



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 19 - 0 3 5 4
OCT 2 5 2019

REPORT RE:

**DRAFT ORDINANCE AMENDING THE CORNFIELD ARROYO SECO
SPECIFIC PLAN, ORDINANCE NO. 182617, TO ELIMINATE THE
FIVE-YEAR TIME LIMIT FROM SECTION 2.1.G.1.C.**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 13-0078-S1

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance amending the Cornfield Arroyo Seco Specific Plan to eliminate the five-year time limit of the Affordable Housing Bonus Option Strategy B.

Background and Summary of Ordinance Provisions

On June 28, 2013, the City Council adopted Ordinance No. 182617, otherwise known as the Cornfield Arroyo Specific Plan (CASP), which became effective August 14, 2013. Among other things, the CASP includes incentives for the production of affordable housing within the plan boundaries. One of these incentives, the Affordable Housing Bonus Option Strategy B (Strategy B), allows for increases of total Floor Area Ratio for residential purposes when a project meets certain affordable housing requirements. The Strategy B incentive contained a sunset date of five years

from adoption of the plan, after which the Floor Area Ratio bonus allowed by Strategy B would be reduced by half.

On June 23, 2018, the City Council adopted a Motion instructing the Department of City Planning (Department) to prepare an amendment to the CASP, eliminating the five-year sunset period of Strategy B set to expire on June 28, 2018. At its meeting on January 10, 2019, the City Planning Commission (CPC) considered a report and proposed amendment by the Department. The proposed amendment removed the five-year sunset period of Strategy B, thus reinstating the now-expired incentive originally adopted in 2013. Upon consideration of the Department's report, CPC approved and recommended the draft ordinance and transmitted the report for City Council review.

On September 17, 2019, the Planning and Land Use Management (PLUM) Committee considered the report from CPC. The PLUM Committee requested the City Attorney to prepare and present an ordinance amending Strategy B.

The enclosed draft ordinance incorporates the requested amendment to Strategy B. Specifically, the ordinance eliminates the five-year time limit to Strategy B, contained in a footnote to the "Bonus Square Footage Table" of Section 2.1 G.1.c of the CASP. City Council approval of the draft ordinance would eliminate this five-year time limit and reinstate the original incentive without any additional time limits.

Charter Findings Required

Charter Section 558(b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same action; namely, whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. The City Council can either adopt the CPC's findings and recommendations as set forth in the CPC's Transmittal Report or make its own.

California Environmental Quality Act (CEQA) Determination

The CPC recommends that the City Council find, based on its independent judgment, and after consideration of the whole of the administrative record, that the Project is within the scope of the Program EIR No. ENV-2009-599-EIR ("Program EIR"); and pursuant to CEQA Guidelines 15162 and 15168, the environmental effects of the Project were covered in the Program EIR, no new environmental effects identified in the Program EIR will occur, no new mitigation is required, and the City has incorporated all feasible mitigation measures from the Program EIR on the Project.

If the City Council concurs, it should adopt these findings prior to or concurrent with its action on the ordinance.

Council Rule 38 Referral

Pursuant to Council Rule 38, a copy of the draft ordinance was sent to the Department of Building and Safety with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Oscar Medellin at (213) 978-8068. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:OM:amg
Transmittal