



Administrative Report

P.3., File # 21-3046

Meeting Date: 9/21/2021

To: MAYOR AND CITY COUNCIL

From: MICHAEL W. WEBB, CITY ATTORNEY BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR ELEANOR MANZANO, CITY CLERK CHERYL PARK, ASSISTANT CITY ATTORNEY

TITLE

DISCUSSION AND CONSIDERATION REGARDING AMENDMENTS TO REDONDO BEACH MUNICIPAL CODE SECTION 10-3.901 CEQA APPEAL REQUIREMENTS AND PROCEDURES

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3217-21, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING MUNICIPAL CODE TITLE 10, CHAPTER 3, ARTICLE 9, SECTION 10-3.901 CEQA APPEAL REQUIREMENTS AND PROCEDURES, FOR INTRODUCTION AND FIRST READING

DISCUSSION AND DIRECTION TO STAFF REGARDING THE FEE TO APPEAL A PLANNING COMMISSION DECISION

At the May 18, 2021 City Council meeting, Council directed staff to prepare an amendment to the City of Redondo Beach CEQA Appeal ordinance codified in Redondo Beach Municipal Code (RBMC) section 10-3.901. As a Blue Folder item for that Council Meeting, Councilmember Nehrenheim provided proposed revisions to the CEQA Appeal ordinance (see attachment).

BACKGROUND

During the discussion on the agenda item, staff did provide initial concerns, and Council requested that at such time that the ordinance is revisited by City Council, the City Attorney's Office, the City Clerk's Office, and the Community Development Department provide written analyses regarding potential complications the revisions may pose.

Council directed the City Attorney to formally bring back the revisions to the ordinance for introduction and first reading at the July 6, 2021 City Council meeting. This matter was continued to the July 13, 2021 City Council meeting due to technical difficulties with the meeting broadcast.

At the July 13, 2021 City Council meeting the Councilwoman Laura Emdee stated that she wanted staff to identify the concerns regarding Councilman Nils Nehrenheim's revised ordinance and allow

staff to come back with recommendations in order to get to the same goal without raising all the concerns with Councilman Nils Nehrenheim's revised ordinance. Councilman Zein Obagi made a substitute motion and agreed with Councilwoman Laura Emdee, and stated that he would like staff to come back with revisions to subsection (f) regarding the hearing and to specifically address the date within which the City Clerk will set the hearing, the date no sooner than which hearing will be set, and the cut-off date for the submittal of evidence and argumentation. Councilman Zein Obagi stated that he wanted staff to come up with a scheme that gives an appellant the maximum amount of time to submit arguments and evidence as well as curing other concerns that were expressed. Councilwoman Laura Emdee seconded the substitute motion. After some discussion, Councilman Zein Obagi amended his substitute motion to add a requirement that staff work with Councilman Nils Nehrenheim to address the specific timelines for the setting of appeal hearings and the deadlines for submitting evidence and arguments from appellants. Councilwoman Laura Emdee accepted the amendment. The City Council approved the substitute motion by a unanimous vote.

Staff discussed the above issues with Councilmember Nehrenheim several times, but could not come to a complete consensus on the potential revisions to the ordinance.

The City Attorney's office, City Clerk's office, and Community Development Department do not recommend the proposed revisions to the ordinance as proffered by Councilmember Nehrenheim based on due process concerns.

Attached for your consideration, is both a further revised ordinance proposed by Councilmember Nehrenheim on September 8th as well as a version of the ordinance that Staff recommends which strives to address the goals the City Council discussed at the July 13, 2021 meeting.

COORDINATION

The ordinance amendment has been prepared by the City Attorney's Office in coordination with the Community Development Director and the City Clerk.

FISCAL IMPACT

The CEQA appeal ordinance as proposed by Councilmember Nehrenheim may have significant impact to the Community Development Department budget related to consultant fees. With the proposed removal of the exhaustion requirement in the appeal process, issues that may have not previously been studied in the scope of the environmental document preparation and process may be raised for the first time during the appeal hearing. Addressing this information may require substantial additional consultant and staff time. Although the preparation of the environmental document and the processing of that document through certification is reimbursed by the project applicant, the costs for preparing responses to appeals are not. Therefore, with the potential for the scope of the appeal to be expansive, any additional environmental appeal evaluation and hearing costs will need to be included in the City's budget. If the proposed ordinance by Councilmember Nehrenheim is adopted, budget amendments will be presented during the mid-year budget discussion.

ATTACHMENTS

- Proposed CEQA Appeal Ordinance as revised by Councilmember Nehrenheim
- Proposed CEQA Appeal Ordinance as revised by staff
- Current CEQA Appeal Ordinance (Adopted in January 2015)

- Redline version of CEQA Appeal Ordinance by Councilmember Nehreinheim - first revision
- July 13, 2021 Administrative Report