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Craig Lawson & Co., LLC
Land Use Consultants

July 12, 2011

Honorable Ed P. Reyes
Chair, Planning and Land Use Management Committee
Councilmember, First District
City Hall, Room 410
200 North Spring Street
Los Angeles, California 90012

Date: 7/12/11
Submitted in PLUM Committee
Council File No: 11-1140
Item No.: 1
Deputy: PUBLIC

Re: **Council File: 11-1140**
Item #1 – Multiple Entitlements and Entitlement Expirations
CPC-2010-1495-CA
CPC 2010-1496-ND
Hearing Date: July 12, 2011

Dear Chairman Reyes and Members of the Committee,

I am writing on behalf of Craig Lawson & Co., LLC, a land use consulting firm in Los Angeles. We have reviewed the proposed Code amendments outlined in the Staff Report for the above-referenced case, and we enthusiastically support your staff's efforts to streamline and clarify the appeal process for projects with multiple entitlements, and to address issues relating to expirations of approved entitlements. These proposed changes will positively impact many of the projects we process while at the same time bringing clarity regarding the appeal process, which will benefit the community.

As you know, the economic downturn began in 2008 and three years later we are just now starting to see signs of an economic recovery. Many of the projects that your Commission approved in 2008 and 2009, including several significant mixed-use and transit-oriented development projects, were granted entitlements that expire after three years. Thus, while many of these projects are now being revived and restarted, the applicants are facing the imminent expiration of their entitlements. The proposed ordinance which is before you today, would grant additional time for the utilization of entitlements, which is critical in order to get these projects started, and bring new jobs and economic benefits to the City of Los Angeles.

After reviewing the Staff Report and the proposed Ordinance in detail, we have the following detailed comments for your consideration:

1. Page A-4, Section 6.J.2 discusses exceptions to the time limits offered for conditionally approved uses which could be defined as benefiting the public, such as schools, houses of worships, and hospitals. It seems clear that the policy behind this language is to protect approvals granted for these public benefit uses. What is not clear is why the protections are only applicable to approvals granted under LAMC Section 12.24 (Conditional Use). Consequently, we suggest that this provision be moved to LAMC Section 12.25 (Extension and Suspension of


Time Limitations) which would allow it to apply to these important uses which may have been approved under something other than a Conditional Use.

2. Pages A-5 and A-6, Section 12.25.C discusses tolling the effective periods of approvals if they are required to gain approval from some other governmental agency or entity. This is a very important amendment, but we question why the proposed Ordinance only addresses approvals by the California Coastal Commission. There are other entities besides the California Coastal Commission which have approval authority impacting the City's approval timelines, such as the Community Redevelopment Agency. Consequently, we suggest that this language be expanded to include other governmental entities whose approvals are required before a building permit can be processed.
3. Pages A-12, A-13 and A-14, Sections 12.36.D.3 (a) and D.4 (a) discuss the bundling and direction of certain types of approvals. The second sentence of each of these sections would require that "all of" the appealed decisions of the Zoning Administrator or the Director, as the initial decision maker, go to City Planning Commission or City Council on appeal, "as appropriate." However, this proposed provision either would eliminate a level of appeal for the project approvals that would otherwise go to the APC or CPC on appeal first (before they go to directly City Council) or would add a level of appeal to actions that would otherwise go only and directly to City Council on appeal. For example, a project approval may include a Zone Variance along with a "Q" Condition Clarification. The proposed language, as drafted, would eliminate one level of appeal for the Zone Variance action or would add one level of appeal to the "Q" Condition Clarification. We do not believe it is the intent of this proposed provision to add or eliminate a level of appeal to an existing entitlement process. Furthermore, the "as appropriate" language is too open-ended, and can be interpreted in various ways. Therefore, we suggest further clarification of this language.

While we believe these issues are important, we also believe they can be addressed as these Code Amendments move forward to the City Council. Consequently, we urge you to recommend approval of the proposed Ordinance and direct staff to address the items raised above.

Thank you for your consideration of this letter. Please feel free to contact me if you have any questions at (310) 838-2400 x 101 or at jim@craiglawson.com.

Sincerely,



Jim Ries
Vice President