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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

LA NEIGHBORS UNITED, Plaintiff and Appellant, v. CITY OF LOS ANGELES, Defendant and Respondent.	B238769 (Los Angeles County Super. Ct. No. BS129518)

APPEAL from a judgment of the Superior Court of Los Angeles County, John Shepard Wiley, Jr., Judge. Affirmed.

Chatten-Brown & Carstens, Jan Chatten-Brown, Douglas P. Carstens, and Josh Chatten-Brown for Plaintiff and Appellant.

Carmen A. Trutanich, Andrew J. Nocas and Mary J. Decker, City Attorneys, for Defendant and Respondent.

LA Neighbors United appeals from the denial of its petition for a writ of mandate. It argues that the Community Plan Implementation Overlay (CPIO) Ordinance No. 181412 adopted by respondent City of Los Angeles is a project under the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000 et seq.) that should not have been adopted without an environmental impact report (EIR). We disagree and affirm.

FACTUAL AND PROCEDURAL SUMMARY

Pursuant to Government Code section 65302, the city has adopted a general plan that includes a land use element controlling all land use approvals. The land use element of the city's general plan consists of 35 community plans. The city may adopt specific plans that are consistent with the general plan, according to the procedures in Los Angeles Municipal Code (LAMC) section 12.32. (Gov. Code, §§ 65450, 65454; LAMC § 11.5.7.) The zoning provisions of LAMC also must be consistent with the general plan. (Gov. Code, § 65860, subd. (a).)

The Los Angeles City Council adopted the CPIO ordinance in November of 2010. As relevant here, the ordinance amended LAMC section 12.32(S) on supplemental use districts, which regulates the location of uses whose requirements are difficult to anticipate, to include procedures for establishment of CPIO districts. It also added a new CPIO district provision, LAMC section 13.14. The CPIO ordinance was proposed and approved to implement the strategy for citywide growth established by the General Plan Framework.[1] The General Plan Framework has been an element of the city's general plan since 2001. It emphasizes the importance of the city's 35 community plans. In

[1] The administrative record abounds with references to the General Plan Framework, and includes findings that the CPIO ordinance is consistent with its objectives. But neither side addressed its significance, either in the trial court or in the initial briefing on appeal, and respondent provided us with its text only when we asked for supplemental briefing. We take judicial notice of the General Plan Framework under Evidence Code section 452, subdivision (b).

conjunction with other zoning tools, the CPIO ordinance was intended to implement community plan updates.

The CPIO ordinance sets forth procedures and standards for establishing CPIO districts in any zone in the city. The purpose of these districts is to provide "supplemental development regulations tailored to each Community Plan area to: [¶] 1. Ensure that development enhances the unique architectural, environmental, and cultural qualities of each Community Plan area, integrates improvements and enhancements to the public right-of-way, and maintains compatible land uses, scale, intensity, and density; [¶] 2. Create an approval process to enable infill development that will positively impact communities." (CPIO ord., §13.14(A).)

Only the city council, city planning commission or director of planning may initiate consideration of a CPIO district as a proposed land use ordinance under LAMC section 12.32. In approving such a district, the city council must find that the district's supplemental development regulations "are consistent with, and necessary to implement, the programs, policies, or urban design guidelines of the Community Plan for that area." (CPIO ord., §§ 12.32(S)(3)(b), 13.14(C)(5).) A CPIO district may contain subareas of "contiguous or non-contiguous parcels characterized by common Community Plan goals, themes and policies and grouped by a common boundary." (*Id.*, § 13.14(D).)

CPIO district regulations regarding uses, height, floor area ratio, and signage must be more restrictive than the applicable regulations in the underlying zones and other supplemental use districts. The provisions of a CPIO district are subordinate to any conflicting provisions in a specific plan or a historic preservation overlay zone, but prevail over conflicting city-wide regulations in the LAMC or supplemental use districts. (CPIO ord., § 13.14(B).)

The administrative clearance procedure applicable to supplemental use districts is extended to CPIO districts. Under this procedure, projects that comply with regulations established for a particular CPIO district are subject to ministerial administrative approval by the planning director. (CPIO ord., §§ 12.32(S)(4), 13.14(G)(2).) Non-compliant projects in CPIO districts are subject to discretionary and appealable approval

procedures modeled on, and in some respects more stringent than, those for specific plans. (Compare LAMC § 11.5.7(E), (F) with CPIO ord., § 13.14(G)(3), (4).) Thus, projects that do not comply with the regulations of a CPIO district must obtain an adjustment from the planning director or the director's designee, appealable to the area planning commission. Unless otherwise limited, adjustments may be allowed "for deviations of up to 20 percent from the quantitative supplemental development regulations or minor adjustments from the qualitative supplemental development regulations." (CPIO ord., § 13.14(G)(3)(a).) Each CPIO district ordinance must indicate the development regulations not subject to adjustment. (*Ibid.*) All non-compliant projects that are not eligible for adjustment must obtain an exception from the area planning commission, appealable to the city council. (CPIO ord., § 13.14(G)(4).) The approval of an adjustment or an exception must be accompanied by specific findings. (CPIO ord., § 13.14(G)(3)(b) & (4)(b).)

Appellant objected to the CPIO ordinance during the administrative review process, arguing in part that the cumulative environmental effects of the ordinance should be evaluated in an EIR, along with the effects of the proposed revisions of several other sections of LAMC. The city council adopted the ordinance with a negative declaration, which stated that the ordinance would not have significant environmental impact. Appellant filed a petition for a writ of mandate, challenging the adoption. The trial court concluded the ordinance was not a project under CEQA and, even if it were, the negative declaration was proper. It entered judgment denying the petition.

This timely appeal followed.

DISCUSSION

I

CEQA applies to "discretionary projects proposed to be carried out or approved by public agencies . . . ." (Pub. Resources Code, § 21080, subd. (a).) As relevant here, an activity directly undertaken by a public agency is a project if it "may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change

in the environment." (Pub. Resources Code, § 21065, see also Guidelines, § 15378, subd. (a)[2] ["'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment"].) An activity that is not within the definition of a "project" is not subject to CEQA. (*Id.*, § 15060, subd. (c)(3).)

When an activity is a project, and does not fall under a CEQA exemption, the agency must "conduct an initial study to determine if the project may have a significant effect on the environment." (Guidelines, § 15063, subd. (a).) If no substantial evidence shows the project may have a significant environmental effect, the agency must prepare a negative declaration describing the reasons for this determination. (Guidelines, §§15063, subd. (b)(2), 15070.) Otherwise, it must prepare an EIR. (Pub. Resources Code, §§ 21100, 21151, Guidelines, §§15063, subd. (b)(1), 15080.)

II

Appellant contends respondent is estopped from arguing the CPIO ordinance is not a project since it already proceeded as if it were when it prepared a negative declaration. The estoppel argument was not raised in the trial court and is therefore forfeited. (*North Coast Business Park v. Nielsen Construction Co.* (1993) 17 Cal.App.4th 22, 29, disagreed with on other grounds in *San Diego Watercrafts, Inc. v. Wells Fargo Bank* (2002) 102 Cal.App.4th 308, 315.)

What is a project under CEQA is an issue of law that can be decided on undisputed facts. (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 382.) Thus, our review is not limited by respondent's approach or conclusions. The initial study and negative declaration in this case indicate that the city found no apparent significant environmental impact because the CPIO ordinance enables the creation of overlay districts only as necessary to implement the policies of individual community plans, and the creation of any such district in the future would be by ordinance and subject to environmental review. As we discuss in greater detail below,

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[2] References to Guidelines are to the administrative regulations implementing CEQA. (Cal. Code Regs., tit. 14, §§ 15000 et seq.)

the fact that the CPIO ordinance subordinates the overlay districts to the community plans shows that it is not reasonably foreseeable that it would impact the environment independently of, or to a greater extent than, the community plans. The negative declaration is consistent with this conclusion.

III

Among the activities included in the definition of a project under CEQA are the "enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof . . . ." (Guidelines, § 15378, subd. (a)(1).) "Continuing administrative . . . activities, such as . . . general policy and procedure making" do not qualify as projects, "except as they are applied to specific instances" included in the definition of a project. (*Id*., § 15378, subd. (b)(2).)

Respondent argues the CPIO ordinance is a continuing general administrative activity, so that it is not a project under Guidelines section 15378, subdivision (b)(2). So far, this exclusion has been found to apply only when an agency implements a policy that is itself exempt from CEQA review. (See *Northwood Homes, Inc. v. Town of Moraga* (1989) 216 Cal.App.3d 1197, 1206–1207 [guidelines implementing exempt land use initiative ordinance were not a project].)

The exclusion in Guidelines section 15378, subdivision (b)(2) expressly does not cover continuing administrative activities applied to specific instances that qualify as projects under CEQA. Thus, it does not exclude policymaking guidelines with potential environmental impact. In *City of Livermore v. Local Agency Formation Com.* (1986) 184 Cal.App.3d 531 (*City of Livermore*), a county agency revised its sphere-of-influence guidelines in a way that made possible future development in open space and agricultural lands surrounding existing urban areas. (*Id*. at pp. 542–543.) The court concluded this kind of policy making did not fall within the exclusion because it resembled an amendment of a general plan to promote future growth and development. (*Id*. at p. 539.) It was, therefore, a project requiring an EIR. (*Ibid*.)

Relying on *City of Livermore*, appellant analogizes the CPIO ordinance to a general plan amendment, arguing that it reflects a significant change in land use policy

whose cumulative environmental impacts need to be reviewed as early as possible. It assumes that the ordinance itself promotes development and should therefore be subject to a program EIR under Guidelines section 15168 with tiered EIR's to follow when CPIO districts are proposed in the future. We agree with respondent that appellant's analogy is flawed because it is based on a mischaracterization of the CPIO ordinance. Because the CPIO ordinance itself sets no new land use policy and does not independently promote development, it does not fall under the definition of a project in Guidelines, section 15378, subdivision (a), irrespective of whether it also falls under the exclusion for general procedure making in subdivision (b)(2).

"A general plan embodies an agency's fundamental policy decisions to guide virtually all future growth and development. [Fn. omitted.]" (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409.) In the case of a general plan amendment, CEQA is concerned with the ultimate environmental effect of any changes in policy. (*Ibid*.) "'Even if a general plan amendment is treated merely as a "first phase" with later developments having separate approvals and environmental assessments, it is apparent that an evaluation of a "first phase-general plan amendment" must necessarily include a consideration of the larger project, i.e., the future development permitted by the amendment. Only then can the ultimate effect of the amendment upon the physical environment be addressed.'" (*Ibid*.)

"[P]rogram EIR's are used for a series of related actions that can be characterized as one large project. If a program EIR is sufficiently comprehensive, the lead agency may dispense with further environmental review for later activities within the program that are adequately covered in the program EIR. (Guidelines, § 15168, subd. (c).)" (*Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171 (*County of El Dorado*).) Tiering applies when a program EIR is followed by narrower or site-specific EIR's that incorporate by reference earlier EIR's and focus on previously unaddressed significant environmental impacts or on impacts that can be mitigated. (Pub. Resources Code, § 21068.5)

Appellant incorrectly assumes that the CPIO ordinance itself marks a change in land use policy. But as the administrative record makes clear, it is intended to implement the strategy for citywide growth set forth in the 2001 General Plan Framework and ongoing updates of community plans. The General Plan Framework envisions that its policies will be implemented through amendments to community plans and attendant revisions of LAMC. "To facilitate growth in those areas in which it is desired," the land use policies of the General Plan Framework provide for the "establishment of a process to expedite the review and approval of development applications that are consistent with the [General Plan Framework] and community plans . . . ." The CPIO ordinance establishes such an expedited process to implement General Plan Framework objectives at the neighborhood level through the community plans by creating a ministerial process of approval of development projects that comply with all requirements of overlay districts to be created in conformance with individual community plans.

The stated purpose of the CPIO ordinance is to enable "infill development"—new construction on previously developed land. This is consistent with the General Plan Framework, which recognizes that the city's growth "will require the reuse and intensification of existing developed properties," whether commercial, industrial, or residential. While it provides that infill development must be "designed and sited to maintain the salient characteristics of the neighborhood," the General Plan Framework also allows "the consideration of increased development density by amendments to the community plans including extensive public input." The intensity and location of infill development allowed by the General Plan Framework is to be controlled by the community plans, to which the CPIO ordinance is subordinated.

Because it amended the city's general plan, the General Plan Framework necessarily underwent a programmatic environmental review of its cumulative effects on the entire city. In 1996, when it was initially adopted, its environmental effects were reviewed in a program EIR, which was successfully challenged under CEQA. (See *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261–1262.) The General Plan Framework was readopted in 2001,

subject to new CEQA findings and a statement of overriding considerations. (See *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1191–1192 (*Federation II*).)

The new CEQA findings stated that the General Plan Framework "will result in potentially significant impacts that will be mitigated in the areas of housing/population, solid waste, wastewater, water resources, utilities, flood control/drainage, police, recreation and open space, and geologic/seismic conditions, and unavoidable significant impacts in the areas of land use, urban form, air quality, and biological resources." (*Federation II*, *supra*, 126 Cal.App.4th at p. 1192.) The city adopted a statement of overriding considerations finding the unavoidable significant environmental impacts, infeasibility of transportation mitigation measures, and cumulative adverse impacts acceptable in light of the project's benefits. (*Ibid*.)

The significant cumulative impacts on transportation, density, public safety, land use and open space, which appellant attributes to the CPIO ordinance, are more properly a consequence of the General Plan Framework, which already was subjected to the programmatic environmental review appellant seeks. Each individual community plan update is subject to CEQA review, and new zoning tools, such as the CPIO ordinance, will be studied in the EIR for each community plan update. The General Plan Framework envisions that additional review of the cumulative impact of community plan amendments may be necessary if it becomes clear that their impact exceeds the levels of significance on which the initial program EIR was based. Thus, any follow-up or tiered review of cumulative impacts should take place in relation to community plan updates that set forth policies or programs allowing deviation from current land use regulations.

In *County of El Dorado*, *supra*, 202 Cal.App.4th 1156, on which appellant relies, the county's 2004 general plan and attendant EIR required on-site mitigation of the loss of oak woodland habitat, but anticipated the option of allowing developers to pay a conservation fee under an oak woodland management plan instead. (*Id*. at p. 1165.) Since neither specified the fee rate or how the collected fees should be used to mitigate the impact on oak woodlands, the county was required to prepare a tiered EIR before it

adopted the oak woodland management plan and implemented the fee. (*Id.* at p. 1162.) Appellant argues that the CPIO ordinance is like the County of El Dorado's general plan and future CPIO districts are like the later approved oak woodland management plan. Missing from this analogy are the General Plan Framework and the community plans. Because appellant either fails to acknowledge or minimizes the significance of these elements of the general plan, it incorrectly attributes their potential environmental effects to the CPIO ordinance.

Appellant focuses on select CPIO ordinance provisions in isolation and argues broadly that they allow the creation of overlay districts whose supplemental development regulations could be less restrictive than the underlying zoning and could override most other city-wide zoning regulations. The CPIO ordinance does indeed provide broadly that district-specific regulations would prevail over conflicting city-wide LAMC regulations in all respects other than uses, height, floor area ratio, and signage. (CPIO ord., § 13.14(B).) This is not an unprecedented change in land use policy since, in the hierarchy of land use regulations, general and specific plans control over zoning ordinances. (See generally 9 Miller & Starr, Cal. Real Estate (3d ed. 2001 & 2012-2013 supp.) Remedies, § 25:8.) Thus, existing specific plans already contain provisions prevailing over inconsistent LAMC zoning and planning provisions. For example, section 3(B) of the Vermont/Western Transit Oriented District Specific Plan states that provisions in the specific plan "which require or permit greater or lesser setbacks, street dedications, open space, densities, heights, uses, parking, or other controls on development" prevail over the planning and zoning provisions in Chapter 1 of LAMC.[3] Section 4(B) of the Venice Coastal Zone Specific Plan similarly lists LAMC provisions which the specific plan supersedes.

At oral argument, appellant suggested that the General Plan Framework and its attendant EIR did not address the specific effects of the CPIO ordinance and did not

[3] We take judicial notice of respondent's appendix of land use plans filed with its response to our request for supplemental briefing. (Evid. Code, § 452, subd. (b).)

contemplate that CPIO district regulations would prevail over inconsistent LAMC provisions. The passage appellant cited states only that the General Plan Framework does not override the community plans. This is understandable since the General Plan Framework must be internally consistent with the land use element of the general plan, which consists of community plans. (*Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, 96–97.) But there is no requirement that the amended general plan conform to existing provisions in LAMC. On the contrary, when an amendment of the general plan or any of its elements renders the zoning provisions of LAMC inconsistent, then the zoning ordinance must be amended to conform to the general plan. (See Gov. Code, § 65860, subd. (c).) Accordingly, the General Plan Framework envisions that its policies will be implemented through amendments of LAMC to reflect community plan updates.

The CPIO ordinance allows the creation by ordinance of overlay districts consistent with community plans and maintaining compatible land uses, scale, intensity, and density. For example, one updated community plan provides for higher density residential uses near major public transportation centers (Wilshire Community Plan). Another has a program that includes incentives such as density bonuses and reduced parking for housing near public transportation but otherwise protects existing density in residential neighborhoods (Westchester-Playa del Rey Community Plan). It is reasonably foreseeable that the CPIO ordinance will be used to create overlay districts of higher density in areas where higher density is allowed by the community plans, but the resulting deviation from applicable LAMC regulations will be caused by the community plans, not the CPIO ordinance. Conversely, if a community plan does not allow higher density, it is not reasonably foreseeable that the CPIO ordinance would be used to create a higher density CPIO district since such a district would not be consistent with and necessary to implement the policies of the community plan for the area. The CPIO ordinance neither encourages higher density than that allowed by each individual community plan, nor sets any precise density requirement for future CPIO districts that

may be created under community plans. It cannot reasonably be interpreted as allowing unprecedented development in contravention of LAMC.

The same reasoning applies to appellant's other examples of possible deviation from LAMC in future CPIO districts. The CPIO ordinance does not cause any such deviation, and it is not reasonably foreseeable that it will be used to create an overlay district that overrides LAMC regulations independently of any stated policy, program, or guideline in a community plan. Appellant expresses concern that the CPIO ordinance could lead to a reduction in open space. But open space is a separate element of the city's general plan, and the General Plan Framework contains policies and objectives for its conservation, management, and development, with which community planning must be consistent. For example, preserving and developing open space is an express goal of the Silver Lake-Echo Park-Elysian Valley Community Plan, with concrete policies and programs for implementing it. It is not reasonably foreseeable that the CPIO ordinance would be used to create an overlay district to reduce open space in contravention of the community plan's objectives.

Because it is subordinated to the community plans it is intended to implement, the CPIO ordinance is not "'an essential step leading to an ultimate environmental impact. . . .' [Citation.]" (*Friends of Sierra Railroad v. Tuolumne Park & Recreation Dist.* (2007) 147 Cal.App.4th 643, 654.) The community plans are.[4] Appellant

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[4] Respondent argues, and the trial court agreed, that the CPIO ordinance is not a project under the reasoning in *City of Santee v. County of San Diego* (2010) 186 Cal.App.4th 55 (*City of Santee*). That case focused on whether the county had "approved" a project. The court held that a siting agreement to identify locations for a state prison reentry facility was not a "commitment" to a project. (*Id.* at pp. 65–66.) The case before us involves neither a siting agreement nor a multi-phase construction project. In a letter, respondent drew our attention to a recent case, *Chung v. City of Monterey Park* (2012) 210 Cal.App.4th 394 (*Chung*), involving a ballot measure that required competitive bidding for trash service contracts. The court in *Chung* held that the adoption of competitive bidding was a fiscal activity excluded from the definition of a project because it did not commit the municipality to any particular course of action. (*Id.* at pp. 402–403.) The CPIO ordinance is not a fiscal activity.

acknowledges that old community plans have undergone environmental review, and their updates are subject to such review. But it speculates that CPIO districts will be created under old community plans based on their old EIR's. This begs the question whether community plans predating 2001 contain any policies and programs necessitating the creation of CPIO districts. To the extent that appellant interprets the CPIO ordinance as promoting development independently of any community plan, neither the language of the ordinance nor the administrative record reasonably supports such an interpretation.[5]

Appellant also contends that the adjustment provision for approval of non-compliant projects in a CPIO district allows a 20 percent bonus to developers and thus has the potential of increasing development in an area by 20 percent. This argument is flawed. The adjustment provision in the CPIO ordinance is modeled on the adjustment provision for specific plans in LAMC section 11.5.7(E) and thus does not represent a change in land use policy or procedure. It creates a discretionary approval process, requiring that five specific written findings be made by the director of planning (or the director's designee) and allowing an appeal to the Area Planning Commission. While it allows a 20 percent adjustment from quantitative supplemental development regulations in a CPIO district, this provision applies only to projects otherwise consistent with the CPIO district and compatible with the neighborhood, and it requires mitigation for projects that would impact the environment. (CPIO ord., § 13.14(G)(3).) We are cited to

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While we find *City of Santee* and *Chung* inapposite, we understand respondent's argument to be that the effect of the CPIO ordinance cannot be determined outside the community plan updates since the community plans, rather than the CPIO ordinance, will set the need for CPIO districts and determine the location, number, or intensity of development in such districts.

[5] Appellant requests that we take judicial notice of a proposed South Robertson Boulevard CPIO. We decline to do so because the draft proposal is not part of the administrative record and is irrelevant to the issue before us. As we have explained, deviations from LAMC in a CPIO district are caused not by the CPIO ordinance, but by the community plan for the area. Notably, appellant says nothing about the relevant community plan that necessitates the creation of a South Robertson Boulevard CPIO.

no evidence that the adjustment provision for specific plans has resulted in bonuses to developers, and cannot conclude that this adjustment provision is reasonably likely to have such an effect. Additionally, the CPIO ordinance requires that each CPIO district list those development regulations that are not eligible for an adjustment. (CPIO ord., § 13.14(G)(3)(a).) Thus, it is not reasonably foreseeable that the adjustment provision will measurably increase development in any CPIO district beyond that allowed by the community plan for the area.

In sum, the change in land use policy and the cumulative environmental impacts appellant attributes to the CPIO ordinance stem from the 2001 General Plan Framework, whose significance appellant does not properly acknowledge. Additionally, appellant downplays the fact that the CPIO ordinance can only be used to implement the community plans. Any incremental effect on the environment not considered in the program EIR for the General Plan Framework will be subject to review during the community plan updates. On the other hand, specific proposed CPIO districts will undergo CEQA review when their locations and impact on the environment are known. Since the CPIO ordinance does not itself set any land use policy or regulation, or determine the need for, location and number of CPIO districts, it does not have any reasonably foreseeable effect on the environment. It is therefore not a project.

IV

Appellant argues that the CPIO ordinance is part of a zoning code overhaul that the city improperly segmented to avoid programmatic environmental review. Separate activities are considered one CEQA project and should be reviewed together "where, for example, the second activity is a reasonably foreseeable consequence of the first activity [citation]; the second activity is a future expansion of the first activity that will change the scope of the first activity's impacts [citation]; or both activities are integral parts of the same project [citation]. [¶] However, where the second activity is independent of, and not a contemplated future part of, the first activity, the two activities may be reviewed separately, even though they may be similar in nature. [Citation.]" (*Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 698–699.) The record

does not support the conclusion that the CPIO ordinance is part of an ongoing zoning code overhaul.

Appellant suggests the CPIO ordinance should be reviewed together with two other zoning tools, a ground floor commercial tool and a pedestrian design tool, that were proposed at the same time and intended "to meet the implementation needs of our new community plans." Only the CPIO ordinance was adopted, and the record does not make clear whether the other proposed tools are still being considered, or what their relationship is to the community plans or the CPIO ordinance. Thus, we cannot determine that they are all integral parts of the same project (the update of the community plans), or that in combination they will change the scope of community plan updates set forth in the General Plan Framework.

Appellant also points to the revision of several LAMC provisions, referenced as the core findings ordinance and the open space and setback standards ordinance. There is no evidence that these revisions are connected to the CPIO ordinance. If it has no foreseeable impact on the environment, the CPIO ordinance cannot contribute to the cumulative impacts of any zoning code overhaul, even if it existed. (See *Sierra Club v. West Side Irrigation Dist.*, *supra*, 128 Cal.App.4th at p. 702.) Appellant incorrectly assumes that the CPIO ordinance itself will affect open space and setback requirements. Similarly, appellant assumes that the CPIO ordinance will spur additional growth that should be considered together with the perceived liberalization of required findings under other LAMC provisions. As we explained, the CPIO ordinance itself does not promote any particular change to LAMC requirements and does not spur any growth that is not already envisioned in a community plan. Thus, appellant's complaints about other revisions of LAMC cannot be subsumed into its challenge to the CPIO ordinance.

DISPOSITION

The judgment is affirmed. Respondent is entitled to its costs on appeal.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.