

**DEPARTMENT OF
CITY PLANNING**

COMMISSION OFFICE
(213) 978-1300

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**CITY OF LOS ANGELES
CALIFORNIA**



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EXECUTIVE OFFICES

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

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November 18, 2020

Re: Establishment of EIR Review Criteria and Performance Standards

To facilitate Los Angeles City Planning's (LACP) ongoing commitment to streamline procedures, increase transparency, and assist in case tracking, the Department's Major Projects Section has developed the attached Review Criteria and Performance Standards to standardize review of Environmental Impact Reports (EIRs).

The intent of the EIR Review Criteria and Performance Standards is to inform applicants, environmental consultants, and the public, of the methodology staff utilizes to review the highly technical documentation necessary to prepare an EIR. The EIR Review Criteria and Performance Standards identify benchmark requirements necessary to commence review, includes specific instructions on how documentation shall be submitted to LACP, and advises on the expectations for the types of work necessary to facilitate effective review of EIRs.

The EIR Review Criteria and Performance Standards will be implemented for EIRs which have not yet submitted an Initial Study, a Draft EIR, or for those cases in which a Final EIR has also not yet been submitted for review to the Major Projects Section. Upon implementation of these standards and criteria, the City will be able to better illustrate the status of each individual EIR, the stage of review, and percentage of completeness. In addition, the criteria and standards will help inform our stakeholders on the status and phase of review for each project. Case holds, as delineated in the EIR Review Criteria and Performance Standards, will be utilized to track progress and assess time and resources expended by Major Projects staff on individual projects.

These standards and criteria are subject to future refinements at the discretion of LACP to improve the EIR review process.

For specific questions on the EIR Review Criteria and Performance Standards, please contact:

Luciralia Ibarra
Principal City Planner
(213) 847-3634
luciralia.ibarra@lacity.org

Milena Zasadzien
Senior City Planner
(213) 847-3636
milena.zasadzien@lacity.org

**LOS ANGELES CITY PLANNING - MAJOR PROJECTS
ENVIRONMENTAL REVIEW CRITERIA AND PERFORMANCE STANDARDS
NOVEMBER 2020**

As part of the City's review of Environmental Documents, specifically Environmental Impact Reports (EIRs), the following standards and criteria will be used to provide guidance as to the City's ability to streamline review. These standards may be updated as necessary at the Department's discretion. Please note that Environmental Documents will not be released by the City for public review until the documents meet the City's standards.

A. Commencement of Review:

- 1) Only projects which have filed, and paid EIR fees, will be considered for review by Major Projects staff.
- 2) The commencement of review of the Initial Study shall not begin until such time as the accompanying entitlements have been filed and a deemed complete letter has been issued by Major Projects staff.

B. Submittal Criteria:

- 1) Priority review shall be given to submittals that include a full Screencheck of the Initial Study, Draft EIR, Final EIR together with the associated technical studies and materials.
- 2) When submitting in sections, the list below outlines the minimum submittal requirements for each type of environmental document:
 - a) **Initial Study (IS):** The entire document is required for submission. This includes the Appendix G checklist, Initial Study analysis, technical studies, maps, figures, site photos, and other materials where warranted.
 - b) **Draft EIR:** When not submitting a full Screencheck of the Draft EIR, batches of the DEIR must be submitted in the following order with the accompanying technical reports/studies:
 - i) Project Description, Environmental Setting
 - ii) Environmental Impact Analysis: Batches of the EIR's environmental analysis may be submitted as listed below. In no instance will a partial batch be accepted. There is no limit as to the number of batches that can be submitted, and they need not be submitted in the order listed below.
 - (1) Aesthetics, Land Use
 - (2) Agriculture/Forestry Resources, Biological, Hydrology, Wildfire
 - (3) Air Quality, Greenhouse Gas Emissions, Energy (Appendix F)
 - (4) Cultural Resources, Tribal Cultural Resources
 - (5) Geology and Soils, Hazards, Mineral Resources
 - (6) Noise, Transportation
 - (7) Population and Housing, Public Services, Recreation
 - (8) Utilities and Service Systems
 - (9) Mandatory Findings of Significance
 - iii) Other CEQA Considerations

- iv) Executive Summary, Table of Contents, MMP, List of References
- v) Alternatives

Notes:

- 1) *Where a section was scoped out in the Initial Study, it would be excluded from the aforementioned list, except as mentioned in Other CEQA Considerations.*
- 2) *The Project Description and Environmental Setting are required to be submitted first. The remaining environmental impact analysis section groupings need not be submitted in any particular order.*
- c) **Final EIR:** The entire document is required for submission. Limited exceptions for the submission of batched documents may be allowed at staff's discretion for projects with significant response to comments. For example, responses to comments which are 100 pages or more may be submitted in batches.
- 3) Documents shall be shared using Drop Box or a similar file sharing application and shall not be emailed as attachments. The Drop Box should contain instructions that these documents are preliminary administrative draft documents and that none of the documents in the folder will be kept by the City in the normal course of the City's business.
- 4) Technical reports shall include an executive summary detailing the conclusions of the technical studies/reports, including the assumptions made, methodology, outputs without mitigation, effects after applying mitigation, etc.
- 5) Response letters from other City Agencies/Departments, and public service and utility providers must reflect an accurate and current Project Description consistent with that which is being considered by the City.
- 6) Economic/feasibility reports may require review by a relevant third party expert selected by the City, when needed. The City reserves the right to request amendments and corrections to economic/feasibility reports based on the Department's review and understanding of the project and the analysis.
- 7) Subsequent screencheck review of the Initial Study, Draft EIR, and Final EIR. Major Projects staff will not commence 2nd screencheck review until such time as the 1st screencheck of each IS, DEIR, or FEIR has been submitted. For example, if all but the first screencheck of the Alternatives section has been submitted for the DEIR, any 2nd screencheck documents submitted to the City will not be reviewed until the first screencheck of the Alternatives section has been submitted, reviewed, and returned to the consultant.
- 8) Updates required by State Law or to comply with direction informed by litigation. During the course of the City's review of the EIR, the City may elect to require updates to the CEQA document in order to comply with changes in State law or to abide by guidance or direction required by litigation relative to CEQA review.

C. Examples of Non-Performance. The following are examples of Consultant Non-Performance that may result in Major Projects staff returning draft documents to the Consultant without substantive review:

- 1) Documents that do not have a consistent project description reflected in all sections, technical reports and/or studies.
- 2) Documents with obvious substantive errors, that have incomplete, incomprehensible, or purely cursory-level analyses, or that are otherwise clearly below City standards.
- 3) Documents that do not rely on City thresholds of significance or adopted methodologies without prior approval.
- 4) Failure to submit a complete batch of sections as listed above.
- 5) Sections submitted without technical reports/studies.
- 6) Resubmitted documents that fail to respond to staff comments.
- 7) Documents that fail to consider what has been scoped out in the Initial Study and nevertheless includes a full analysis of previously scoped out topics. Instances where new information is raised between the IS and Draft EIR are exceptions and may be included with staff direction.
- 8) Submitting an incomplete technical report.
- 9) Analysis that cuts and pastes directly from the technical report without interpreting the analysis in layman's terms, and/or ensuring that the information and content logically flows.
- 10) Not following up with, or coordinating with staff, to work with public agencies when clarification is warranted.
- 11) Using outdated data. For example, not verifying whether an identified landfill is open or has capacity to accommodate proposed export, referring to annual reports or standards from previous years that have since been superseded by current annual reports or recently adopted standards.
- 12) Not providing a comprehensive response to a consistency analysis with supporting discussions as to why a Project would or would not conflict with a policy. Restating the Project Description as a response is insufficient.
- 13) Making assertions about impacts without consulting relevant City Staff.
- 14) Identifying regulatory compliance measures or Project Design Features (PDFs) in a manner comparable to mitigation. PDFs should only be included in the project primarily for reasons other than reducing environmental impacts but may have the incidental effect of reducing impacts (e.g. LEED certifications).
- 15) Identifying PDFs which restate a regulatory measure without providing additional meaningful detail or clarification regarding regulatory compliance, or which do not describe an inherent and integral feature of the Project.
- 16) Identifying Mitigation Measures without an analysis that clearly demonstrates the project impacts with and without mitigation or without describing or providing supporting evidence as to the efficacy of each mitigation measure.
- 17) Including hyperlinks in the document that do not function.

- 18) Submitting draft documents that include internal discussion/notes between consultant staff, or which have been submitted prior to having been checked for grammatical correctness.
- 19) Not having Project Alternatives that address/reduce identified significant impacts of the project.
- 20) Failure to follow the State CEQA Guidelines Article 9 Contents of Environmental Impact Reports.
- 21) Making revisions to previously submitted draft documents that are not clearly identified through tracked changes, bubble comments, or an equivalently clear method.

D. Standards for Placing Cases on Hold. City staff will place the environmental review of a project “on hold” under the following circumstances:

- 1) **Non-payment of EIR fee.** EAFs that have been filed, but which have not had an EIR fee paid, will be placed on hold and routed to appropriate Geographical project planning unit for processing.
- 2) **Non-filing of Associated Entitlements.** An environmental case filed without the accompanying entitlement case will result in the Initial Study being placed on hold. The Initial Study materials will not be reviewed until the entitlement case is filed and filing fees are paid.
- 3) **Missing Materials.** Failure to provide materials identified by staff as necessary to proceed with review.
- 4) **Preparation of Documents.** A case is not assigned until such time as the full Initial Study has been submitted. Holds will be utilized in the following phases of EIR review.
 - a) After the initial filing of the environmental case and until a complete IS is submitted to staff.
 - b) After an IS or a Draft EIR has been released for public comment and the review period has ended, and until a Draft EIR or Final EIR, has been submitted in accordance with the above standards.
- 5) **Critical Entitlement Issues.** After staff has notified the applicant that the associated entitlement case has critical issues which prevent further review of the environmental case, and until the applicant has remedied those issues with staff.
- 6) **Outstanding Invoices.** Upon staff notification to the environmental consultant and the applicant of an outstanding invoice, and until such time as the invoice has been paid by the applicant.
- 7) **Elective Holds by Applicant.** After an applicant has notified staff that the applicant has placed the project on hold, and until the applicant provides verification to staff that the project has recommenced.

Note: Significant holds may result in the need to recirculate or terminate CEQA review.

E. Terminations.

Case Filing to Initial Study. An EIR and associated case(s) may be terminated if no materials have been submitted for purposes of reviewing, preparing, and releasing an Initial Study, within 3 months from a deemed complete determination of the entitlement case(s).

Initial Study to Draft EIR. An EIR and associated case(s) may be terminated if no materials have been submitted for purposes of reviewing, preparing, and releasing a Draft EIR, within 6 months from the end of the comment period of the Initial Study.

Draft EIR to Final EIR. An EIR and associated case(s) may be terminated if no materials have been submitted for purposes of reviewing, preparing, and releasing a Final EIR, within 4 months from the end of the comment period.