesthetic character, shade and shadow, light and glare, and scenic vistas or

any other aesthetic impact as defined in the City's CEQA Threshold Guide shall not be considered an impact for infill projects within TPAs (shown in the attached map) pursuant to CEQA." Note, however, that the guidance provides that if a community plan or specific plan requires the analysis of aesthetics or parking impacts, such analysis must still be conducted.

OPR Releases Revised Guideline Concerning New Significance Thresholds for Traffic Impacts

Senate Bill 743 also provides new significance thresholds for a proposed project's traffic impacts. Instead of analyzing a project's traffic impacts based on "level of service" (LOS), SB 743 provides that a project's impact on traffic shall be evaluated based on "vehicle miles traveled" (VMT), a dramatic change for evaluating traffic impacts under CEQA. After receiving many comments on its initial draft of the CEQA Guideline that would implement this provision of SB 743, the Office of Planning and Research (OPR) released its [revised draft of that Guideline](#) on January 20, 2016. The draft Guideline provides that impacts to LOS shall *not* be considered an environmental impact under CEQA, although the Guideline recognizes that cities and counties retain the ability to address traffic- and safety impacts-based LOS under their general police powers (and therefore could require physical improvements by way of conditions of approval). The new Guideline includes a technical advisory document from OPR in which OPR provides its recommendations for significance thresholds for three land uses (residential, office and retail) and methodologies for evaluating VMT for those development projects. The new Guideline clearly confers a substantial amount of discretion onto the local lead agency by providing that OPR's technical document is only a recommendation and not a requirement under CEQA. Under the new Guideline, local lead agencies may take up to two years to implement SB 743.

The City of Los Angeles has commissioned a study on how best to implement the traffic-related provisions of SB 743. In approving that study, the City published a [map of Transit Priority Areas throughout the city](#).

OPR will accept comments on the revised Guideline until **February 29, 2016**. After considering those comments, OPR will send the revised Guideline on to two other state agencies, which will take the necessary actions to adopt the final version of the Guideline later this year. The Guideline will apply prospectively.

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