

## City of L.A. Rewrites Environmental Report Rules

**DEVELOPMENT:** System will restrict EIR authors to prequalified consultants list.

**I**n the hopes of avoiding protracted lawsuits over environmental impact reports for major projects, city of L.A. planning officials will soon start requiring that developers use only prequalified consultants to prepare those massive reports.

### REGULATION & POLICY

HOWARD FINE



This measure, which is similar to how the city prequalifies certain contractors and consultants with whom it does business, was requested by several members of the City Council last year as it was coming under increasing pressure to reform the planning process. That pressure resulted in the placement of the anti-development Measure S on the March ballot, though voters rejected that initiative.

Preparation of environmental impact documents, required under the 40-year-old California Environmental Quality Act, has become the central focal point in the battles over major development and infrastructure projects in Los Angeles and throughout the state.

The city wants to prequalify consultants to reduce instances when steps are skipped in the

preparation of environmental impact reports or conclusions are reached in the reports that are favorable to developers but aren't conclusively supported by facts. These are weak points that project opponents can use as grounds for lawsuits.

By prequalifying consultants – usually major law firms and specialty land-use consulting practices – the city can check the qualifications of the attorneys and consultants and ensure that they meet professional standards. Also, if a law or consulting firm prepares environmental impact reports that are too often successfully challenged in court, those firms can be dropped from the prequalified list.

The first vetting process will begin next month, with the prequalified lists of environmental impact report preparers taking shape a few months after that.

But will this actually reduce the number of lawsuits over environmental impact reports?

One land-use attorney said he doubts it will make much of a difference.

"While requiring certain professional standards is certainly a good idea, most of the existing consultants working on projects in the city – particularly larger high-profile projects – are highly qualified and skilled at preparing environmental documents," said David

Waite, partner in the land-use entitlements practice at Century City law firm **Cox Castle & Nicholson**.

The problem, Waite said, is that project opponents will glom on to anything they can to

challenge environmental documents in court.

"The CEQA law requires thorough and careful compliance with procedural requirements and in the drafting of environmental documents, and consultants know there are no shortcuts," he said. "Unfortunately, this has not deterred CEQA litigants in the past, and despite the city's best intentions, likely won't deter litigants in the future."

### New Microloan Program

A state loan program launched last week targeting small businesses in low-income communities. The Jump Start Loan Program at the **California Infrastructure and Economic Development Bank** (IBank) is offering microloans and other assistance to start or expand businesses.

Jump Start will expand IBank's direct lending programs in its Small Business Finance Center to provide microloans of \$500 to \$10,000 to businesses in low-income neighborhoods. It will also offer borrowers technical assistance and financial literacy training to improve their chance of success.

"IBank will truly jump-start businesses for entrepreneurs that may not qualify for loans at traditional lenders or other programs because they are often too new or too small," IBank Executive Director **Teveia Barnes** said in a statement.

In Los Angeles, the loans will be offered through the **Pacific Coast Regional Business Development Corp.**, which is located in Koreatown.

### D.C. Lobbying

The **Los Angeles Area Chamber of Commerce** certainly picked a tumultuous

time for next week's annual lobbying trip to Washington, D.C., what with President **Donald Trump's** firing of FBI Director **James Comey**, the investigations of alleged Russian interference in last fall's presidential election, and ongoing battles over immigration and health care reform.

In past years, some 200 local elected officials, business leaders, and corporate executives have made the trip, as of a few days before the registration deadline last week, more than 120 had signed up for this year's expedition, about three-fourths from the private sector, the chamber said.



Toebben

Among the local public-sector officials participating are several council members and the chiefs of the Los Angeles County Metropolitan Transportation Authority, Los Angeles World Airports, and the Port of Los Angeles.

**Gary Toebben**, chief executive of the chamber, said in his weekly *Business Perspective* column that the top issues for this year are trade, taxes, immigration, infrastructure, energy and water supply reliability, homeless housing assistance, and health care reform.

"We do not expect the recent events to have any impact on our meetings and our agenda for the week," he said in an email last week.

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Waite