

## Communication from Public

**Name:** La Mirada Avenue Neighborhood Association of Hollywood  
**Date Submitted:** 09/17/2019 10:46 AM  
**Council File No:** 13-1482-S3  
**Comments for Public Posting:** Please see attached for posting today. THIS IS PART 1 OF 7.

# THE SILVERSTEIN LAW FIRM

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September 16, 2019

**VIA EMAIL**

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Planning and Land Use Management  
Committee

Los Angeles City Council  
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**VIA EMAIL [bmccoy@crala.org](mailto:bmccoy@crala.org)**

Barron McCoy, Chief Operating Officer  
CRA/LA, a Designated Local Authority  
448 South Hill Street, Suite 1200  
Los Angeles, CA 90013

Re: Objections re: Proposed Transfer of CRA/LA Land Use Plans and  
Functions; Council File No. 13-1482-S3; Agenda Item No. 15

Honorable PLUM Committee Members and CRA/LA:

This firm and the undersigned represent the La Mirada Avenue Neighborhood Association of Hollywood (“La Mirada”). In addition to our August 27, 2019 objection letter, we submit the following further objections regarding the City’s proposed Transfer Resolution and Ordinance related to assuming CRA/LA land use plans and functions throughout the City’s 19 unexpired redevelopment plan areas (the “Project”). These comments further extend and support the testimony and written evidence submitted by La Mirada’s representative, Doug Haines, at the PLUM Committee meeting on August 27, 2019.

**I. THE PROJECT WILL FORESEEABLY TRIGGER SIGNIFICANT ENVIRONMENTAL IMPACTS BECAUSE IT SETS THE STAGE FOR THE CITY APPROVING PROJECTS THAT EXCEED THE DENSITY LIMITS OF THE CITY'S REDEVELOPMENT PLANS.**

The City states in multiple ways that it does not intend to change the CRA/LA's interpretations of the Redevelopment Plans of the City. However, in numerous ways outlined herein, the Project is a thinly-veiled effort to reverse CRA/LA's existing practice of disallowing density increases sought pursuant to the City's Transit Oriented Communities Affordable Housing Exemption program ("TOC").<sup>1</sup> The TOC program purports to authorize housing projects to exceed the residential unit density limits in certain redevelopment project areas. The City's refusal to disclose or acknowledge its intention to re-interpret the City's Redevelopment Plans to allow purported ministerial residential unit density increases of 50% to 80% results in an inaccurate Project description. This omission appears *intended to mislead the public* about the reasonably foreseeable direct and/or indirect environmental consequences of the Project.

CEQA forbids piecemeal review of the significant environmental impacts of a project. Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 283-284; Arviv Enterprises, Inc. v. South Valley Area Planning Com. (2002) 101 Cal.App.4th 1333, 1340. CEQA mandates "that environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences." Bozung, 13 Cal.3d at 283-284. Thus, the term "project" as used for CEQA purposes is broadly defined as "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.* . . ." Guidelines § 15378(a) (Emphasis added.)

A complete and accurate project description is the foundation for proper review of a negative declaration. A negative declaration is inappropriate where an agency has failed to provide an accurate project description or to gather information and undertake an adequate environmental analysis. Sundstrom v. County of Mendocino (1988) 202

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<sup>1</sup> The TOC program was enacted following the approval of Measure JJJ which codified LAMC § 12.22-A.31. The Director of Planning published TOC Guidelines that purport to allow ministerial residential unit density increases ranging from 50% to 80% for housing developments within a half-mile radius of certain transit facilities. The TOC Guidelines are attached as **Exhibit 1**.

Cal.App.3d 296, 311; Christward Ministry v. Superior Court (1986) 184 Cal.App.3d 180, 186. An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action. Silveira v. Las Gallinas Valley Sanitary Dist. (1997) 54 Cal.App.4th 980, 990. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal ... and weigh other alternatives in the balance." County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193. Failure to accurately disclose the scope of a project which precludes relevant information from being presented to the public may constitute a prejudicial abuse of discretion regardless of whether a different outcome would have resulted if the public agency had complied with CEQA's information disclosure requirements. Public Resources Code § 21005(a).

Here, the Project's legislative history demonstrates that it is intended to allow the City to jettison the CRA/LA's interpretation that currently disallows TOC residential unit density increases exceeding the density limits set forth expressly in the City's Redevelopment Plans. The City Council first considered adopting a resolution requesting transfer of CRA/LA land use plans and functions in 2014. The City Planning Commission heard and recommended adoption of the 2014 Transfer Resolution. (**Exhibit 2.**) However, thereafter, the City Council showed little interest in adopting the 2014 Transfer Resolution, and it gathered dust for over four years.

Then, the CRA/LA issued an interpretation of TOC projects in Redevelopment Plan areas in a June 27, 2018 memorandum. (**Exhibit 3.**) The CRA/LA TOC memorandum impaired the desires of developers who wished to use the Planning Director's TOC Guidelines to wildly boost the residential unit density of their projects. Suddenly, the City Council became very interested in transferring authority over Redevelopment Plans from the CRA/LA to the City.

On October 30, 2018, Councilmember Mitch O'Farrell (who represents much of Hollywood) initiated a Council motion that *explicitly cites* impediments to 25 TOC projects as impetus to direct the Planning Department to prepare a new Transfer Resolution and Ordinance. (**Exhibit 4.**) The motion states that "the City needs to collaborate with the CRA/LA to determine what actions, if any, can be taken to resolve the impact of the CRA/LA June 27, 2018 Memorandum." In response to this motion, on April 4, 2019, the Planning Department submitted a report to the Planning and Land Use Management Committee noting that 16 proposed TOC developments within the Hollywood and North Hollywood Project Areas remain subject to the density limits of the respective redevelopment plans. (**Exhibit 5.**)

The differences between the 2014 Transfer Resolution which the City Planning Commission recommended for approval, and the current Project's Transfer Resolution, speak volumes about the purpose of the transfer of land use plan and function authority. The 2014 Resolution requested the transfer of "all land use related plans, records, covenants and functions," and further resolved that the Planning Department "***shall implement the existing land use provisions of the redevelopment plans.***" (Exhibit 6.)

In contrast, the Project's proposed Transfer Resolution reveals an intention to "interpret" the redevelopment plans to resolve the TOC density conflict by overriding the Redevelopment Plan limits. The proposed Transfer Resolution provides that "Nothing herein shall be construed to prohibit the City, following the effective date of this Resolution, from [...] Promulgating administrative guidelines to ***interpret*** and implement the Land Use Provisions." (Exhibit 7.) And the proposed Ordinance mirrors the Transfer Resolution language. It says: "Nothing herein shall be construed to prohibit the Director or the Director's designee from promulgating administrative guidelines to ***interpret*** and implement the Redevelopment Regulations." (Exhibit 8.)

The staff report prepared for the City Planning Commission unmistakably indicates that the Project's Transfer Resolution is intended to allow the City to re-interpret the density limitations in the Redevelopment Plans. In one section of the staff report highlighting "alignment with State and local laws," the staff report explicitly makes this case:

*In recent years, the State legislature passed numerous laws with the intent of streamlining and facilitating housing production during California's housing crisis. Similarly, in a ballot measure approved by the City of Los Angeles voters, Measure JJJ was passed to increase housing opportunities for lower income households and authorized the City to develop an affordable housing incentive program (the Transit Oriented Communities (TOC) Affordable Housing Incentive Program).*

*While both the State and City have passed new legislation to encourage affordable housing production, some Redevelopment Plans may have outdated language which is not aligned with current policy goals. On June 27, 2018, an advisory memo was released by the CRA/LA-DLA discussing a potential conflict of the Redevelopment Plans with local law. Transfer of land use*

**authority from CRA/LA-DLA to the City will allow the City to holistically analyze and interpret the goal/intent of the unexpired Redevelopment Plans and determine steps necessary to maintain consistency with State and local laws.**<sup>2</sup> (Exhibit 9; page A-8; emphasis added).

In one sentence, the staff report states that the City adopted the TOC program to stimulate housing development. In the next sentence, the staff report states that certain Redevelopment Plans have become “outdated” due to changes in local law. To maintain plausible deniability, the staff report obliquely refers to a June 27, 2018 CRA/LA memorandum identifying a “potential” conflict with an un-specified “local law” – while failing to state that it was the Planning Director’s *TOC guidelines* found by CRA/LA to *actually* conflict with the Redevelopment Plans. The last sentence lays bare a central purpose of the Project: to re-interpret the Redevelopment Plans to allow so-called ministerial TOC density increases to proceed in violation of adopted residential unit density limits.

The City initially prepared a Notice of Exemption for the Project, before publishing a Negative Declaration in response to strenuous objections regarding historic preservation, affordable housing and removal of density controls. (Exhibit 10.) If the staff report left any doubt about the City’s intended actions following the transfer of authority, the Negative Declaration is even more clear. While addressing growth inducing impacts, the Negative Declaration states:

*Although speculative at this point in time, should the City take a future discretionary action that would allow the TOC program to be implemented in parts or all of the Redevelopment Plan areas, in a way, that is inconsistent with CRA/LA-DLA’s existing practice for the identified Redevelopment Project Areas with density limitations; [sic] creating greater housing opportunity and a more dense environment, the outcome would be consistent with the*

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<sup>2</sup> Numerous objection letters including our August 27, 2019 letter note that the Dissolution Law prohibits any successor agency from engaging in redevelopment activities, which includes amending the redevelopment plans. The City’s assumption of the administration of the 19 unexpired Redevelopment Plans includes no more authority than that of the successor agency. Yet through the Project, the City is effectively amending the plain language of the redevelopment plans.

*State and Citywide housing policy goals to support more housing production during California's housing crisis. **If applied to the specific Redevelopment Project Areas identified in the June 27, 2018, CRA/LA-DLA memorandum, the TOC program would generally be compatible with the Framework Element and SCAGs RTP/SCS and their policies and goals for putting housing and density in areas in proximity to transit stations and along transit corridors. However, the proposed Project is not currently proposing to make inconsistent interpretations regarding the applicability of the TOC program in the identified Redevelopment Projects Areas with density limitations and it is not reasonably foreseeable at this time that the TOC program within the Project Area would differ upon Project approval. (Exhibit 11 at page 72-73; emphasis added.)***

However, while addressing land use consistency impacts, the Negative Declaration provides:

*The City's local plans, policies and some of the recent state legislation addressing the California housing crisis may conflict with the CRA/LA-DLA's unexpired Redevelopment Plans particularly plans with density limitations in certain Redevelopment Project Areas. While the proposed Project does not do anything to modify the Redevelopment Plan density limitations either through direct intervention, or interpretations of the Redevelopment Regulations, the proposed Project will provide the City the ability to further review and determine the steps necessary to create consistency between the Redevelopment Plans and City and State legislation. (Page 66-67; emphasis added.)*

The source of the conflict between TOC and the redevelopment plans is the distinction between a property's *use* and the *density* at which the property is developed. The City has made unlawful claims that residential unit density is a component of use,<sup>3</sup>

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<sup>3</sup> The City's interpretation violates fundamental principles of statutory construction. "Use" regulations are codified within Subsection "A" of each respective Zoning Code Section, whereas "Area" regulations (including density) are codified within Subsection "C" of each Section. To illustrate the City's suspect rationale, LAMC § 12.22-A.18(a) –

whereas the CRA/LA has interpreted residential unit density to be separate and distinct from use. According to an email to CRA/LA staff from Barron McCoy, Chief Operating Officer of the CRA/LA, the TOC interpretation was based on the conclusion that a CRA/LA Governing Board Resolution dated June 21, 2012 “***only relates to “permitted uses” and not items such as density.***” (Exhibit 13; emphasis added.) The Board Resolution provides in part:

*For purposes of determining whether **land uses** proposed in development applications for any property located in the Project Areas are permitted uses, it is hereby determined that any **land uses** permitted for such property by the applicable provisions of the City of Los Angeles General Plan, Community Plan and Zoning Ordinance, all as they now exist or are hereafter amended or supplanted from time to time, shall be permitted **land uses** for all purposes under the applicable Redevelopment Plan. (Exhibit 14; emphasis added.)*

Based on CRA/LA’s carefully drawn and lawful distinction between *use* and *density*, the Redevelopment Plan incorporates the permitted *uses* of the General Plan Community Plan and Zoning Ordinance. However, the residential unit *density* limits of the Redevelopment Plans – having the authority of state law – remain intact and are not superseded by the TOC Guidelines promulgated by the City Planning Director, which is a local density bonus program. In the case of the Hollywood Redevelopment Plan, the basis for the CRA/LA’s interpretation lies in Section 502, which provides:

*Notwithstanding anything to the contrary in this Plan, **the land uses** permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and **any applicable City zoning ordinance**, all as they now exist or are hereafter amended and/or supplemented from time to time. (Emphasis added.)*

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which is codified within Subsection A governing exceptions to “Use” – provides that “R5 uses” shall be permitted in commercial zones within Regional Center designations. The City maintains that this *use* exception also allows the R5 *density* of one unit per 200 square feet of lot area – which is codified within Subsection C governing “Area” regulations. An excerpt of the LADBS Zoning Manual is attached at **Exhibit 12**.



The plain text of Section 502 automatically permits *only the land uses* of the underlying zoning ordinance. For example, permitted uses in the R4 Zone would include childcare facilities and dormitories, and permitted uses in the R5 Zone would include hospitals and private clubs in addition to R4 uses. The City's intended interpretation, however, would disregard fundamental principles of zoning law and statutory construction to equate *land use* with *density*.<sup>4,5</sup>

Far from an exercise in speculation, this interpretation has already been advanced by a development applicant and accepted by the City Council in at least one prominent case. In City Planning Case CPC-2013-521-DB-SPR, land use appellant Hollywood Heritage, Inc. argued that the proposed R5 density exceeded the density permitted by the Hollywood Redevelopment Plan after accounting for a 35% density bonus permitted by SB 1818. In response, the applicant's counsel referenced the CRA/LA's June 2012 Board Resolution and asserted that:

*Section 502 of the Redevelopment Plan provides that the "land uses permitted in the [Redevelopment] Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplemented from time to time." As such, there is no conflict between the use of R5 Zone density and the Redevelopment Plan because the Project is consistent with the General Plan, Community Plan and applicable City zoning ordinances. (Exhibit 16.)*

The appeal report prepared by Planning Department staff reiterated this response, and the City Council denied the appeal. The City, therefore, approved a major project in

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<sup>4</sup> Not only is this interpretation fatally flawed, it cannot be the basis to permit the purported density increases from the Planning Director's TOC guidelines which are not a Zoning ordinance.

<sup>5</sup> This unlawful re-interpretation of the density limits of the Redevelopment Plan, if approved, will add to the mounting legal challenges facing the TOC program. The Planning Director's TOC Guidelines are already subject to litigation alleging that they exceed the terms approved by voters in Measure JJJ and constitute an unlawful general plan amendment requiring legislative approval. Fix the City, Inc. v. City of Los Angeles, et al. (LASC Case No. 19STCP03740) (Exhibit 15).

reliance on the very interpretation that would purport to allow the City to apply by-right TOC density increases to override the duly enacted residential unit density limits of the Hollywood Redevelopment Plan.<sup>6</sup>

No speculation is needed to identify which “interpretations” the City intends to pursue after the transfer. The evidence is in plain sight – explicitly stated in a City Council motion, the staff report and the Negative Declaration. Therefore, the Notice of Exemption and Negative Declaration are fatally defective as a matter of law because they fail to identify the scope of the interpretations that are contemplated upon transfer of land use authority and functions, with the intention of masking the Project’s reasonably foreseeable environmental impacts from public scrutiny, and avoiding proper CEQA review, mitigation of impacts, and government accountability.

**II. THE PROJECT’S INTENDED DENSITY INCREASES WILL REASONABLY LEAD TO SIGNIFICANT ENVIORNMENTAL IMPACTS, REQUIRING PREPARATION OF AN EIR BEFORE ANY FURTHER CONSIDERATION OF THE PROJECT.**

The scale of ministerial residential unit density increases permitted by the stealth up-zoning of the City Planning Director’s TOC Guidelines is profound. The majority of the Hollywood Redevelopment Project Area is within Tier 3, claiming to permit a 70% by-right density increase with no discretionary or environmental review. (**Exhibit 17.**) The Project would be the proximate cause of new and massive densification in the Project Area that would otherwise not occur under the CRA/LA’s lawful interpretation of the density limit.

Following a 70% increase in by-right density, the Project Area will undoubtedly experience surges in construction near populations sensitive to noise and air quality, displacement of existing low-income tenants, and ever-worsening congestion, including new and worsened impacts related to traffic and public services. The effectiveness of fire and police responses would be further compromised.

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<sup>6</sup> Should the City adopt this interpretation, any entitlements and building permits relying on TOC to exceed the residential unit density limits of the Hollywood Redevelopment Plan would be subject to challenge. Section 505 of the Hollywood Redevelopment Plan establishes objective and mandatory residential unit density limits independent of the density permitted by the City’s Community Plan and Zoning Ordinance.

Exacerbating the impacts of new development, the Project will inevitably lead to increases of permitted residential unit density while jettisoning CRA/LA's obligations for transportation mitigation, affordable housing development and historic resource preservation. Nor does the Project propose additional recreational services or plan for future public services to maintain adequate fire or police response times.

The environmental impacts resulting from the intended density increases are not speculative – in fact, *the City has already analyzed comparable impacts in the Draft Environmental Impact Report for the Hollywood Community Plan Update*. The Draft Environmental Impact Report (“DEIR”) acknowledges that the Community Plan Update (“CPU”) would result in a population increase of between 17,000 and 21,000 compared to the continuation of the existing plan. (**Exhibit 18**, pages 4.13-15.) The City based its estimate on SCAG RTP/SCS models which account for the permitted residential unit density within each land use designation.

The DEIR concluded that the CPU would result in potentially significant impacts to aesthetics, air quality, cultural resources, noise, public services and transportation. (**Exhibit 19**, pages 2.8 -46.) If the relatively limited up-zoning of the Community Plan update would result in a population increase measured in the tens of thousands and numerous potentially significant impacts, the significant impacts of the Project's ministerial density increases across Hollywood would be staggering.

The City can identify the scope of environmental consequences with reasonable certainty at this stage of Project approval. With relative ease, the City can apply the same SCAG RTP/SCS model to estimate the Project's community-wide population increases and evaluate resulting environmental impacts. It is appropriate to consider the environmental consequences of such a massive effective up-zoning now, because many future developments promoted or enabled by the Project would not themselves trigger further discretionary and environmental review. The Negative Declaration, by emphatically denying that the Project *itself* proposes no changes to the density interpretation, serves only to mislead the public.

### **III. THE PROJECT SCOPE MUST INCLUDE PROPOSED DEVELOPMENTS UTILIZING A CONDITIONAL USE PERMIT FOR DENSITY INCREASES OVER 35 PERCENT.**

Following the CRA/LA memorandum regarding TOC density increases in certain Redevelopment Project Areas, the City Planning Department issued an Advisory

Memorandum on January 9, 2019. The Advisory Memo counsels applicants that projects exceeding the density limits in Redevelopment Plans may be eligible for a Conditional Use Permit pursuant to LAMC § 12.24 U.26, which authorizes an increase in density greater than 35 percent. The City Planning Department is currently processing at least three Conditional Use Permit requests to exceed the density limits of the Redevelopment Plans including 6650 Franklin Avenue (CPC-2017-1503-DB-CU-SPR), 5627 W. Fernwood Avenue (CPC-2018-DB-CU-SUP) and 5050 N. Bakman Avenue (CPC-2019-4953-DB-CU-PSH-SIP).<sup>7</sup>

This circumstance is analogous to the general plan amendment encountered in City of Redlands v. County of San Bernardino (2002) 96 Cal.App.4th 398. In that case, the City's Negative Declaration improperly failed to account for at least one potential future project and at least one project undergoing separate environmental review. Here, all developments utilizing the Conditional Use Permit must be analyzed as reasonably foreseeable consequences of the Project because the entitlement would no longer be required after Project approval. The Project must account for the reasonably foreseeable environmental impacts of the contemporaneous or future developments it enables, even if those developments will undergo separate CEQA review.

#### **IV. THE TRANSFER IS A "PROJECT" SUBJECT TO CEQA AND IS NOT CATEGORICALLY EXEMPT.**

The City's Notice of Exemption asserts that the transfer is not a "project" for CEQA purposes and is exempt from CEQA review. The City's analysis disregards its transparent intent to facilitate density increases, and violates the Supreme Court's recent instruction in Union of Medical Marijuana Patients, Inc. v. City of San Diego ("Medical Marijuana") \_\_\_ Cal.5th \_\_\_, Case No. S238563. In Medical Marijuana, the Supreme Court determined that the City of San Diego's generally applicable medical marijuana ordinance constituted a "project" under Public Resources Code Section 21080 and CEQA Guidelines Section 15378. The Court found that an activity constitutes a CEQA project:

*[I]f, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the*

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<sup>7</sup> Building Permits for these developments have not been issued. In addition to any challenge to the entitlements or environmental clearance for these projects, the City and CRA/LA would err and abuse their discretion by clearing and issuing building permits for these developments.

environment. This determination is made **without considering whether, under the specific circumstances in which the proposed activity will be carried out, these potential effects will actually occur.** Consistent with this standard, a “reasonably foreseeable” indirect physical change is one that the activity is capable, **at least in theory, of causing.** (Guidelines Section 15064, subd. (d)(3).)  
(Emphasis added)

In response to the City of San Diego’s response that the appellants’ claims of indirect physical changes in the environment were “speculative,” the Court found that it was not necessary to present a factual record that indirect physical changes would occur in fact:

Further, at this stage of the CEQA process virtually any postulated indirect environmental effect will be “speculative” in the legal sense – that is, unsupported by evidence in the record [citations omitted] – **because little or no factual record will have been developed.** A lack of support in the record, however, does not prevent an agency from considering a possible environmental effect at this initial stage of CEQA analysis. **Instead, such an effect may be rejected as speculative only if, as noted above, the postulated causal mechanism underlying its occurrence is tenuous.** (Emphasis added)

Here, the City asserts that the transfer does not constitute a “project” under CEQA pursuant to Guidelines § 15378(b)(5), which defines a “project” to exclude “Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” However, as set forth in the staff report and Negative Declaration, the transfer makes it possible for the City to consider future interpretations permitting TOC density in Redevelopment Project Areas – although the City strenuously denies that it has any intention of making an interpretation **at this time**. The City’s analysis is flawed in light of the Medical Marijuana decision because the transfer is capable “at least in theory” of resulting in significant by-right density increases. The City cannot hide behind the lack of evidence in the record because the causal mechanism is far from “tenuous” – the City’s own documents articulate its intention to make such an interpretation. In fact, in some cases, the interpretation has already been used.

Furthermore, the City asserts that the Project qualifies for Class 8 and Class 20 Categorical Exemptions pursuant to CEQA Guidelines §§ 15308 and 15320, respectively.

The Class 8 Categorical Exemption applies only to “actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment.” The Class 20 Categorical Exemption applies only to “changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised.”

The Project exceeds the scope of either of these exemptions. The Project goes far beyond mere “maintenance, restoration, enhancement or protection of the environment” and “reorganization” because transfer of land use functions implicates affordable housing policies, transportation mitigation plans and implementation of density and floor area controls in the Project Areas, among other environmental issues. Exemptions to CEQA are narrowly construed and exemption categories are not to be expanded beyond the reasonable scope of their statutory language. Mountain Lion Foundation v. Fish & Game Com. (1997) 16 Cal.4th 105, 125.

Therefore, the transfer constitutes a “project” under CEQA and the claimed Categorical Exemptions are improper.

**V. THE CITY’S PATTERN AND PRACTICE OF APPROVING  
CONDITIONAL USE PERMITS FOR DENSITY INCREASES OVER 35  
PERCENT VIOLATES DENSITY LIMITS IN REDEVELOPMENT  
PLANS.**

The City’s decision to create a Conditional Use allowing density increases greater than 35 percent is an *exercise of its police power as a charter city*<sup>8</sup> which cannot supersede density limits in Redevelopment Plans, which have the authority of state law. The language of California Government Code § 65915(n) regarding local ordinances allowing density increases greater than 35 percent is instructive. Section 65915(n) provides:

*If permitted by local ordinance, **nothing in this section** shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from*

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<sup>8</sup> California Constitution, Article XI, Section 5.

*granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section. (Emphasis added)*

The plain language of Section 65915(n) demonstrates that its functions are narrow and explicitly enumerated; it merely declares that if a local ordinance permits density increases over 35%, then **Section 65915** shall not be construed to prohibit the local ordinance from (1) granting density increases greater than 35 percent, provided the development meets the requirements of Section 65915; or (2) granting density increases less than 35 percent for developments that do not qualify for density increases pursuant to Section 65915. For example, Section 65915(n) provides that ***the remainder of Section 65915*** would not pre-empt a local ordinance permitting density increases where the base density is less than 5 dwelling units, or permitting density increases over 35 percent if additional affordable units are provided in excess of those required by Section 65915. Section 65915(n) does not support the proposition that projects utilizing local density bonus ordinances do not need to comply with otherwise-applicable state laws.

Therefore, the City's Conditional Use Permit process may not authorize increases in residential housing density in excess of the density permitted by the Redevelopment Plan. The City's pattern and practice of directing developers to submit such applications, accepting such applications when submitted, and approving such projects is unlawful as violating state established redevelopment plans. **CRA/LA's pattern and practice of clearing such permits, if it was doing so, is also unlawful and will subject the CRA/LA to litigation over its failure to enforce its plans.**

**VI. THE CITY MUST DISCLOSE AND ANALYZE THE ENVIRONMENTAL IMPACTS OF THE PROJECT'S PROFOUND DENSITY INCREASES AND CEASE APPROVING CONDITIONAL USE PERMITS.**

The Project violates not only the mandates of CEQA, but also foundational principles of democratic accountability and good governance. Instead of properly disclosing the intended scope of the Project consistent with the staff report, the Negative Declaration perpetrates a fraud on the public. Although the staff report and Negative Declaration lay the foundation to re-interpret the density limits in unmistakable terms, the Negative Declaration explicitly denies the obvious. It is a reasonably foreseeable – and *intended* – consequence of the Project that properties within the City's Redevelopment Plans, including but not limited to the Hollywood and North Hollywood Project Areas, will be purportedly authorized to have by-right increases in density ranging from 50% to 80% without further discretionary or environmental review. The result is a document that

obstructs the ability of the public to meaningfully comment on the environmental impacts that would result from the Project. The City must disclose the scope of the interpretations it is contemplating and the scope of environmental impacts that would result from such profound increases in purported by-right density.

In addition, the City's interim solution to the conflict between TOC and the Redevelopment Plans – approval of Conditional Use Permits pursuant to LAMC § 12.24-U.26 – violates state law. Neither the CRA/LA nor the City may approve building permit clearances for projects utilizing this authority to exceed density limits in Redevelopment Plans.

Very truly yours,

*/s/ Robert P. Silverstein*

ROBERT P. SILVERSTEIN

FOR

THE SILVERSTEIN LAW FIRM, APC

RPS:v1



# Exhibit 1

**DEPARTMENT OF  
CITY PLANNING**

**CITY PLANNING COMMISSION**

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**CASE NO. CPC-2017-1914-MS-C**

February 26, 2018

**TECHNICAL CLARIFICATIONS TO THE TRANSIT ORIENTED COMMUNITIES  
AFFORDABLE HOUSING INCENTIVE PROGRAM GUIDELINES (TOC GUIDELINES)**

The Transit Oriented Communities Affordable Housing Incentive Guidelines (TOC Guidelines) developed pursuant to Measure JJJ was released on September 22, 2017. Since that time, several technical clarifications have been identified. The Department has updated the TOC Guidelines to reflect these clarifications. All changes are listed in the Activity Log of the Guidelines.

If you have any questions, please do not hesitate to contact Matthew Glesne of the Department of City Planning at (213) 978-2666 or [matthew.glesne@lacity.org](mailto:matthew.glesne@lacity.org).

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

VBP:KJK:MG:CH:mn

Attachment: TOC Guidelines

# Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines)

Implementing Section 6 of Measure JJJ, approved by the voters in November 2016, and added  
to Los Angeles Municipal Code 12.22 A.31

Effective September 22, 2017  
Revised February 26, 2018

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## ACTIVITY LOG

### 1. February 16, 2018 Technical Clarifications (No Change to Policies)

<u>Section No.</u>	<u>Change</u>
III.3 Chart 1	Clarified applicability of Rapid Bus intersections to Tier 4
IV.1(a-d)	Added the word “or” between affordability percentages for clarity
VI.1(b)	Clarified allowable floor area ratio incentive
VII.1(a)(ii)1 and 2	Clarified applicability of yard incentive
VII.1(g)(4)	Revised formatting to clarify height exception

# Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines)

## I. SCOPE AND PURPOSE.

Pursuant to the voter-approved Measure JJJ, Los Angeles Municipal Code (LAMC) 12.22 A.31 was added to create the Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program). The Measure requires the Department of City Planning to create TOC Affordable Housing Incentive Program Guidelines (TOC Guidelines) for all Housing Developments located within a one-half mile radius of a Major Transit Stop.

These Guidelines provide the eligibility standards, incentives, and other necessary components of the TOC Program consistent with LAMC 12.22 A.31. In cases where Base or Additional Incentives are permitted, they shall be based off the otherwise allowable development standards for the property found in a zoning ordinance, Specific Plan, Community Plan Implementation Overlay (CPIO), overlay district, or other local condition, law, policy, resolution, or regulation (unless the TOC incentives have been amended per Section III.3). The Guidelines may be modified by the Director with recommendation by the City Planning Commission.

## II. DEFINITIONS

1. **Eligible Housing Development** is a Housing Development that includes On-Site Restricted Affordable Units at a rate that meets or exceeds the minimum requirements to satisfy the TOC Incentives and as set forth in Section IV of the Guidelines.
2. **Extremely Low-Income Households** is defined in Section 50106 of the California Health and Safety Code.
3. **Housing Development** is defined as the construction of five or more new residential dwelling units, the addition of five or more residential dwelling units to an existing building or buildings, the remodeling of a building or buildings containing five or more residential dwelling units, including a mixed use development containing residential dwelling units.
4. **Lower Income Households** is defined in Section 50079.5 of the California Health and Safety Code.
5. **On-Site Restricted Affordable Unit** shall mean a residential unit for which rental or mortgage amounts are restricted so as to be affordable to and occupied by Extremely Low, Very Low or Lower income households, as determined by the Housing and Community Investment Department.

6. **Major Transit Stop** is a site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP).
7. **Very Low-Income Households** is defined in Section 50105 of the California Health and Safety Code.

### III. TOC AFFORDABLE HOUSING INCENTIVE AREA

1. Each one-half mile radius (2,640 feet) around a Major Transit Stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code, and provided in Section II of these Guidelines, shall constitute a unique TOC Affordable Housing Incentive Area.
2. Each lot in a TOC Affordable Housing Incentive Area shall be determined to be in a specific Tier (1-4) based on the shortest distance between any point on the lot and a qualified Major Transit Stop, as shown in Chart 1 and Map 1 below. The applicant shall be responsible for providing documentation showing that the location qualifies as a Major Transit Stop and for providing a radius map showing the distance to the Major Transit Stop. Establishment of the appropriate Tier shall take place at the time an application is accepted and the Tier is verified by the City.
3. The TOC Incentives and the required percentages for On-Site Restricted Affordable Units may be adjusted for an individual TOC Affordable Housing Incentive Area through a Community Plan update, Transit Neighborhood Plan, or Specific Plan, provided that the required percentages to receive a development bonus for On-Site Restricted Affordable Units may not be reduced below the percentages set forth in LAMC Section 12.22 A.31(b)(1).

**Chart 1. TOC Affordable Housing Incentive Area Tiers**

Type of Major Transit Stop	Tier 1 (Low)	Tier 2 (Medium)	Tier 3 (High)	Tier 4 (Regional)
	<b>Distance to Major Transit Stop</b>			
<b>Two Regular Buses</b> (intersection of 2 non Rapid Bus* lines, each w/ at least 15 min. average peak headways)	750 - 2640 ft.	< 750 ft.	-	-
<b>Regular plus Rapid Bus*</b> (intersection of a Regular Bus and Rapid Bus line)	1500 – 2640 ft.	750 – <1500 ft.	< 750 ft.	-
<b>Two Rapid Buses*</b> (intersection of two Rapid Bus lines)	-	1500-2640 ft.	< 1500 ft.	-
<b>Metrolink Rail Stations</b>	1500 – 2640 ft.	750 – <1500 ft.	< 750 ft.	-
<b>Metro Rail Stations</b>	-	-	≤ 2640 ft.	< 750 ft. from intersection with another rail line or a Rapid Bus*

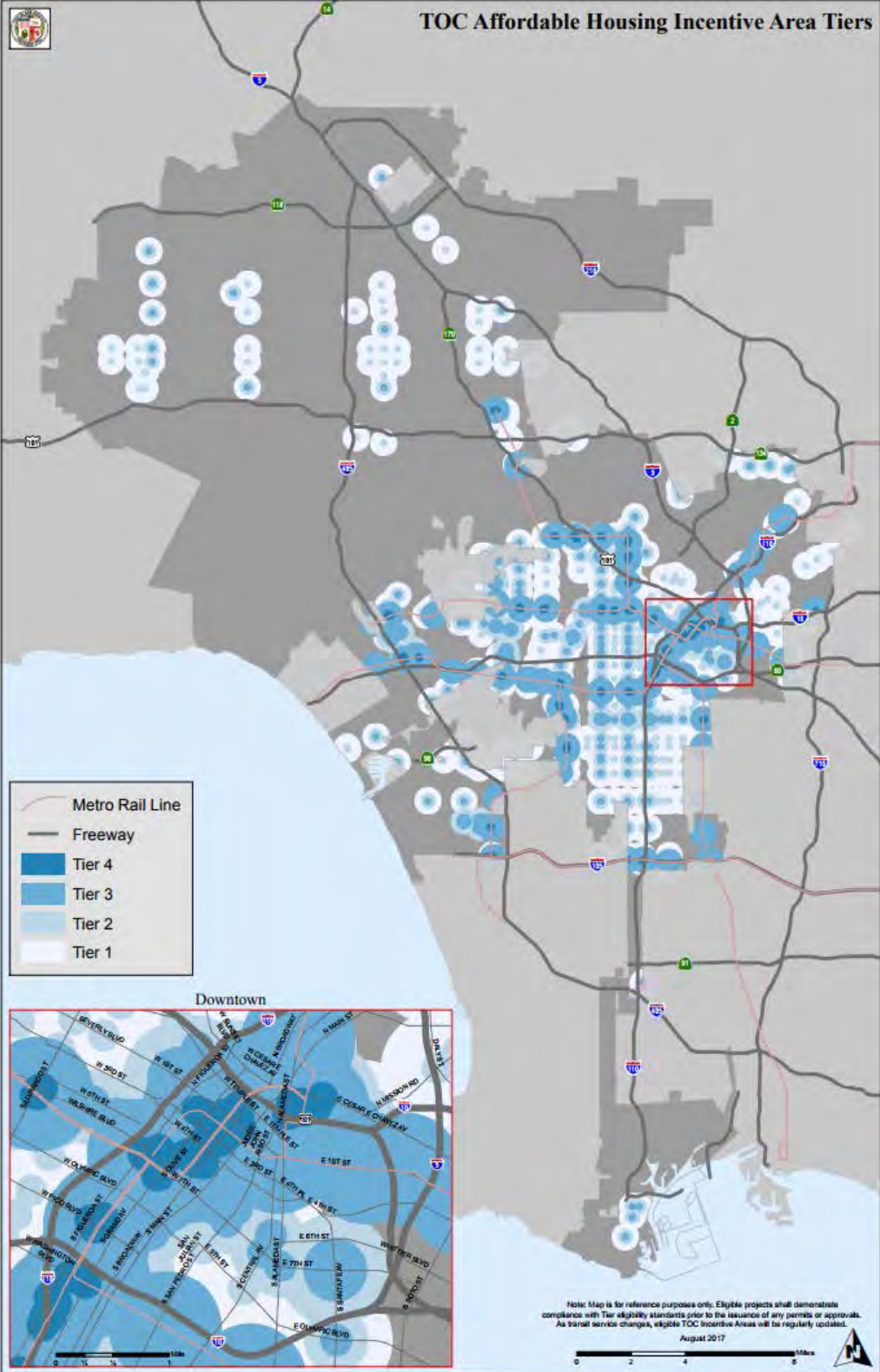
**Notes:**

To be an eligible TOC Housing Development, the project must meet the Eligibility criteria in Section IV, including being located within one-half mile of a Major Transit Stop. In the case of bus stops, this always requires an intersection of two bus routes. An intersection of two bus lines is defined as the midpoint of the street intersection where two or more eligible bus routes meet or cross, and passengers have the direct ability to transfer on foot. This does not include bus routes that travel along the same street. For Tier 4, an intersection between a rail station and an eligible Rapid Bus line is defined as either the rail station entrance(s) or the Rapid Bus stop when the bus stop is within 660 feet of a rail station entrance and can be accessed by foot.

Distance is measured from the closest point on any lot to the entrance(s) of a rail transit station (including elevators and stairways), or the middle of the street intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. Please see Appendix A for additional information on how to calculate the 15 minute service interval. In the case of a Tier 4 Major Transit Stop, the distance will be measured from the closest point on any lot to the closer of either the entrance of the rail transit station or the bus stop. If no entrance information is known for a station that is under construction, then the distance will be measured from the center of the platform of the station.

\*Rapid Bus is a higher quality bus service that may include several key attributes, including dedicated bus lanes, branded vehicles and stations, high frequency, limited stops at major intersections, intelligent transportation systems, and possible off-board fare collection and/or all door boarding. It includes, but is not limited to, Metro Bus Rapid Transit lines, Metro Rapid 700 lines, Metro Orange and Silver Lines, Big Blue Rapid lines and the Rapid 6 Culver City bus.

Map 1. TOC Affordable Housing Incentive Area Tiers



Note: Map is for reference purposes only. Please see the ZIMAS online mapping system for parcel level Tier information. However, confirmation of the correct Tier shall take place at the time a TOC application is accepted by the Department of City Planning. As transit service changes, eligible TOC Incentive Areas may be modified.



- IV. ELIGIBILITY.** A Housing Development located within a TOC Affordable Housing Incentive Area shall be eligible for TOC Incentives if it meets all of the following requirements:
1. **On-Site Restricted Affordable Units.** In each Tier, a Housing Development shall provide On-Site Restricted Affordable Units at a rate of at least the minimum percentages described below. The minimum number of On-Site Restricted Affordable Units shall be calculated based upon the total number of units in the final project.
    - a. Tier 1 - 8% of the total number of dwelling units shall be affordable to Extremely Low Income (ELI) income households, or 11% of the total number of dwelling units shall be affordable to Very Low (VL) income households, or 20% of the total number of dwelling units shall be affordable to Lower Income households.
    - b. Tier 2 - 9% ELI, or 12% VL or 21% Lower.
    - c. Tier 3 - 10% ELI, or 14% VL or 23% Lower.
    - d. Tier 4 - 11% ELI, or 15% VL or 25% Lower.
  2. **Major Transit Stop.** A Housing Development shall be located on a lot, any portion of which must be located within 2,640 feet of a Major Transit Stop, as defined in Section II of these Guidelines according to the procedures in Section III.2 above.
  3. **Housing Replacement.** A Housing Development must meet any applicable housing replacement requirements of California Government Code Section 65915(c)(3), as verified by the Department of Housing and Community Investment (HCIDLA) prior to the issuance of any building permit. Replacement housing units required per this section may also count towards other On-Site Restricted Affordable Units requirements.
  4. **Other Density or Development Bonus Provisions.** A Housing Development shall not seek and receive a density or development bonus under the provisions of California Government Code Section 65915 (state Density Bonus law) or any other State or local program that provides development bonuses. This includes any development bonus or other incentive granting additional residential units or floor area provided through a General Plan Amendment, Zone Change, Height District Change, or any affordable housing development bonus in a Transit Neighborhood Plan, Community Plan Implementation Overlay (CPIO), Specific Plan, or overlay district.
  5. **Base Incentives and Additional Incentives.** All Eligible Housing Developments are eligible to receive the Base Incentives listed in Section VI. Up to three Additional Incentives listed in Section VII may be granted based upon the affordability requirements described below. For the purposes of this section below “base units” refers to the maximum allowable density allowed by the zoning, prior to any density increase provided through these Guidelines. The affordable housing units required per this section may also count towards the On-Site Restricted Affordable Units requirement in Section IV.1 above (except Moderate Income units).

- a. One Additional Incentive may be granted for projects that include at least 4% of the base units for Extremely Low Income Households, at least 5% of the base units for Very Low Income Households, at least 10% of the base units for Lower Income Households, or at least 10% of the base units for persons and families of Moderate Income in a common interest development.
  - b. Two Additional Incentives may be granted for projects that include at least 7% of the base units for Extremely Low Income Households, at least 10% of the base units for Very Low Income Households, at least 20% of the base units for Lower Income Households, or at least 20% of the base units for persons and families of Moderate Income in a common interest development.
  - c. Three Additional Incentives may be granted for projects that include at least 11% of the base units for Extremely Low Income Households, at least 15% of the base units for Very Low Income Households, at least 30% of the base units for Lower Income Households, or at least 30% of the base units for persons and families of Moderate Income in a common interest development.
6. **Projects Adhering to Labor Standards.** Projects that adhere to the labor standards required in LAMC 11.5.11 may be granted two Additional Incentives from the menu in Section VII of these Guidelines (for a total of up to five Additional Incentives).
7. **Multiple Lots.** A building that crosses one or more lots may request the TOC Incentives that correspond to the lot with the highest Tier permitted by Section III above.
8. **Request for a Lower Tier.** Even though an applicant may be eligible for a certain Tier, they may choose to select a Lower Tier by providing the percentage of On-Site Restricted Affordable Housing units required for any lower Tier and be limited to the Incentives available for the lower Tier.
9. **100% Affordable Housing Projects.** Buildings that are Eligible Housing Developments that consist of 100% On-Site Restricted Affordable units, exclusive of a building manager's unit or units shall, for purposes of these Guidelines, be eligible for one increase in Tier than otherwise would be provided.
- V. **APPLICATION AND APPROVALS.** Applications for TOC Incentives shall follow the density bonus procedures outlined in Los Angeles Municipal Code Section 12.22 A.25(g).
1. **Procedures.**
    - a. **Projects Requesting only Base Incentives (Residential Density and Parking).** Projects receiving only Base Incentives shall be reviewed ministerially by the Department of Building and Safety per LAMC 12.22 A.25(g)(1).

- b. **Projects Requesting Additional Incentives.** Projects requesting Additional Incentives shall be reviewed by the Department of City Planning per the procedures in LAMC 12.22 A.25(g)(2).
- 2. **Calculations.**
  - a. **Rounding of Fractional Numbers.** Any numbers regarding parking, number of units (including base density), number of affordable units, or number of replacement housing units that result in a fraction shall be rounded up to the next whole number.
  - b. **Site Plan Review Threshold.** The threshold for a project triggering the Site Plan Review requirements of LAMC 16.05 shall be based on the number of units that would be permitted prior to any density increase from Section VI 1(a) of these Guidelines.
- 3. **Multiple Approvals.** When the application is filed as part of a project requiring multiple City Planning discretionary approvals, the initial decision maker shall be as set forth in Section 12.36 of this Code; and when the application is filed in conjunction with a subdivision and no other approval, the Advisory Agency shall be the initial decision maker. The decision shall include a separate section clearly labeled “TOC Affordable Housing Incentive Program Determination.”
- 4. **Design Conformance.** Projects seeking to obtain Additional Incentives shall be subject to any applicable design guidelines, including any Community Plan design guidelines, Specific Plan design guidelines and/or Citywide Design Guidelines and may be subject to conditions to meet design performance. The conditions shall not preclude the ability to construct the building with the residential density permitted by Section VI.

## VI. BASE INCENTIVES.

- 1. **Residential Density.** An Eligible Housing Development shall be granted a residential density increase as follows:
  - a. **Increase in Number of Dwelling Units.** In each Tier, the maximum increase in the otherwise maximum allowable number of dwelling units permitted under the applicable zoning ordinance shall be as follows:
    - i. Tier 1 – 50%
    - ii. Tier 2 – 60%
    - iii. Tier 3 – 70%
    - iv. Tier 4 – 80%
    - v. **Exception.** In the “RD” Restricted Density Multiple Family zone (RD Zone), the maximum increase shall be limited to the amounts listed below:

1. Tier 1 – 35%
2. Tier 2 – 35%
3. Tier 3 – 40%
4. Tier 4 – 45%

- b. **Floor Area Ratio (FAR).** In each Tier, the maximum increase in the allowable FAR permitted shall be equal to the following, provided that any additional floor area provided through this section is utilized only by residential uses:
- i. Tier 1 – Percentage increase of up to 40%, or an FAR increase resulting in at least a 2.75:1 FAR in commercial zones, whichever is greater.
  - ii. Tier 2 – Percentage increase of up to 45%, or an FAR increase resulting in at least a 3.25:1 FAR in commercial zones, whichever is greater.
  - iii. Tier 3 – Percentage increase of up to 50%, or an FAR increase resulting in at least a 3.75:1 FAR in commercial zones, whichever is greater.
  - iv. Tier 4 – Percentage increase of up to 55%, or an FAR increase resulting in at least a 4.25:1 FAR in commercial zones, whichever is greater.
  - v. **Exceptions**
    1. In the RD Zone or a Specific Plan or overlay district that regulates residential FAR, the maximum FAR increase shall be limited to 45%.
    2. If the allowable base FAR is less than 1.25:1 then the maximum FAR allowed per this section is limited to 2.75:1.
    3. In the Greater Downtown Housing Incentive Area, the maximum FAR increase shall be limited to 40%, with the total floor area of a residential building or residential portion of a building being calculated per the definition in LAMC 12.22 A.29(c)(1).

Note: For the purpose of applying this incentive, commercial zones include Hybrid Industrial zones, Commercial Manufacturing zones and any defined area in a Specific Plan or overlay district that allows for both commercial uses and residential uses.

## 2. **Automobile Parking.**

- a. **Residential Minimum Parking Requirements.**
- i. Tiers 1-3 - Required automobile parking for all residential units in an Eligible Housing Development (not just the restricted affordable units), inclusive of disabled and required guest parking, where applicable, shall be as follows:
    1. For an Eligible Housing Development, required parking for all residential units shall not exceed 0.5 spaces per bedroom.
    2. For an Eligible Housing Development that consists of 100% On-Site Restricted Affordable units, exclusive of a manager's unit or

units, there shall be no required parking for all residential units in the Eligible Housing Development.

3. Tier 2 - Regardless of the number of bedrooms in each unit, parking for all residential units in an Eligible Housing Development shall not be required to exceed 1 space per unit;
  4. Tier 3 - Required parking for all residential units in an Eligible Housing Development shall not exceed 0.5 spaces per unit;
  - ii. Tier 4 – No required parking for residential units in an Eligible Housing Development.
- b. **Rounding.** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
- c. **Unbundling.** Required parking may be sold or rented separately from the units, with the exception of all Restricted Affordable Units which shall include any required parking in the base rent or sales price, as verified by HCIDLA.
- d. **Bicycle Parking.** The bicycle parking requirements in LAMC 12.21 A.16 apply. The additional options to further reduce automobile parking through bicycle parking replacement in LAMC 12.21 A.4 do not apply to TOC projects.
- e. **Nonresidential Parking.** A mixed-use project may reduce the nonresidential automobile parking requirement for any ground-floor nonresidential use as follows:
- i. Tier 1 – Up to a 10% reduction in the nonresidential parking requirement
  - ii. Tier 2 – Up to a 20% reduction in the nonresidential parking requirement
  - iii. Tier 3 – Up to a 30% reduction in the nonresidential parking requirement
  - iv. Tier 4 – Up to a 40% reduction in the nonresidential parking requirement
- f. **Consistency.** Parking reductions offered for Eligible Housing Developments shall always be consistent or greater than those in California Government Code Section 65915(p).

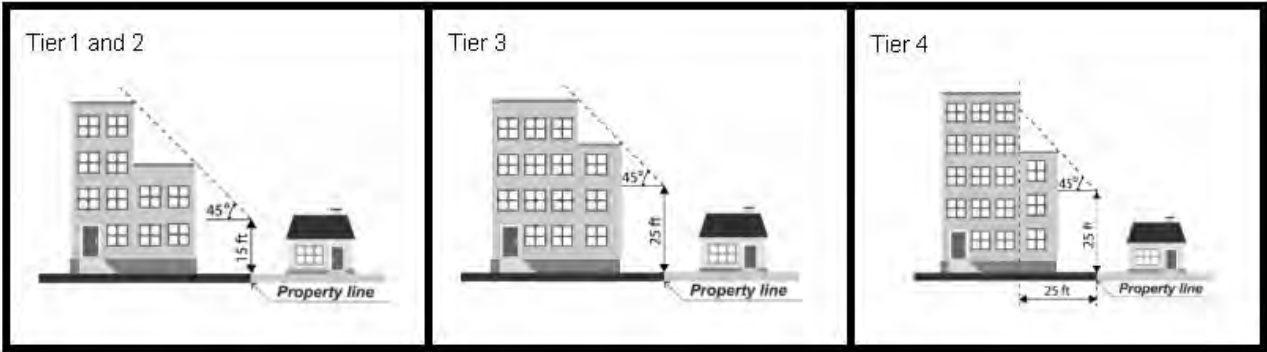
**VII. ADDITIONAL INCENTIVES.** In addition to the Base Incentives above, an Eligible Housing Development may be granted Additional Incentives by following the procedures in LAMC 12.22 A.25(g)(2).

1. **Menu of Incentives.** The Additional Incentives are defined below. The percentage of increase or decrease in the development standards may vary by Tier as follows, and shall be used in lieu of those listed in LAMC 12.22 A.25(f):

- a. **Yard/Setback.** Eligible Housing Developments may request a reduction in the otherwise required yards/setbacks as follows:
  - i. **Commercial Zones.** In any Commercial zone, Eligible Housing Developments may utilize any or all of the yard requirements for the RAS3 zone per LAMC 12.10.5.
  - ii. **Residential Zones:** Eligible Housing Developments in Residential zones may utilize a reduction in the front, rear or side yards as follows:
    - 1. **Front Yards:** Front yard reductions are limited to no more than the average of the front yards of adjoining buildings along the same street frontage. Or, if located on a corner lot or adjacent to a vacant lot, the front yard setback may align with the façade of the adjoining building along the same front lot line. If there are no adjoining buildings, no reduction is permitted. In Tier 3 and Tier 4, the front yard reduction may be paired with one other individual yard reduction, per subsection 2 below, which will require the use of only one incentive.
    - 2. **Side and Rear Yards:**
      - a. Tier 1 - Up to a 25% decrease in the required width or depth of one individual yard or setback.
      - b. Tier 2 - Up to a 30% decrease in the required width or depth of one individual yard or setback.
      - c. Tier 3 - Up to a 30% decrease in the required width or depth of two individual yards or setbacks.
      - d. Tier 4 - Up to a 35% decrease in the required width or depth of two individual yards or setbacks.
  - iii. **Exception.** Yard reductions may not be applied along any property line that abuts an R1 or more restrictive residential zoned property.
- b. **Open Space.** See LAMC 12.22 A.25(f)(6)
  - i. Tiers 1 & 2 - Up to a 20% decrease in required open space
  - ii. Tiers 3 & 4 - Up to a 25% decrease in required open space
- c. **Lot Coverage.** See LAMC 12.22 A.25(f)(2)
  - i. Tiers 1 & 2 - Up to a 25% increase in maximum lot coverage
  - ii. Tiers 3 & 4 - Up to a 35% increase in maximum lot coverage
- d. **Lot Width.** See LAMC 12.22 A.25(f)(3)
  - i. All Tiers - Up to a 25% decrease in required minimum lot width
- e. **Averaging of Floor Area Ratio, Density, Parking or Open Space, and permitting Vehicular Access.** See LAMC 12.22 A.25(f)(8)
- f. **Density Calculation.** See LAMC 12.22 A.25(f)(7)

- g. **Height.** For Eligible Housing Developments that have a residential use which occupies more than 50% of the total floor area within a building, the applicable Total Height and Transitional Height standards below count as one Incentive. This increase in height shall be applicable to an Eligible Housing Development over the entire parcel regardless of the number of underlying height limits.
- i. **Total Height.** In any zone in which height or number of stories is limited, this height increase shall permit a maximum of:
    1. Tier 1 and 2 – One additional story up to 11 additional feet
    2. Tier 3 – Two additional stories up to 22 additional feet
    3. Tier 4 – Three additional stories up to 33 additional feet
    4. **Exception.** Notwithstanding subsections 2 and 3 above, projects located on lots with a height limit of 45 feet or less, or located within a Specific Plan or overlay district that regulates height, shall require any height increases over 11 feet to be stepped-back at least 15 feet from the exterior face of the Ground Floor of the building located along any street frontage.
  - ii. **Transitional Height.** An Eligible Housing Development may select the following transitional height requirements in lieu of those found in LAMC 12.21.1 A.10, or any applicable transitional height limits in a in a Specific Plan, including any requirements for reduced building heights when a building is adjoining a more restrictive zone:
    1. Tiers 1 and 2 - The building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 15 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive residential zone or Specific Plan subarea (see Diagram 1 below).
    2. Tier 3 – The building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in the RW1 Zone or more restrictive zone or Specific Plan subarea (see Diagram 1 below).
    3. Tier 4 – Within the first 25 feet of the property line abutting or across the street or alley from the RW1 or more restrictive zone the building height limit shall be stepped-back at a 45 degree angle as measured from a horizontal plane originating 25 feet above grade at the property line of the adjoining lot in the more restrictive zone or Specific Plan subarea (see Diagram 1 below).

**Diagram 1. Transitional Height Incentive**



h. **Public Facilities (PF) Zones.** In lieu of the requirement in LAMC 12.24 U.21, a joint public and private development that qualifies as an Eligible Housing Development may include the uses and area standards permitted in the least restrictive adjoining zone. The phrase “adjoining zone” refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property.

**VIII. COVENANT.** Prior to issuance of a Building Permit for any Eligible Housing Development, a covenant acceptable to the Department of Housing and Community Investment (HCIDLA) shall be recorded with the Los Angeles County Recorder, guaranteeing that the affordability criteria will be observed for at least 55 years from the issuance of the Certificate of Occupancy or a longer period of time if required by the construction or mortgage financing assistance program, government requirement, mortgage assistance program, or rental subsidy program.

**IX. FEES.** A TOC project requesting Additional Incentives is subject to the same Department of City Planning fees as an Application for a Density Bonus including a request for one or more Incentives included in the Menu of Incentives pursuant to LAMC 19.01 O. See Section [19.01](#) V. for multiple applications.



## Appendix A: Methodology for Determining Major Transit Stops

### Definition of Major Transit Stop:

A site containing a rail station or the intersection of two or more bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods. The stations or bus routes may be existing, under construction or included in the most recent SCAG Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP).

### SCAG and OPR Methodology:

Peak Periods are considered to be between 6:00 to 9:00 AM and 3:00 to 7:00 PM. Bus routes must have a service frequency of 15 minutes or less for the entire duration of the peak hour periods.

To determine the eligibility of the bus line, the average number of minutes per trip for each direction is calculated separately. If one or both directions fail to meet the 15 minute frequency limit, the entire bus line is ineligible for a Major Transit Stop.

- The total number of trips from the point of origin during peak hours (Monday to Friday) is used. A trip is included if its median time falls within the peak hour.
- To calculate the median time, the time at trip origin is subtracted from the time at arrival at final station, divided by two, and then added to origin time.  
*For example: Origin time 5:42 AM, Arrival time 6:22 AM*  
*Total trip time = 40 Minutes (6:22 AM – 5:42 AM)*  
*Median trip time = 40 Minutes/2 + 5:42 AM, or 6:02 AM*
- The total peak hour time is then divide by the number of trips for the average number of minutes per trip.

**Below is a sample calculation based on the 750 Metro Rapid Bus Line (see schedule on Page 16):**

#### Eastbound Trips for 750

During the morning peak hours between 6:00 AM to 9:00 AM, there is a total of 12 Eastbound trips.

The trip originating from Warner Center at 5:42 AM is the first eligible trip with an arrival time at 6:22 AM. This is calculated by dividing the total trip time of 40 minutes by two and adding the 20 minutes to the trip origination time at 5:42 AM, resulting in a median trip time that falls within peak hours at 6:02 AM (not shown in bus schedule).

The trip originating from Warner Center at 8:29 AM is the last eligible trip, with the median time at 8:57 AM.

During the afternoon peak hours between 3:00 PM and 7: PM, there is a total of 16 Eastbound trips.

With 28 total Eastbound trips during the 420 peak hour minutes, the average frequency of the 750 bus line is 15 minutes.

Westbound Trips for 750

Looking at the Westbound trips, there are 11 trips and 15 trips in the AM and PM peak hours respectively. This results in an average frequency of 16.15 minutes.

**Result**

Despite the Eastbound portion of the 750 Metro Rapid Bus Line meeting the 15 minute frequency as required by a Major Transit Stop, the Westbound portion, with an average frequency of 16.15 minutes, fails to meet that criteria. Therefore, the 750 Metro Rapid Bus Line is ineligible for inclusion in a Major Transit Stop.

**Sample Metro Bus Line Schedule with Qualified Peak Hour Trips Boxed in Red**

Monday through Friday				750			
Effective Jun 25 2017							
Eastbound <i>Al Este</i> [Approximate Times / Tiempos Aproximados]				Westbound <i>Al Oeste</i> [Approximate Times / Tiempos Aproximados]			
WARNER CENTER	TARZANA	SHERMAN OAKS	STUDIO CITY	STUDIO CITY	SHERMAN OAKS	TARZANA	WARNER CENTER
1	2	3	4	4	3	2	1
Warner Center Transit Hub (Owensmouth & Erwin)	Ventura & Reseda	Ventura & Van Nuys	Universal/ Studio City Station	Universal/ Studio City Station	Ventura & Van Nuys	Ventura & Reseda	Warner Center Transit Hub (Owensmouth & Erwin)
5:13A	5:25A	5:36A	5:50A	5:23A	5:38A	5:52A	6:10A
5:28	5:40	5:51	6:06	5:45	6:00	6:14	6:32
5:42	5:54	6:07	6:22	6:00	6:15	6:29	6:48
5:55	6:09	6:23	6:38	6:15	6:30	6:47	7:04
6:09	6:23	6:39	6:54	6:30	6:46	7:04	7:25
6:23	6:37	6:55	7:10	6:45	7:01	7:22	7:43
6:37	6:51	7:11	7:27	7:00	7:17	7:39	8:00
6:50	7:05	7:27	7:44	7:15	7:32	7:54	8:15
7:05	7:20	7:43	8:00	7:30	7:49	8:11	8:32
7:21	7:36	7:59	8:18	7:45	8:04	8:26	8:47
7:35	7:52	8:15	8:34	8:00	8:19	8:41	9:02
7:54	8:10	8:32	8:51	8:15	8:34	8:56	9:17
8:12	8:28	8:49	9:08	8:30	8:49	9:11	9:32
8:29	8:45	9:06	9:25	8:45	9:04	9:26	9:47
8:46	9:02	9:23	9:42	9:00	9:19	9:41	10:02
9:11	9:27	9:48	10:07	9:18	9:37	9:59	10:20
9:41	9:57	10:18	10:37	9:40	9:59	10:18	10:39
10:10	10:27	10:48	11:07	10:05	10:24	10:43	11:05
10:40	10:57	11:18	11:37	10:35	10:54	11:13	11:35
11:10	11:27	11:48	12:07P	11:04	11:24	11:43	12:06P
11:38	11:57	12:18P	12:37	11:34	11:54	12:13P	12:36
12:08P	12:27P	12:48	1:08	12:03P	12:24P	12:44	1:07
12:35	12:54	1:15	1:35	12:33	12:54	1:14	1:37
1:00	1:19	1:40	2:01	1:02	1:24	1:44	2:07
1:21	1:41	2:02	2:23	1:32	1:54	2:14	2:37
1:46	2:06	2:27	2:48	2:01	2:24	2:44	3:08
1:58	2:18	2:39	3:00	2:25	2:49	3:09	3:34
2:13	2:33	2:54	3:15	2:46	3:10	3:31	3:56
2:27	2:47	3:09	3:30	3:00	3:25	3:46	4:11
2:42	3:02	3:24	3:45	3:15	3:40	4:01	4:25
2:55	3:17	3:39	4:00	3:30	3:55	4:16	4:40
—	3:31	3:53	4:14	3:45	4:10	4:31	4:55
3:10	3:32	3:54	4:15	4:00	4:26	4:47	5:11
3:25	3:47	4:09	4:30	4:15	4:41	5:02	5:26
3:44	4:06	4:28	4:49	4:30	4:56	5:17	5:41
3:55	4:17	4:39	5:00	4:45	5:11	5:32	5:56
4:10	4:32	4:54	5:15	5:00	5:26	5:48	6:12
4:25	4:47	5:09	5:30	5:15	5:41	6:03	6:27
4:40	5:02	5:24	5:45	5:30	5:56	6:18	6:41
4:55	5:17	5:39	6:00	5:45	6:11	6:33	6:56
5:10	5:32	5:54	6:15	6:00	6:26	6:47	7:09
5:26	5:48	6:09	6:30	6:15	6:40	7:00	7:21
5:41	6:03	6:24	6:45	6:35	6:58	7:17	7:38
5:57	6:19	6:39	7:00	6:54	7:16	7:34	7:54
6:20	6:40	6:59	7:19	7:15	7:36	7:54	8:13
6:42	7:01	7:19	7:39	7:40	8:01	8:19	8:38
7:04	7:21	7:39	7:58	8:09	8:27	8:44	9:03
7:35	7:51	8:08	8:26	8:39	8:57	9:12	9:28
8:10	8:25	8:42	8:58	9:10	9:27	9:42	9:58

# Exhibit 2



# LOS ANGELES CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300  
<http://planning.lacity.org/>

**CORRECTED COPY**

**Determination Mailing Date:** MAY 23 2014

**Case No.:** CPC-2013-3169-CA  
**CEQA:** ENV-2013-3170-CE

**Location:** Various  
**Council Districts:** 1, 2, 4, 8, 9, 10, 13, 14,  
and 15  
**Plan Areas:** Various

**Applicant:** City of Los Angeles

**At its meeting on May 8, 2014, the following action was taken by the City Planning Commission:**

1. **Adopted** the staff report as its report on the subject.
2. **Approved** the proposed ordinance.
3. **Approved** the proposed Transfer of Land Use Authority for Redevelopment Plans Resolution.
4. **Adopted** the attached Findings.

**Recommendations to City Council:**

1. **Recommend** that the City Council find that the project is exempt from CEQA (Categorical Exemption No. CPC-2013-3170-CE) per Sec. 15320 of the State CEQA Guidelines.
2. **Recommend** that the City Council adopt the proposed ordinance.
3. **Recommend** that the Mayor approve and the City Council adopt the proposed Transfer of Land Use Authority for Redevelopment Plans Resolution.

This action was taken by the following vote:

**Moved:** Dake-Wilson  
**Seconded:** Katz  
**Ayes:** Ahn, Ambroz, Cabildo, Choe, Mack, Perlman, Segura

**Vote:** 9 - 0

  
\_\_\_\_\_  
**James K. Williams, Commission Executive Assistant II**  
**City Planning Commission**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Ordinance, Maps, Findings, Resolution  
City Planner: David Olivo

## LAND USE FINDINGS

### General Plan

In accordance with Charter Section 556 and 558, the proposed transfer of land use authority from the former CRA/LA to the City Planning Department is in substantial conformance with the purposes, intent, and provisions of the City's General Plan. The transition of land use authority and oversight from the former CRA/LA to the City Planning Department is consistent with the City's General Plan. Specifically, the proposed ordinance implements Economic Development Objective 7.4 to "Improve the provision of governmental services, expedite the administrative processing of development applications" in order to "Develop and maintain a streamlined development review process" (Policy 7.4.1), and to "Reform municipal service delivery through combining the services provided by various departments" (Policy 7.4.4). Each of the redevelopment plans have been adopted by the City and found by both the City Planning Commission and the City Council to be consistent with the City's General Plan. Further, consolidating the land use controls in the redevelopment plans to the City Planning Department is critical to ensure that the goals of the General Plan are met by maintaining important land use provisions in some of the City's most vulnerable communities and that the City retains local control over land use policy.

The proposed ordinance also meets objective 7.8, "Maintain and improve municipal service levels throughout the city to support current residents' quality of life and enable Los Angeles to be competitive when attracting desirable new development" by creating a predictable and streamlined development process in parts of the City that have historically received less economic development.

### Charter

Los Angeles City Charter Section 558 requires that prior to the approval of a resolution related to the regulation of the use of land, City Council make findings that the resolution conforms to public necessity, convenience, general welfare, and good zoning practice. The transition of land use authority from the former CRA/LA to the City Planning Department makes certain that the Redevelopment Plans, which serve as legal expressions of public policy adopted by the City Council, will continue to be implemented to ensure continued community protection in the redevelopment plan areas.

Based on the above findings, the resolution to grant land use authority from the former CRA/LA to the City Planning Department is deemed in substantial conformance with the purposes, intent, and provisions of the City's General Plan, and all applicable provisions of the Los Angeles Municipal Code (LAMC) and consistent with public necessity, convenience, general welfare, and good zoning practice.

### Environmental

A Categorical Exemption (ENV-2013-3170-CE) pursuant to Section 15320 of the California State CEQA Guidelines was prepared for the proposed resolution. The Environmental Clearance is consistent with State Guidelines and corresponds to Los Angeles City CEQA

Guidelines under Class 20 "Changes in Organizations of Local Agencies" in that the delegation of authority from the former Community Redevelopment Agency to the Department of City Planning consists of changes in the organization or reorganization of local government agencies that do not change the geographical area in which previously existing powers are exercised. The attached Categorical Exemption reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Department of City Planning in Room 667, 200 North Spring Street.



Los Angeles  
Department  
of City Planning

## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

**CITY PLANNING COMMISSION**

**DATE:** May 08, 2014  
**TIME:** after 8:30AM  
**PLACE:** City Hall  
 Board of Public Works – Room 350  
 200 N. Spring Street  
 Los Angeles, CA 90012


**CASE NO:** CPC-2013-3169-CA  
**CEQA:** ENV-2013-3170-CE  
**LOCATION:** Various  
**COUNCIL DISTRICT:** 1,2,4,8,9,10,13,14,15  
**PLAN AREAS:** Boyle Heights, Central City, Central City North, Hollywood, Northeast Los Angeles, North Hollywood–Valley Village, San Pedro, South Los Angeles, Southeast Los Angeles, Westlake, West Adams, Wilmington-Harbor City

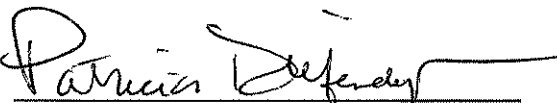
**SUMMARY:** A proposed resolution requesting the transfer of land use authority of redevelopment plans to the City of Los Angeles, a proposed ordinance adding or amending Sections 11.13, 12.03, 12.04, 12.21, 12.22, 12.24, 13.11, 16.05 and 16.11 of the Los Angeles Municipal Code to modify or remove references to the former Community Redevelopment Agency (CRA), and other technical corrections to clarify existing regulations in the LAMC that are impacted by the transfer.

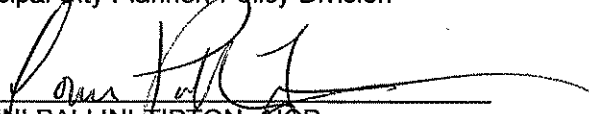
**RECOMMENDED ACTIONS:**

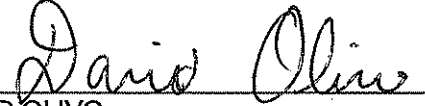
1. **Adopt** the staff report as its report on the subject.
2. **Recommend** that the City Council find that the Project is exempt from CEQA (Categorical Exemption No. ENV-2013-3170-CE) per Sec. 15320 of the State CEQA Guidelines
3. **Approve** the proposed ordinance and recommend its adoption by the City Council.
4. **Approve** and **Recommend** that the Mayor approve and the City Council adopt the attached proposed Transfer of Land Use Authority for Redevelopment Plans Resolution (Appendix A).

MICHAEL J. LOGRANDE  
Director of Planning

  
 \_\_\_\_\_  
 KEN BERNSTEIN, AICP  
Principal City Planner, Policy Division

  
 \_\_\_\_\_  
 PATRICIA DIEFENDERFER, AICP  
Senior City Planner, Policy Division

  
 \_\_\_\_\_  
 CONNI PALLINI-TIPTON, AICP  
City Planner, Policy Division

  
 \_\_\_\_\_  
 DAVID OLIVO  
City Planner, Policy Division  
(213) 978-1205

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Main Street, Room 272, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

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## SUMMARY

In 2011, the California State Legislature enacted legislation that dissolved redevelopment agencies throughout the state. The City of Los Angeles elected not to become the successor agency to the Community Redevelopment Agency of Los Angeles (CRA/LA) and, as a result, the Governor appointed a Designated Local Authority (DLA) to wind down the operations of the former CRA/LA. Additional legislation was passed by the State in 2012 that allowed a city to assume all land use related plans and functions of a former redevelopment agency upon request.

The proposed resolution requests that the land use authority in redevelopment project areas be transferred from the CRA to the City of Los Angeles. The resolution would allow the Department of City Planning ("the DCP") to assume only the land use authority vested in redevelopment plans, or provided for it in the City Charter and the Los Angeles Municipal Code. Authorities conferred by the redevelopment plans that are not land use related are not part of the request.

In addition, the proposed ordinance (Appendix B) adds or amends Sections 11.13, 12.03, 12.04, 12.21, 12.22, 12.24, 13.11, 16.05, and 16.11 of the Los Angeles Municipal Code in order for DCP to immediately begin implementation of active redevelopment plans upon adoption of the resolution. This would allow for continuity, clarity and consistency in the processing of land use entitlement requests within redevelopment project areas.

## STAFF REPORT

### Initiation

On June 29, 2012, the City Council (C.F. No. 12-0014-S4) instructed the DCP to prepare an ordinance that would transfer redevelopment land use plans and functions to the City of Los Angeles.

### Background

The dissolution of the Community Redevelopment Agency of Los Angeles (CRA/LA) under AB1x26 took effect on February 1, 2012 in the immediate aftermath of the California Supreme Court decision regarding redevelopment in California. The City of Los Angeles elected not to become the Successor Agency for the CRA/LA, an option included in the dissolution legislation. In the absence of a successor agency, the Governor appointed a three-member governing board as the Designated Local Authority (DLA) to wind down the operations of the former CRA/LA.

The DLA's primary role is to make payments and to perform other activities related to the CRA/LA's enforceable obligations and otherwise dispose of CRA assets so that revenues can be shared among taxing entities such as the County, cities, school districts and other special districts. Enforceable obligations are defined in AB1x26 as bonds, loans required to be repaid pursuant to a repayment schedule, payments required by governmental agencies, judgments or settlements, or contracts necessary for the continued administration and operation of the DLA to the extent permitted by AB1x26.

Under California Redevelopment Law, Redevelopment Plans of the former CRA/LA contained significant authority to regulate land use and development within redevelopment project areas, going beyond that of the City Planning Department. While AB1x26 dissolved redevelopment agencies and thereby eliminated redevelopment's economic and financing tools, it did not abolish the City's existing Redevelopment Project Areas or eliminate the Redevelopment Plans.

In June 2012, the State passed additional legislation related to redevelopment (AB 1484) which allowed a city to request that all land use related plans and functions of the former redevelopment agency be transferred to the jurisdiction that authorized the creation of the redevelopment agency.

These plans continue to exist as legal expressions of public policy, adopted by the City Council, and the land use regulations and authorities granted in the Plans remain effective until the expiration date for each plan. The last of Los Angeles' Redevelopment Plans is set to expire in 2033. The Plans have continued to be implemented by the few remaining staff within the Successor Agency; however, the DLA no longer has the capacity to adequately administer the plans. Therefore, the Plans and their land use regulations need to be transferred to the City, specifically DCP, in part to ensure their continued implementation and to seamlessly permit development to take place in those areas.

Most of the 21 active Redevelopment Plans (Table 1) specify that permits cannot be issued without some level of signoff ensuring that development proposals are consistent with the Plans. Redevelopment land use approvals are therefore essential to allow property owners and applicants to utilize their full development rights, as well as to ensure community protection through careful review of design, signage, use restrictions, historic preservation and other local priorities in some of the City's most sensitive and economically disadvantaged communities.

Table 1

Community Redevelopment Agency Project Areas (Expiration Date)	
Adelante Eastside (March 2031)	Mid City Recovery (May 2028)
Broadway Manchester (December 2026)	Monterey Hills (July 2015)
Central Industrial (November 2033)	North Hollywood (February 2021)
Chinatown (January 2022)	Pacific Corridor (May 2033)
City Center (May 2033)	Pico Union 2 (November 2017)
CD 9 Corridors (December 2027)	Vermont Manchester (May 2028)
Crenshaw Slauson (October 2027)	Watts Corridors (November 2027)
Crenshaw (2026)	Western Slauson (May 2028)
Exposition/University Park (2030)	Westlake Recovery (May 2030)
Hollywood (May 2028)	Wilshire Center (December 2025)
LA Harbor Wilmington Industrial (July 2018)	

The proposed resolution and ordinance is the City's official request to effectuate the transfer.

### Issues

The CRA/LA was established in 1948 and for over 60 years has carried out redevelopment activities that included land use oversight for neighborhood improvement and protection. The transition of oversight to DCP of land use regulations allows for the continued implementation of adopted Redevelopment Plans and creates a continuity of land use controls for some of the most sensitive and economically disadvantaged communities throughout the City. Consolidating all such land use review into the Department of City Planning also provides an opportunity to align the Department's land use regulations with long-standing City revitalization goals.

The transition of authority to the Planning Department centralizes the land use planning function in the City that has been housed between the two departments. During the tenure of the CRA/LA, there was an often duplicative development review process between the two agencies. By assuming responsibility for the existing redevelopment plans still in place the transition to a single department will establish a single streamlined development review process in Redevelopment Plan Areas, create certainty for the development community, and advance development reform and land use permitting efficiency.

### Redevelopment Plan Land-Use Provisions

DCP develops and administers overlay zones and specific plans that have provided more tailored land-use requirements for many of Los Angeles' unique neighborhoods. Similarly, most of the 21 active Redevelopment Plans have tailored requirements that specify permits cannot be issued without some level of signoff ensuring that development proposals are consistent with the governing Redevelopment Plans.

Redevelopment Plans and land use review provide important protections for neighborhoods in regards to development scale, use, density, intensity, parking, design, and historic preservation. These land use tools provide standards for development in many of the City's most economically disadvantaged neighborhoods, in addition to large sections of Downtown Los Angeles, Hollywood, and other employment hubs.

Such review may no longer be implemented without the transfer of DCP authority to do so. The protections offered in the Plans vary by geography and range from basic land use controls (e.g., prohibiting pole signs and/or incompatible uses) to highly detailed urban design guidelines. Examples include:

#### South Los Angeles

South Los Angeles' commercial corridors have land use controls regulating auto related uses, design review of new construction, and preserving employment land uses.

#### Downtown Los Angeles

Many of Downtown's Historic Core neighborhoods receive design review protection

and historic preservation review by CRA/LA. While Broadway has a Community Design Overlay (CDO) adopted through the Department of City Planning, all of the adjacent downtown corridors, including Main Street, Spring Street, and Hill Streets relied upon CRA/LA design review and historic preservation review, which may no longer be implemented.

#### North Hollywood (Appendix D)

All development within North Hollywood underwent design review by CRA/LA to ensure appropriate scale, pedestrian orientation, and uses. There is no design review currently performed by DCP for most projects in this area.

Although most plans do not have design guidelines or standards that are as detailed as the North Hollywood Redevelopment Plan, many have some level of design review oversight and historic preservation provisions. As a result, DCP will have to conduct a fee study to establish a long-term revenue source to cover the City's long-term costs of implementing the land use controls contained within the Redevelopment Plans.

#### Development Rights Conferred by Redevelopment

Zoning ordinances in key redevelopment areas have granted oversight of density (floor area ratio) controls to CRA/LA. In some redevelopment areas, the CRA/LA Board must take action in order to allow developers to maximize property rights. Continued oversight will be needed to ensure that property owners have a legal mechanism to maximize their development rights.

### **Proposed Resolution and Ordinance**

#### Resolution

The proposed resolution is the first step for DCP to assume authority of the existing redevelopment plans' land use related provisions. Therefore, the City of Los Angeles requests, by way of this resolution, that all land use related plans and functions of the former Community Redevelopment Agency (CRA/LA), now under the purview of the Designated Location Authority (DLA), are transferred to the City of Los Angeles in conformance with Section 34173 of the California Health and Safety Code, as amended by AB 1484. The Department of City Planning would serve as the responsible agency for the continued implementation of the existing 21 active Redevelopment Plans, the latest of which expire in 2033.

As specified in the resolution, DCP would have to conduct a fee study to establish a long-term revenue source to cover the City's long-term costs of implementing the land use controls contained within the Redevelopment Plans.

#### Ordinance

The proposed ordinance amends the Los Angeles Municipal Code in order for DCP staff to immediately begin implementation of active Redevelopment Plans upon adoption of the resolution. This would allow for an effective transition of integrating the land use provisions in the Redevelopment Plans into DCP's entitlement processes. In short, it

would promote continuity and consistency in the processing of land use entitlement requests within redevelopment project areas.

### **Public Outreach**

DCP staff held a public hearing on March 12, 2014. Notice was sent to Neighborhood Councils, with a total of 8 individuals attending representing various community stakeholders. Two individuals provided oral testimony and submitted letters on behalf of CRA/LA and Hollywood Heritage. Comments included:

#### CRA/LA

1. Anticipate a swift and seamless transition of land use authority and related records to the City of Los Angeles.
2. CRA/LA expects that ongoing coordination with the City of Los Angeles detailing the rights and responsibilities of both the City and successor agency will occur and result in a meaningful transfer.

#### Hollywood Heritage

1. Encourage adequate funding and preparation for short and long term historic preservation planning in Hollywood
2. Integrate historic preservation efforts with any potential land use overlay tools including a Specific Plan or Historic Preservation Overlay Zone.

## **LAND USE FINDINGS**

The Department of City Planning recommends that the City Planning Commission find:

#### General Plan

In accordance with Charter Section 556 and 558, the proposed transfer of land use authority from the former CRA/LA to the City Planning Department is in substantial conformance with the purposes, intent, and provisions of the City's General Plan. The transition of land use authority and oversight from the former CRA/LA to the City Planning Department is consistent with the City's General Plan. Specifically, the proposed ordinance implements Economic Development Objective 7.4 to "Improve the provision of governmental services, expedite the administrative processing of development applications" in order to "Develop and maintain a streamlined development review process" (Policy 7.4.1), and to "Reform municipal service delivery through combining the services provided by various departments" (Policy 7.4.4). Each of the redevelopment plans have been adopted by the City and found by both the City Planning Commission and the City Council to be consistent with the City's General Plan. Further, consolidating the land use controls in the redevelopment plans to the City Planning Department is critical to ensure that the goals of the General Plan are met by maintaining important land use provisions in some of the City's most vulnerable communities and that the City retains local control over land use policy.

The proposed ordinance also meets objective 7.8, "Maintain and improve municipal service levels throughout the city to support current residents' quality of life and enable

Los Angeles to be competitive when attracting desirable new development” by creating a predictable and streamlined development process in parts of the City that have historically received less economic development.

### Charter

Los Angeles City Charter Section 558 requires that prior to the approval of a resolution related to the regulation of the use of land, City Council make findings that the resolution conforms to public necessity, convenience, general welfare, and good zoning practice. The transition of land use authority from the former CRA/LA to the City Planning Department makes certain that the Redevelopment Plans, which serve as legal expressions of public policy adopted by the City Council, will continue to be implemented to ensure continued community protection in the redevelopment plan areas.

Based on the above findings, the resolution to grant land use authority from the former CRA/LA to the City Planning Department is deemed in substantial conformance with the purposes, intent, and provisions of the City’s General Plan, and all applicable provisions of the Los Angeles Municipal Code (LAMC) and consistent with public necessity, convenience, general welfare, and good zoning practice.

### Environmental

A Categorical Exemption (ENV-2013-3170-CE) pursuant to Section 15320 of the California State CEQA Guidelines was prepared for the proposed resolution. The Environmental Clearance is consistent with State Guidelines and corresponds to Los Angeles City CEQA Guidelines under Class 20 “Changes in Organizations of Local Agencies” in that the delegation of authority from the former Community Redevelopment Agency to the Department of City Planning consists of changes in the organization or reorganization of local government agencies that do not change the geographical area in which previously existing powers are exercised. The attached Categorical Exemption reflects the lead agency’s independent judgment and analysis. The records upon which this decision is based are with the Department of City Planning in Room 667, 200 North Spring Street.

### **Conclusion**

The proposed resolution and code amendment provides a smooth and predictable path to transition land use authority of Redevelopment Plans from the CRA/LA to the Department of City Planning. All stakeholders that are impacted by development and uses in redevelopment project areas stand to benefit. The proposal does not change the intent or function of the regulations in the Redevelopment Plans; however, it does provide certainty to the development community and neighborhoods that land use rights and controls in redevelopment project areas will continue to be enforced in a clear and consistent manner.

## RESOLUTION

WHEREAS, in 1945 the California State Legislature authorized the formation of community redevelopment agencies as a tool to revitalize blighted communities;

WHEREAS, in 1948, under this authority the City created the Community Redevelopment Agency of the City of Los Angeles (Former Agency) to establish, amend, and terminate various redevelopment plan areas;

WHEREAS, in the summer of 2011 the California State Legislature enacted measure AB1X 26, which dissolved redevelopment agencies and gave sponsoring cities the option to become the Successor Agency in charge of winding down the Former Agency's operations;

WHEREAS, on January 11, 2012 the City elected not to become the Successor Agency, and on February 1, 2012 the Governor appointed a Designated Local Authority (CRA/LA) to wind down the Former Agency's operations;

WHEREAS, on June 27, 2012 the State passed additional legislation (AB 1484) amending Section 34173 of the California Health and Safety Code to provide that "at the request of the city, county, or city and county, notwithstanding Section 33205, all land use related plans and functions of the former redevelopment agency are hereby transferred to the city, county, or city and county that authorized the creation of a redevelopment agency...";

WHEREAS, as of May 2014, the CRA/LA had 21 active redevelopment plan areas that expire at various dates beginning in the year 2014 and ending in 2033;

WHEREAS, transitioning the land use controls in the redevelopment plans to the City is critical to: 1) ensure continuity and certainty for the development community; 2) ensure that the City's economic development goals are achieved; 3) maintain important land use protections in some of the City's most vulnerable communities; and 4) retain local control over land use policy;

WHEREAS, in order for the Department of City Planning (the Department) to assume the existing redevelopment plans' land use related provisions and functions in a manner consistent with current Department practices and procedures, the Department will implement redevelopment plans' land use controls to conform with the City's land use powers, the City's General Plan, the City's Municipal Code, and other federal and state laws;

WHEREAS, in areas of the City where Community Plans are currently being updated, the Department will incorporate the redevelopment plans' land use controls into legislatively adopted Community Plan Implementation Overlays, or other land use regulations, wherever possible;

WHEREAS, in areas of the City where Community Plans are not currently being updated, the City will administer land use provisions of the Plans and incorporate them into future planning processes;

WHEREAS, the Department will also be responsible for historic preservation activities, consistent with City ordinances, in redevelopment plan areas where the Environmental Impact Report for the plan area identified eligible historic resources;

WHEREAS, the CRA/LA has advised that due to its reduced staffing levels and limited resources, the transfer of land use authority of redevelopment plans to the City should occur immediately;

WHEREAS, the Department will immediately need additional staff with expertise in Department policies, practices and procedures to immediately assume all land use related plans and functions of the CRA/LA;

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Los Angeles hereby requests from the CRA/LA that all land use related plans, records, covenants and functions, including the Transfer of Floor Area Rights (TFAR) documentation, of the CRA/LA immediately be transferred to the City of Los Angeles, as authorized by State law.

2. The Department shall implement the existing land use provisions of the redevelopment plans, except:

- (a) The Department shall not require an applicant to enter into a Disposition and Development Agreement or Ownership Participation Agreement as a condition to a project approval since the Department has no legal authority to enter into such agreements;
- (b) The Department shall not enforce any sign regulation contained within the redevelopment plans that purports to grant a licensing official unfettered discretion; instead, the Department shall implement the City wide sign regulations, and supplement those regulations with any additional sign prohibitions (such as prohibition on pole signs) contained within the redevelopment plans; and
- (c) The Department shall not impose any exactions (including any dedications or development fees) called for in the redevelopment plans, unless those exactions comply with the Mitigation Fee Act, and other state and federal laws.

3. The Department shall commence a fee study to establish a long-term revenue source to cover the City's long-term costs of implementing the land use controls contained within the redevelopment plans.

PRESENTED BY:

\_\_\_\_\_  
JOSE HUIZAR  
Councilmember, 14<sup>th</sup> District

SECONDED BY:

\_\_\_\_\_



**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding or amending Sections 11.13, 12.03, 12.04, 12.21, 12.22, 12.24, 13.11, 16.05, and 16.11 of the Los Angeles Municipal Code to remove references to the Community Redevelopment Agency (CRA), which was dissolved on February 1, 2012.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

**Sec.1.** Section 11.13 of the Los Angeles Municipal Code is added to read:

**SEC. 11.13 RECOMMENDATION OR APPROVAL BY THE COMMUNITY  
REDEVELOPMENT AGENCY**

A recommendation or approval by the CRA is not required for entitlements notwithstanding any contrary provision of the Code, any applicable specific plan, supplemental use district, or other land use regulation.

**Sec.2.** The definition of "Downtown Design Guide Project Area" in Section 12.03 of the Los Angeles Municipal Code is amended to read as follows:

**DOWNTOWN DESIGN GUIDE PROJECT AREA.** Those portions of the Central City Community Plan Area as shown in the shaded portion of Map A, dated April 30, 2010 \_\_\_\_\_, and attached to Council File No. ~~10-1196~~ \_\_\_\_\_, generally bounded by: ~~The map is maintained by the Department of City Planning as part of the Geographic Information Systems database.~~ The map is maintained by the Department of City Planning as part of its Geographic Information Systems database.

~~U.S. Highway 101 on the north, Alameda Street on the east, Second Street on the south, and Harbor Freeway (110 Freeway) on the west; Fourth and Fifth Streets on the north, the alley easterly of Hill Street (Lindley Place), Grand Avenue, and Olive Street on the east, Olympic Boulevard and James M. Wood Boulevard on the south, and Harbor Freeway (110 Freeway) on the west; Olympic Boulevard and Eleventh Street on the north, Figueroa Street on the east, Santa Monica Freeway (Interstate 10) on the south, and the Harbor Freeway (110 Freeway) on the west; and, Ninth Street on the north, Crocker Street on the east, Twelfth Street on the south, and Main Street on the west.~~

**Sec.3.** Section 12.03 of the Los Angeles Municipal Code is amended to add a new definition of "Enterprise Zone" as follows:

**ENTERPRISE ZONE.** An Enterprise Zone shall be that area designated by City Council resolution and which has received approval as such from the California

Department of Commerce under the Employment and Economic Incentive Act Program, the Enterprise Zone Act Program, or any subsequent State program.

**Sec.4.** The definition of "Greater Downtown Housing Incentive Area" in Section 12.03 of the Los Angeles Municipal Code is amended to read as follows:

**GREATER DOWNTOWN HOUSING INCENTIVE AREA.** Those portions of the Central City and Southeast Community Plan Areas ~~generally bounded by the 101 Freeway on the north, the 110 freeway and Figueroa Street (south of Adams Blvd) on the west, Alameda and Grand Avenue (south of 24<sup>th</sup> Street) on the east, and Washington Boulevard and Martin Luther King Jr. Blvd (west of Broadway) on the south as shown in the shaded portions of Map AB, dated January 23, 2007 \_\_\_\_\_, attached to Council File No.05-1173 \_\_\_\_\_.~~ The map is maintained by the Department of City Planning as part of ~~its~~the Geographic Information Systems database.

**Sec.5.** Section 12.03 of the Los Angeles Municipal Code is amended to add new definitions of "Community Redevelopment Agency," "Redevelopment Plan" and "Redevelopment Project Area" in proper alphabetical order to read as follows:

**COMMUNITY REDEVELOPMENT AGENCY (CRA).** The former Community Redevelopment Agency of the City of Los Angeles which was dissolved on February 1, 2012.

**REDEVELOPMENT PLAN.** A plan adopted by ordinance and created by the Community Redevelopment Agency of the City of Los Angeles within a Redevelopment Project Area.

**REDEVELOPMENT PROJECT AREA.** An area that geographically defines a Redevelopment Plan created by the Community Redevelopment Agency of the City of Los Angeles which was dissolved on February 1, 2012. Included are those portions of the City of Los Angeles shown in the shaded portions of Map C:

Adelante Eastside (Expires March 30, 2031); Broadway/Manchester (Expires December 19, 2026); Council District 9 Corridors (Expires December 13, 2027); Central Industrial (Expires November 15, 2033); Chinatown (Expires January 1, 2022); City Center (Expires May 15, 2033); Crenshaw (Expires December 6, 2026); Crenshaw/Slauson (Expires October 10, 2027); Exposition/University Park (Expires May 12, 2030); Hollywood (Expires May 7, 2028); LA Harbor/Wilmington (Expires July 18, 2018); Little Tokyo (Expires February 24, 2014); Mid-City Recovery (Expires May 10, 2028); Monterey Hills (Expires July 29, 2015); North Hollywood (Expires February 21, 2021); Pacific Corridor (Expires May 1, 2033); Pico Union 2 (Expires November 24, 2018); Vermont/Manchester (Expires May 14, 2028); Watts Corridors (Expires November 15, 2027); Western/Slauson (Expires May 14, 2028); Westlake (Expires May 12, 2030); Wilshire Center/Koreatown (Expires December 13, 2026).

This map is maintained by the Department of City Planning as part of its Geographic Information Systems database.

**Sec.6.** Subsection C of Section 12.04 of the Los Angeles Municipal Code is amended to read as follows:

~~C.~~—In order to regulate more adequately and restrict the height and fFloor aArea of bBuildings and sStructures, each lLot shall include a height district designation. Height district designations shall be numbered from 1 to 4, CRA 1 to 4, and EZ 1 to 4, and CSA 1 to 4 and shall regulate the height or Ffloor aArea of bBuildings and sStructures as provided in Sections 12.21.1, and 12.21.2, 12.21.3, and 12.21.4. and 12.21.5. The height districts and their boundaries are shown on the Zoning Map by a combination of zone symbols and height district number markings such as, e.g., R2-1, C2-2, and M1-3, C1-CRA1, M2-EZ2, C2-CSA3, etc. Where a Llot is located in more than one height district, the applicable zone symbol designations shall be separated by a slash mark. e.g., R2-CRA/CSA, C2-EZ1/CRA2, etc. The symbol "HD" preceding height district number markings, when shown on the Zoning Map or used in a zoning ordinance, is an abbreviation for the words "height district," ~~and refers to height districts.~~ The height districts for the "CW" Zone are the height districts shown in Section 6 of the Central City West Specific Plan. The height districts for the "ADP" Zone are height districts shown in Section 7 of the Alameda District Specific Plan. The height districts for the "WC" Zone are height districts shown in Section 7 of the Warner Center Specific Plan. The height districts for the "LASED" Zone are the height districts shown on Section 10 of the Los Angeles Sports and Entertainment District Specific Plan.

**Sec.7.** Subsection E of Section 12.04 of the Los Angeles Municipal Code is hereby amended to read as follows:

E. The boundaries of ~~Community Redevelopment Project~~ areas, as geographically defined in ~~Section 12.21.303~~ and as specifically designated on Maps numbered ~~30 to 47~~; Enterprise Zones, as defined in Section 12.21.403 and as specifically designated on Maps numbered 48 through 50; and Centers Study Areas, as defined in Section 12.21.5, ~~and as specifically designated on Maps numbered 1 through 3 and 5 through 28,~~ shall be shown on the "Zoning Map." ~~(Amended by Ord. No. 168,870, Eff. 8/9/93.)~~

**Sec.8.** Subparagraph (1) of Paragraph (x) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

- (1) For any project for which an Owner Participation Agreement or Developer Disposition Agreement has been signed

between the owner or developer of a project and the Community Redevelopment Agency and approved by Council before February 28, 1989, the parking required shall be either the number of parking spaces described in the subject agreement, or the parking required by the Los Angeles Municipal Code as of February 29, 1989, whichever is greater.

(2) Notwithstanding any provisions of the Los Angeles Municipal Code to the contrary, for any structure designated on the National Register of Historic Places or State or City list of historical or cultural monuments, no additional parking spaces need be provided in connection with a change of use. Nevertheless, a decision-making body as part of a discretionary approval related to a change of use may impose conditions requiring additional parking requirements in connection with the change of use. Existing parking for such buildings shall be maintained if the proposed use requires the same or more parking. If the fFloor aArea of such bBuilding is increased, then parking shall be provided for the increased fFloor aArea as set forth in Section 12.21 A.4 and 12.21 A.16. The parking requirements for existing buildings set forth in Section 12.21 A.4(m) ~~12.21A(4)m~~ shall still apply to an historic building and any change of use of that bBuilding.

(3) Except for the Downtown Business District parking area described in Section 12.21 A.4(i), in the following described areas there need only be two parking spaces for every one thousand square feet of combined gross fFloor aArea of commercial office, business, retail, restaurant, bar and related uses, trade schools, or research and development bBuildings on any lLot:

1. ~~former~~ Chinatown Redevelopment Project Area, delineated by Ordinance No. 153,385;
2. ~~former~~ Hollywood Redevelopment Project Area, delineated by Ordinance No. 161,202;
3. ~~former~~ Wilshire Center/Koreatown Recovery Redevelopment Project Area, delineated by Ordinance No. 170,806;

~~4. Central Business District Redevelopment Project Areas delineated by Ordinance Nos. 140,069; 113,231; 135,900; 140,662; 147,480;~~

5.4. North Hollywood Redevelopment Project Area, delineated by Ordinance No. 152,030;

6.5. Any Enterprise Zone as that term is defined in Section ~~12.21.4~~ 12.03 of this Code.

~~7. (Repealed by Ord. No. 177,103, Eff. 12/18/05.)~~

~~8. (Repealed by Ord. No. 177,103, Eff. 12/18/05.)~~

~~9. (Repealed by Ord. No. 177,103, Eff. 12/18/05.)~~

~~10. (Repealed by Ord. No. 177,103, Eff. 12/18/05.)~~

**Sec.9.** The first unnumbered paragraph of Section 12.21.1 of the Los Angeles Municipal Code is hereby amended to read as follows:

No ~~h~~Building or ~~s~~Structure shall be erected or enlarged which exceeds the total ~~f~~Floor ~~a~~Area, the number of stories or the height limits hereinafter specified for the district in which the building or ~~s~~Structure is located. Provided, however, that with respect to height, ~~h~~Buildings and ~~s~~Structures located within the boundaries of the Century City North and Century City South Specific Plans shall comply solely with the requirements of the respective ~~s~~Specific ~~p~~Plan and the requirements of Section 12.21.2 of this Code; ~~;~~ that buildings and structures located within ~~C~~ommunity ~~R~~edevelopment Plan Areas shall comply with the requirements of Section 12.21.3 of this Code; ~~;~~ that buildings and structures located within Enterprise Zones shall comply with the requirements of Section 12.21.4 of this Code; and that buildings and structures located within Centers Study Areas designated on Maps Numbered 1 through 29 referred to in Section 12.21.5 of this Code, shall comply with the requirements of Section 12.21.5 of this Code. ~~Such designations are consistent with the purposes, intent and provisions of the General Plan.~~

**Sec.10.** Subsection A of Section 12.21.1 of the Los Angeles Municipal Code is amended to add Subdivision 11 to read as follows:

11. Within the boundaries of a ~~former~~ Community Redevelopment Project Area for which a Redevelopment Plan has been adopted, additional limitations on the height and/or ~~f~~Floor ~~a~~Area of any ~~h~~Building or ~~s~~Structure may be required as set forth in each applicable ~~former~~ Community Redevelopment Plan.

**Sec.11.** Section 12.21.4 of the Los Angeles Municipal Code is hereby amended as follows:

**Sec. 12.21.4. Height of Buildings or Structures in Enterprise Zones. (Added by Ord. No. 161,684, Eff. 11/3/86.)**

~~An Enterprise Zone shall be that area designated by City Council resolution and which has received approval as such from the California Department of Commerce under either the Employment and Economic Incentive Act Program or the Enterprise Zone Act Program. Within the boundaries of "Enterprise Zones," the height district limitations set forth below in Subsections A through F shall apply:~~

**Sec.12.** Paragraphs (a) through (c) of Subdivision 18 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read as follows:

(a) Any use permitted in the R5 Zone on any lot in the CR, C1, C1.5, C2, C4 or C5 Zones provided that such lot is located within the Central City Community Plan Area or within an area designated on an adopted community plan as "Regional Center," or "Regional Commercial". Any combination of R5 uses and the uses permitted in the underlying commercial zone shall also be permitted on such lot.

(b) Any use permitted in the CR, C1, C1.5, C2, C4 or C5 Zones on any lot in the R5 Zone provided that the lot is located within the Central City Community Plan Area. Any combination of these commercial and residential uses shall also be permitted on the lot. Commercial uses or any combination of commercial and residential use may be permitted on any lot in the R5 Zone by conditional use pursuant to Section 12.24 W.15 outside the Central City Community Plan Area.

(c) **Yards.** Except as provided herein, the yard requirements of the zone in which the lot is located shall apply.

(1) The yard requirements of the C2 Zone shall apply to buildings located on lots in the R5 Zone in a former Community Redevelopment Project Area approved by the City Council if such buildings are used exclusively for commercial uses.

**Sec.13.** Paragraph (a) of Subdivision 3 of Subsection C of Section 12.22 of the Los Angeles Municipal Code is amended to read as follows:

(a) No yard requirements shall apply except as required by the Urban Design Standards and Guidelines, ~~as prepared by the Community Redevelopment Agency and approved by the City Planning Commission.~~ The Director of Planning or his/her

designee shall stamp and sign the plans showing the required yards. The applicant shall submit the stamped and signed plans to the Department of Building and Safety along with the plans submitted for a building permit

**Sec.14.** Paragraphs (b) through (e) of Subdivision 30 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read as follows:

(b) **Definition of Project.** For the purposes of this Subdivision, a Project is the construction, erection, addition to or alteration, of any ~~Building or Structure~~, or a use of land or change of use on a ~~Lot~~ located in whole or in part within the ~~areas described in Subparagraph (b) of this Subdivision~~ Downtown Design Guide Project Area, as defined in Section 12.03 and shown on the adopted ordinance map, which requires the issuance of a grading permit, foundation permit, building permit, sign permit or use of land permit.

A Project does not include any of the following: (1) demolition; (2) adaptive reuse of an existing building which conforms to Section 12.22 A.26 of this Code; (3) remodeling of designated historic resources; (4) alterations of or additions to any existing building or structure in which the aggregate value of the work, in any one 24-month period, is less than 50% of the ~~Building or Structure's~~ replacement value before the alterations or additions, as determined by the Department of Building and Safety; and (5) interior remodeling of any other existing ~~Building~~, unless the interior alterations are to the ground floor and will result in the alteration of windows, display windows, entrances, storefronts or otherwise minimize ground floor transparency.

(c) **Downtown Design Guide.** Every ~~Project~~ within the Project Area must comply with the Downtown Design Guide standards and guidelines. The Director shall have the authority to review projects for compliance with the Downtown Design Guide prior to the issuance of a building permit in the Project Area.

(1) **Exception.** Projects conforming to the Downtown Design Guide shall be exempt from the mini-shopping center and commercial corner development regulations set forth in Section 12.22 A.23 of this Code.

(d) **Administrative Clearance - Authority of the Director for**

**Sign Off.**

(1) **Application, Form and Contents.** To apply for an Administrative Clearance, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application and any additional submission requirements. The Director shall determine if the application qualifies for Administrative Clearance and whether the Project complies with all applicable District regulations.

(2) **Application Fees.** The application fee for an Administrative Clearance shall be as set forth in Section 19.01 E or 19.01 I of this Code. The fee in Section 19.01 E shall be charged for administrative clearance of new construction permits only. The fee in Section 19.01 I shall be charged for all other building permit sign-offs.

(3) **Procedures.** Applicants for Projects that comply with the provisions of the Downtown Design Guide shall submit plans to the Director for conformance review and administrative sign off in accordance with Section 12.32 S.4 of this Code. The Director or his/her designee shall review the Project for compliance with the standards and guidelines in the Downtown Design Guide. Projects that fail to demonstrate compliance with the Downtown Design Guide shall follow relief procedures set forth below.

(e) **Adjustment - Authority of the Director with Appeals to the Area Planning Commission.** If an application fails to conform to the provisions of the Downtown Design Guide, the Director or the Director's designee shall have initial decision-making authority to grant an Adjustment in accordance with Section 11.5.7 E 1(a) and with the procedures set forth in Section 11.5.7 C.4 -6. of this Code.

(1) **Limitations.** An Adjustment shall be limited to deviations from regulations which do not substantially alter the execution or intent of those regulations as applicable to a proposed Project.

(2) **Findings.** The determination by the Director shall include written findings in support of the determination. In order to approve a proposed Project pursuant to this Subsection, the Director must find that:



(a) There are special circumstances applicable to the pProject or pProject site which makes the strict application of the Design Guide regulations impractical;

(b) In granting the adjustment, the Director has imposed pProject requirements and/or decided that the proposed pProject will substantially comply with the purpose and intent of all Design Guide regulations;

(c) In granting the adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties and public rights-of-way;

(d) The pProject incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the pProject, to the extent physically feasible; and

(e) The pProject is compatible with the neighborhood character of the surrounding district.

**Sec.15.** Paragraph (a) of Subdivision 3 of Subsection C of Section 12.22 of the Los Angeles Municipal Code is amended to read as follows:

(a) No yard requirements shall apply except as required by the ~~Urban Downtown Design Guide as Standards and Guidelines, prepared by the Community Redevelopment Agency and approved by the City Planning Commission.~~ The Director of Planning or his/her designee shall stamp and sign the plans showing the required yards. The applicant shall submit the stamped and signed plans to the Department of Building and Safety along with the plans submitted for a building permit.

**Sec.16.** The sentence beginning with “Mixed use developments” in Paragraph (b) of Subdivision 3 of Subsection T of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

(b) Vesting conditional use permits may be filed for the following conditional uses under the authority of the City Planning Commission, Area Planning Commission, and Zoning Administrator as described in Subsections U, V and W:

**Mixed use developments** in the R5 Zone located in an approved redevelopment project area.

**Sec.17.** The definition of "**Economic Assistance Areas**" in Paragraph (a) of Subdivision 14 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

(a) **Definitions.** For purposes of this Subdivision the following words and phrases are defined as follows:

**Economic Assistance Areas** means the existing geographically defined areas: ~~Five-State Enterprise Zones, Federal Empowerment Zone, Federal Renewal Community Zone, thirty-seven Community~~ active Redevelopment Agency Project Areas, and Earthquake Project Areas, and a one-mile buffer surrounding each of the above-identified zones, as identified by the Community Development Department and as shown on the "Los Angeles Economic Assistance Areas" Map, dated January 2004, which is attached to Council File No. 00-1675 S2 and is on file in the Community Development Department, and which may be amended from time to time.

**Sec.18.** Paragraph (d) of Subdivision 14 of Subsection U of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

(d) **Superstores in Economic Assistance Areas**

(1) **Additional Findings.** In addition to the findings otherwise required by this Section and set forth in Paragraph (b) of this Subdivision, prior to approval of a Superstore that is located in an Economic Assistance Area, the City Planning Commission or the City Council on appeal shall find, after consideration of all economic benefits and costs, that the Superstore would not materially adversely affect the economic welfare of the Impact Area, based upon information contained in an economic impact analysis report submitted by the applicant, any other information received or obtained by the Community Development Department ~~or the Community Redevelopment Agency~~, a recommendation by the Community Development Department, ~~or the Community Redevelopment Agency~~ pursuant to Subparagraph (3) below, and any other information received before or at a public hearing required by this Section. The phrase "Impact Area" refers to a

three mile radius surrounding the proposed location of the Superstore.

(2) **Procedures.** An application for approval of a Superstore pursuant to this Paragraph shall follow the procedures for conditional use permits otherwise required by this Section. In addition, the applicant shall prepare and submit the economic impact analysis report referenced in Subparagraph (1) to the Community Development Department ~~or to the Community Redevelopment Agency, where appropriate,~~ for review in conjunction with its application to the Department of Planning. The economic impact analysis report shall be reviewed by the Department ~~or Agency~~ and/or a consultant, if deemed necessary by the Department ~~or Agency~~ and paid for in full by the applicant. The Community Development Department ~~and the Community Redevelopment Agency~~ shall complete its review of the report within 60 days after receipt of the report from the applicant. The report shall identify whether:

(i) Efforts to establish a market larger than 20,000 square feet within the Impact Area have been unsuccessful or whether the proposed use will have an adverse impact or economic benefit on grocery or retail shopping centers in the Impact Area;

(ii) The Superstore would result in the physical displacement of any businesses, and, if so, the nature of the displaced businesses or would create economic stimulation in the Impact Area;

(iii) The Superstore would require the demolition of housing, or any other action or change that results in a decrease of extremely low, very low, low or moderate income housing on site;

(iv) The Superstore would result in the destruction or demolition of any park or other green space, playground, childcare facility, community center;

(v) The Superstore would provide lower in cost and/or higher in quality goods and services to residents than currently available or that are currently unavailable from a

cost benefit perspective within the Impact Area in which the Project is proposed to be located;

(vi) The Superstore would displace jobs within the Impact Area or provide economic revitalization and/or job creation. For purposes of determining this impact, the applicant must identify the number of jobs displaced or created, the quality of the jobs, whether the jobs are temporary or permanent, and the employment sector in which the lost jobs are located;

(vii) The Superstore would have a fiscal impact either positive or negative on City tax revenue;

(viii) Any restrictions exist on the subsequent use of the property on which the Superstore is proposed to be located, including the provisions of a lease if applicable, which, in the event the owner or operator of the Superstore vacates the premises, would require the premises to remain vacant for a significant amount of time;

(ix) The Superstore will result in any materially adverse or positive economic impacts or blight on the Impact Area; and

(x) Any measures are available which will mitigate any materially adverse economic impacts, if any, identified by the applicant, if necessary.

(3) **Recommendation.** The Community Development Department, ~~or the staff of the Community Redevelopment Agency if the Superstore is proposed to be located in a former Redevelopment Project Area or in the surrounding one-mile buffer zone,~~ shall review the economic impact analysis report and, after consideration of economic benefits and costs, make a written recommendation as to whether the proposed Superstore will result in a materially adverse economic impact on the Impact Area and, if so, whether conditions are available which will mitigate the economic impact. The written recommendation, including proposed mitigation measures, if any, shall be submitted to the Department of Planning by the Community Development Department, in accordance with the written procedures on file with the Department and the Agency.

**Sec.19.** Subparagraph (3) of Paragraph (d) of Subdivision 2 of Subsection V of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

- (1) in Height District Nos. 2, 3 or 4; or
- (2) not more than 1,500 feet distant from the portal of a fixed rail transit or bus station or other similar transit facility;  
or
- (3) within a ~~Community-Redevelopment-Project Plan~~ Area, an Enterprise Zone or a Centers Study Area, as described in Sections ~~12.21.3, 12.21.4, 12.21.5~~

**Sec.20.** Subdivision 7 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is hereby deleted.

~~7. The **change of use** of the whole or part of any Building for which the original certificate of occupancy was issued prior to September 17, 1971, and used in whole or in part for any use permitted in a C Zone to any residential use permitted in the R4 or R5 Zones, provided that the Building is located in whole or in part on any Lot located within the former Central Business District Redevelopment Project Area, and provided that the density of the residential uses shall not exceed one dwelling unit per 125 square feet of Lot area.~~

**Sec.21.** Subdivision 11 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

11. **CM** uses in the C1, C1.5, C2, C4, and C5 Zones where located within the boundaries of a former ~~e~~Community ~~R~~edevelopment ~~P~~roject Area and when the uses conform to the provisions of the applicable former ~~r~~edevelopment ~~P~~lan.

**Sec.22.** Paragraph (a) (e) and (f) of Subdivision 19 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

19. **Floor Area Ratio Averaging in and Residential Density Transfer in Unified Developments. (Amended by Ord. No. 182,451, Eff. 4/4/13)**

(a) The averaging of ~~f~~loor area ~~r~~atios may be permitted for Buildings which will comprise a unified commercial, industrial or mixed use development in the C or M Zones citywide or in the R5 zone within the Central City Community Plan Area, even if Buildings on each individual parcel or Lot would exceed the permitted ~~F~~loor Area

RrRatio. However, the FfFloor AaArea RrRatio for the unified development when calculated as a whole may not exceed the maximum permitted FfFloor AaArea RrRatio for the height district in which the unified development is located.

(e) **Procedures.** In addition to the requirements of subsection A. through Q. of this section, all persons with an ownership interest in the property requesting fFloor aArea rRatio averaging, residential density transfer, or both, and all persons with mortgage interests, including those persons holding ground leases, must sign the application. A current title search shall be submitted with the application to ensure that all persons with an ownership interest in the property have signed the application.

(f) **Covenant.** If the Zoning Administrator approves the fFloor aArea rRatio averaging or residential density transfer, then the applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:

(2) indicating the FfFloor AaArea used on each parcel and the floor area potential, if any, that would remain;

**Sec.23.** Subdivision 28 of Subsection W of Section 12.24 of the Los Angeles Municipal Code is amended to read as follows:

28. **To permit two or more development incentives pursuant to Section 13.09 E.4 for a Mixed Use Project in a Mixed Use District.** In addition to the findings set forth in Section 12.24 E., the Zoning Administrator shall find that the project provides for an arrangement of uses, bBuildings, sStructures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

**Sec.24.** Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to delete Subdivision 15.

~~15. **Model Dwellings Within Council-Approved Redevelopment Areas.** (Amended by Ord. No. 173,992, Eff. 7/6/01.) Prior or subsequent to the recordation of a final tract map, the Zoning Administrator may, upon application for a model dwelling, designate certain lots as sites for the construction of model dwellings, provided that the construction is occurring within the boundaries of a Council-approved Community **Redevelopment** Agency project area. In no case, however, shall more than 20 lots in a tract be designated as sites for the construction of models nor shall more than 15% of the lots in a tract or units and~~

~~in no case shall more than 20 units in any proposed building be designated as model sites.~~

~~The Zoning Administrator may also permit the operation of one sales office within any of the designated model dwellings on the proposed site. In designating certain proposed lots for use as sites for model dwellings or sales offices, the Zoning Administrator may impose any conditions specified in Sections 12.22A10 and 12.22A11 or any other conditions which are appropriate to the particular model dwelling sites or sales offices being considered. In those cases where the Community Redevelopment Agency is the applicant, there shall be no fee for the designation of a site for the construction of model dwellings; in all other cases the fee, if any, shall be as set forth in this Code.~~

**Sec.25.** Subsection B of Section 13.11 of the Los Angeles Municipal Code is amended to read as follows:

**B. Establishment of Districts.** The procedures set forth in Section 12.32 S shall be followed, however each "SN" Sign District shall include only properties in the C or M Zones, except that R5 Zone properties may be included in a "SN" Sign District provided that the R5 zoned ~~Lot~~ is located within an area designated on an adopted community plan as a "Regional Center," "Regional Commercial," or "High Intensity Commercial," or within any ~~former active R~~Redevelopment ~~Pp~~Project ~~Aa~~Area. No "SN" Sign District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual district.

**Sec.26.** Subdivision 1 (e) of Subsection C of Section 16.05 of the Los Angeles Municipal Code is amended to read as follows:

**C. Requirements**

1. Site Plan Review. **(Amended by Ord. No. 172,489, Eff. 4/16/99.)** No grading permit, foundation permit, building permit, or use of land permit shall be issued for any of the following development projects unless a site plan approval has first been obtained pursuant to this section. This provision shall apply to individual projects for which permits are sought and also to the cumulative sum of related or successive permits which are part of a larger project, such as piecemeal additions to a building, or multiple buildings on a lot, as determined by the Director.

(e) Any residential (including Apartment Hotel or mixed-use) building located within the Greater Downtown Housing Incentive Area that is not subject to Section 12.22 A.30. of this Code. (Added by Ord. No. 179,076, Eff. 9/23/07.)

**Sec.27.** Subdivision 3 of Subsection D of Section 16.05 of the Los Angeles Municipal Code is amended to read as follows:

D. Exemptions

3. Any development pProject located within the boundaries of an adopted Redevelopment pProject Aarea shall be exempt from site plan review when:

(a) The former Community Redevelopment Agency of the City of Los Angeles (CRA) and the City Council have approved an owner participation agreement, a disposition and development agreement, a loan agreement, a cooperation agreement or other discretionary agreement for the development project prior to February 1, 2012; and

(b) The project has been considered during a public hearing prior to February 1, 2012 conducted in accordance with the former CRA's adopted policies and procedures for public hearings.

~~(c) The residential (including Apartment Hotel or mixed use) building is within the Greater Downtown Housing Incentive Area and has been determined by the Community Redevelopment Agency (CRA) to comply with the Urban Design Standards and Guidelines, prepared by the CRA and approved by the City Planning Commission when the City Planning Commission finds that the guidelines are consistent with the applicable community plans.~~

Prior to the issuance of any building permit, the former CRA shall certify to the Director and the Department of Building and Safety that the required notification, hearing and agreement have been completed.

**Sec.28.** Subdivision 7 of Subsection D of Section 16.05 of the Los Angeles Municipal Code is amended to read as follows:

D. Exemptions

~~(7).~~ Any residential (including Apartment Hotel or mixed use) building of less than 50 units and/or guestrooms and for mixed use projects less than 50,000 gross square feet of non-residential floor area



located within the Greater Downtown Housing Incentive Area that is not subject to Section 12.22 A.30. of this Code.

**Sec.29.** Subdivision 2 of Subsection G of Section 16.05 of the Los Angeles Municipal Code is amended to read as follows:

**G. Procedure.**

2. **Environmental Review.** As part of the application for site plan review, the applicant shall file necessary forms and information for environmental review as prescribed by the Director. The Director, or his/her designee, shall cause to be prepared, concurrently with the review and approval of the site plan, the required environmental studies and notices for the Project; ~~except that in the adopted Redevelopment project areas, the CRA shall assume lead Agency responsibilities for environmental review of all projects subject to the provisions of this section and shall prepare the required environmental studies and notices.~~

**Sec. 30.** Subdivisions 3 (a) and 3 (b) of Subsection G of Section 16.05 of the Los Angeles Municipal Code is amended to read as follows:

3. **Notice – Hearing – Time Limits.**

(a) The Director shall refer all completed applications for site plan review to affected City departments for their review and report. ~~For projects in adopted Redevelopment project areas, the completed applications shall be sent to the Administrator of the CRA for review and report as to conformity with the adopted Redevelopment Plan applicable to the project. Responses shall be returned within fifteen (15) days after receipt, or such other period agreed to by the Director and the affected Agency or department.~~

(b) If the Director finds that the matter may have a significant effect on neighboring properties, the Director shall set the matter for public hearing. If the application is set for public hearing, written notice of the hearing shall be sent by First Class Mail at least 15 days prior to the hearing to the applicant, owners and tenants of the property involved, owners and tenants of all property within 100 feet of the boundary of the subject site, the City Councilmembers representing the area in which the property is located, ~~the Administrator of the CRA for projects within an adopted Redevelopment project area,~~ and any organization representing property owners or the community in the project vicinity if they request in writing to be notified. Notice shall also be given

by at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, not less than 15 days prior to the date of the hearing.

**Sec.31.** Subsection A of Section 16.11 of the Los Angeles Municipal code is amended to read as follows:

**A. Composition.** The Green Building Team shall be composed of the following officers of the City or their duly authorized representatives:

The Mayor's Office, as Chairperson;

City Council President, as co-chairperson;

Chairperson, Energy and Environment Committee of the City Council, as co-chairperson;

Chairperson, Planning and Land Use Management Committee of the City Council, as co-chairperson;

Chief Legislative Analyst;

The Director of Planning;

The City Engineer;

The Superintendent of Building;

The Chief Engineer of the Department of Fire;

The Chief Executive Officer and General Manager of the Department of Water and Power;

The General Manager of the Environmental Affairs Department;

The General Manager of the Housing Department;

The Director of the Bureau of Sanitation of the Department of Public Works; and

~~The Chief Executive Officer of the Community Redevelopment Agency of the City of Los Angeles.~~

Officers or their authorized representatives from additional departments shall participate as needed and may include:

The City Attorney;

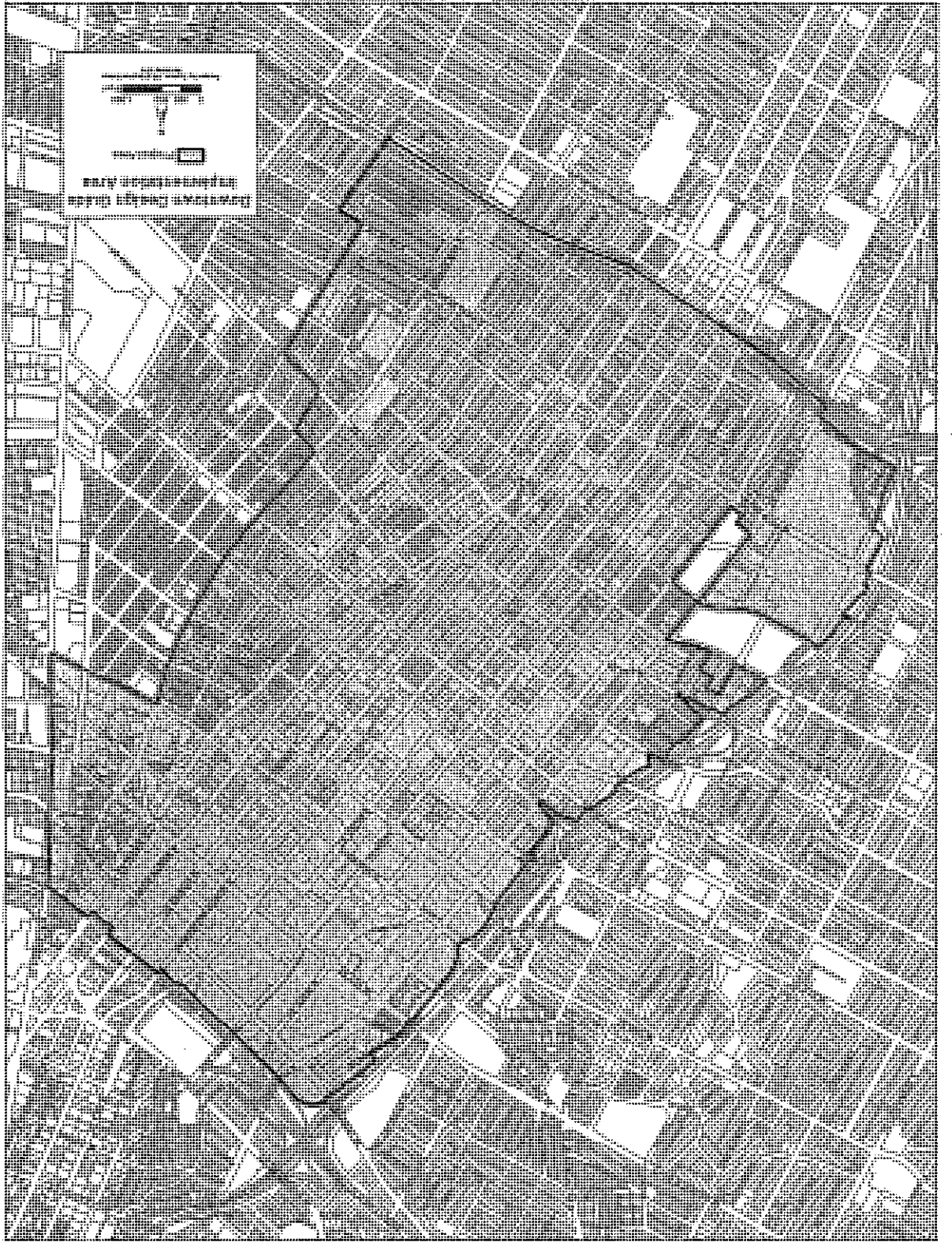
The General Manager of the Department of Transportation;

The Director of the Bureau of Street Services of the Department of Public Works;

The Director of the Division of Urban Forestry of the Bureau of Street Services of the Department of Public Works;

The General Manager of the Harbor; and

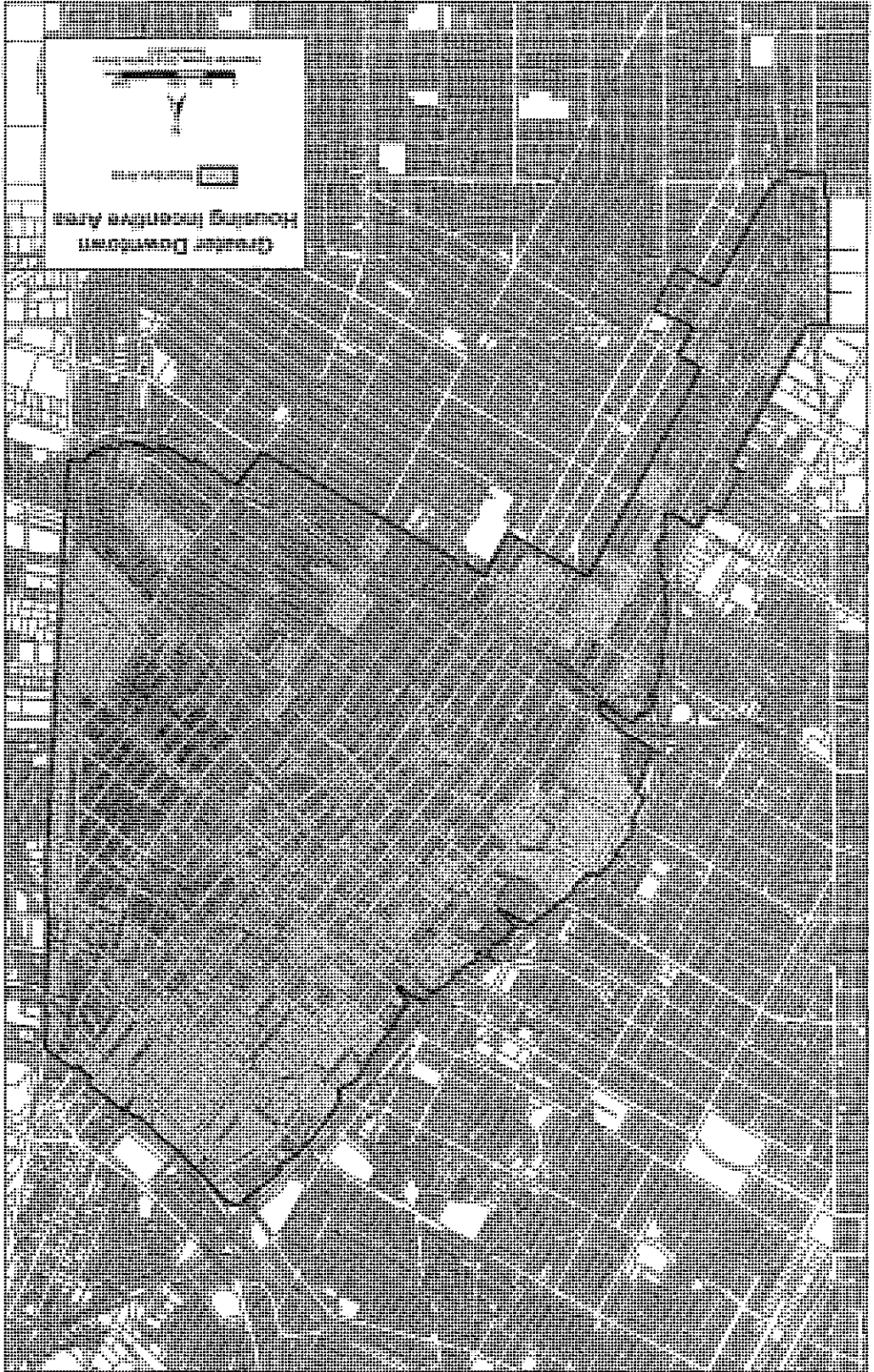
The General Manager of the Los Angeles World Airport.



APPENDIX B - Map A

Ordinance No.

CPC-2013-3169-CA

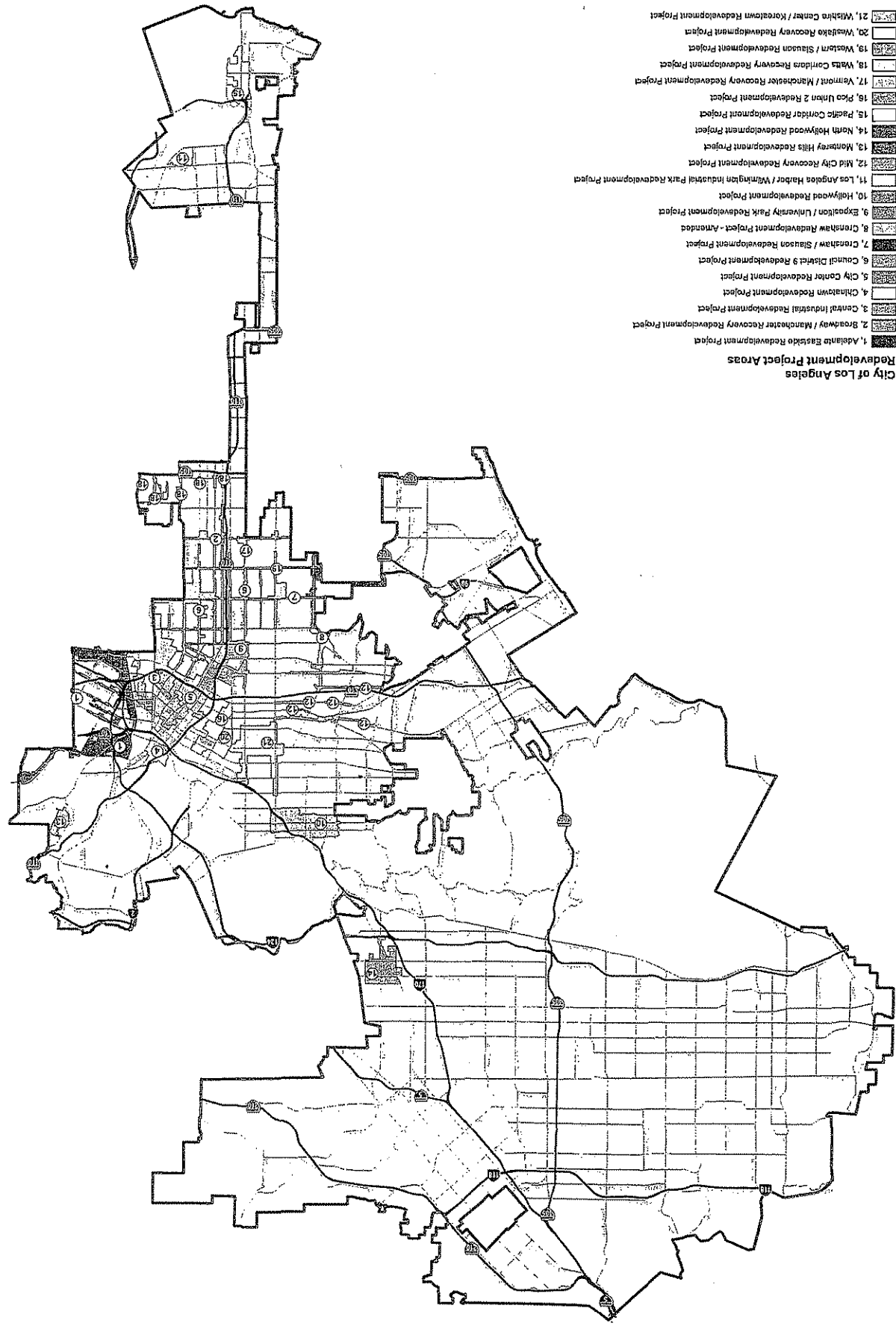


CPC-2013-3169-CA

Ordinance No.

APPENDIX B - MAP B

- City of Los Angeles  
Redevelopment Project Areas**
- 1. Adeline Eastside Redevelopment Project
  - 2. Broadway / Manchester Recovery Redevelopment Project
  - 3. Central Industrial Redevelopment Project
  - 4. Chinatown Redevelopment Project
  - 5. City Center Redevelopment Project
  - 6. Council District 9 Redevelopment Project
  - 7. Crenshaw / Slauson Redevelopment Project
  - 8. Crenshaw Redevelopment Project - Amended
  - 9. Exposition / University Park Redevelopment Project
  - 10. Hollywood Redevelopment Project
  - 11. Los Angeles Harbor / Wilmington Industrial Park Redevelopment Project
  - 12. Mid City Recovery Redevelopment Project
  - 13. Monterey Hills Redevelopment Project
  - 14. North Hollywood Redevelopment Project
  - 15. Pacific Corridor Redevelopment Project
  - 16. Pico Union 2 Redevelopment Project
  - 17. Vermont / Manchester Recovery Redevelopment Project
  - 18. Watts Corridors Recovery Redevelopment Project
  - 19. Western / Slauson Redevelopment Project
  - 20. Washita Recovery Redevelopment Project
  - 21. Washita Center / Koreatown Redevelopment Project



North Arrow  
Scale: 1:25,000  
Copyright © 2013 Thomas Brothers Maps, Inc.  
Prepared By: Dymally, Cira & Graphics, Oakland, CA  
April 2014

COUNTY CLERK'S USE CITY CLERK'S USE

**CITY OF LOS ANGELES**  
OFFICE OF THE CITY CLERK  
200 NORTH SPRING STREET, ROOM 360  
LOS ANGELES, CALIFORNIA 90012

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NOTICE OF EXEMPTION**  
(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

<b>LEAD CITY AGENCY</b> City of Los Angeles Department of City Planning (the DCP)	<b>COUNCIL DISTRICT</b> 1,2,4,8,9,10,13,14,15
--	--

<b>PROJECT TITLE</b> *Transition of Land Use Authority from CRA/LA to the Department of City Planning	<b>LOG REFERENCE</b> ENV 2013-3170-CE
--	--

**PROJECT LOCATION**  
\*Redevelopment Project Areas and the Greater Downtown Area

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**  
\* (1) A technical modification to add or modify Sections 11.13, 12.03, 12.04, 12.21, 12.22, 12.24, 13.11, 16.05 and 16.11 of the LAMC to remove or amend references to the former Community Redevelopment Agency (CRA); (2) technical corrections to clarify existing regulations in the LAMC that are impacted by the transfer of land use authority; and (3) a resolution requesting that all land use related plans and functions of the CRA/LA be transferred to DCP.

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:**  
\*

<b>CONTACT PERSON</b> *David Olivo	<b>AREA CODE</b> * 213	<b>TELEPHONE NUMBER</b> *978 - 1205	<b>EXT.</b>
---------------------------------------	---------------------------	--	-------------

**EXEMPT STATUS: (Check One)**

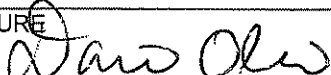
	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
<input type="checkbox"/> GENERAL EXEMPTION	Sec. 15060	n/a

Class 20 Category Section 15320 (State CEQA Guidelines)

OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)

**JUSTIFICATION FOR PROJECT EXEMPTION:** Per State of California CEQA Guidelines, Sections 15320, Class 20, the ordinance is determined to constitute "changes in the organization or reorganization of local government agencies where the changes do not change the geographical area in which previously existing powers are exercised", and involves only a transfer of land use authority of redevelopment plans in redevelopment project areas that exist within the boundaries of the City of Los Angeles. Per CEQA Guidelines, Section 15352, the passing of the ordinance by City Council is the final legislative action and constitutes an "approval" for purposes of CEQA.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

<b>SIGNATURE</b> 	<b>TITLE</b> City Planner	<b>DATE</b>
---	------------------------------	-------------

<b>FEE:</b> n/a	<b>RECEIPT NO.</b> n/a	<b>REC'D. BY</b>	<b>DATE</b>
--------------------	---------------------------	------------------	-------------

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record.  
IF FILED BY THE APPLICANT:

Rev. 11-1-03 Rev. 1-31-06 Word

\*  
NAME (PRINTED) \_\_\_\_\_

\*  
SIGNATURE \_\_\_\_\_

\*Date \_\_\_\_\_

\*\*\*\*\*

Office of the City Clerk, City of Los Angeles

This report was generated by the Council File Management System on 08/29/2019

\*\*\*\*\*

**Council File Number**

[13-1482-S1](#)

**Title**

Transfer of Land Use Authority / Redevelopment Plans / Resolution / Community Redevelopment Agency of Los Angeles (CRA/LA) to the City of Los Angeles

**Last Change Date**

03/01/2019

**Expiration Date**

08/09/2018

**Reference Numbers**

Case: CPC-2013-3169-CA,Environmental: ENV-2013-3170-CE

**Council District**

1,2,4,8,9,10,13,14,15

**Initiated by**

Mayor

**Action History for Council File [13-1482-S1](#)**

<b>Date</b>	<b>Activity</b>
03/01/2019	File expired per Council policy, Council file No. 05-0553.
08/09/2016	Planning and Land Use Management Committee continued item to/for 90 days for City Planning to report back on status of the Ordinance.
08/05/2016	Planning and Land Use Management Committee scheduled item for committee meeting on August 9, 2016.
08/19/2014	Planning and Land Use Management Committee continued item to/for date to be determined.
08/15/2014	Planning and Land Use Management Committee scheduled item for committee meeting on August 19, 2014.
06/18/2014	Department of City Planning document(s) referred to Planning and Land Use Management Committee.
06/17/2014	Document(s) submitted by Mayor, as follows:  City Planning Commission report, dated May 23, 2014, relative to a proposed Resolution requesting the Transfer of Land Use Authority of Redevelopment Plans from the Community Redevelopment Agency of Los Angeles to the City of Los Angeles.



# Exhibit 3



448 S. Hill Street / Suite 1200  
Los Angeles / California 90013

DATE / June 27, 2018

FILE CODE /

T 213 977 1600 / F 213 977 1665  
[www.crala.org](http://www.crala.org)

## **Transit Oriented Communities (TOC) Density Bonuses**

Following passage of City Measure JJJ, the Los Angeles City Council adopted the TOC Ordinance which provides incentives to developers who construct housing in proximity to transportation infrastructure and systems. In some instances, the incentives provide for up to 80% density bonuses if affordable units are included in the project. While there are ongoing discussions with the Department of City Planning and the Office of City Attorney, CRA/LA has determined that the density limits contained in the redevelopment plans are not superseded by Measure JJJ and the implementing TOC Ordinance.

The density limitations affect potential development in six (6) redevelopment project areas: City Center, Central Industrial, Hollywood, North Hollywood, Wilshire Center/Koreatown, and Pacific Corridor. Please consult the appropriate redevelopment plan to determine if your proposed project may be impacted by the plan's limitations. The redevelopment plans are available on CRA/LA's website ([www.crala.org](http://www.crala.org)) under the "Project Areas" tab.

# Exhibit 4

**MOTION**

On June 27, 2018, the Community Redevelopment Agency/ Los Angeles (CRA/LA), A Designated Local Authority (CRA/LA-DLA) and successor to the former CRA/LA, issued a Memorandum that six of the City's Redevelopment Plans contain land use limitations that potentially detrimentally affect development projects utilizing *Measure JJJ's* Transit Oriented Communities (TOC) incentives.

The CRA/LA has determined that the limitations of these Redevelopment Plans are not superseded by *Measure JJJ: Los Angeles Affordable Housing and Labor Standards Initiative* (Municipal Code Section 11.5.11, *Affordable Housing*).

The density and/or Floor Area Ratio (FAR) limitations of these Redevelopment Plans negatively affect or stop potential developments in the following Redevelopment Project Areas: City Center; Central Industrial; Hollywood; North Hollywood; Wilshire Center/Koreatown; and Pacific Corridor.

As of September 14, 2018 there are at least twenty-five TOC projects in Redevelopment Project Areas in which the CRA/LA has determined that the land use limits and/or restrictions of the Redevelopment Plans conflict with *Measure JJJ*. These projects, cumulatively, have 1,350 housing units of which 214 units are affordable units, including 59 that are for a Permanent Supportive Housing Loan Program (Prop HHH) project. Prop HHH is designed to develop permanent supportive housing for homeless individuals and those at risk of homelessness throughout the City.

Given the critical need for housing, especially affordable housing, the City needs to collaborate with the CRA/LA to determine what actions, if any, can be taken to resolve the impact of the CRA/LA June 27, 2018 Memorandum. The expeditious resolution of this should be a priority for the Planning Department, to resolve any and all uncertainty in the development community.

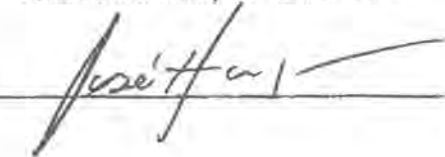
**I THEREFORE MOVE** that the Council instruct the Planning Department, in consultation with the City Attorney, to report within 30 days on the impact of the Community Redevelopment Agency/LA, A Designated Local Authority's June 27, 2018 Memorandum indicating that six City Redevelopment Plans have land use limitations that potentially detrimentally affect twenty-five development projects in Redevelopment Project areas because they conflict with *Measure JJJ's* Transit Oriented Communities (TOC) incentives, and to: (1) provide an update on the status of 25 TOC projects; (2) provide information as to what development project applicants have been informed by staff regarding their filed applications or those filing applications; and (3) provide information as to any communication, if any, that has occurred between the Planning Department and the CRA/LA-DLA as to the land use impacts/ramifications of the Memorandum.

PRESENTED BY:



MITCH O'FARRELL  
Councilmember, 13<sup>th</sup> District

SECONDED BY:




ORIGINAL

# Exhibit 5

**DEPARTMENT OF  
CITY PLANNING**

COMMISSION OFFICE  
(213) 978-1300

CITY PLANNING COMMISSION

SAMANTHA MILLMAN  
PRESIDENT

VAHID KHORSAND  
VICE-PRESIDENT

DAVID H. J. AMBROZ  
CAROLINE CHOE

KAREN MACK  
MARC MITCHELL

VERÓNICA PADILLA CAMPOS  
DANA M. PERLMAN  
VACANT

**CITY OF LOS ANGELES**  
CALIFORNIA



ERIC GARCETTI  
MAYOR

**EXECUTIVE OFFICES**

200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
(213) 978-1271

VINCENT P. BERTONI, AICP  
DIRECTOR

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER

SHANA M.M. BONSTIN  
DEPUTY DIRECTOR

TRICIA KEANE  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

April 4, 2019

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**COMMUNITY REDEVELOPMENT AGENCY / LOS ANGELES DESIGNATED LOCAL  
AUTHORITY (CRA/LA-DLA) AND MEASURE JJJ TRANSIT ORIENTED COMMUNITIES  
INCENTIVES; CF 18-1023**

On February 1, 2019 the City Council adopted a motion requesting the Department of City Planning report back with information regarding the relationship between the Measure JJJ Transit Oriented Communities (TOC) Affordable Housing Incentive Program (TOC Program) and policies of the Community Redevelopment Agency / Los Angeles, a Designated Local Agency (CRA/LA-DLA), the successor agency to the Community Redevelopment Agency / Los Angeles (CRA/LA).

In particular, the Council instructed the Planning Department, in consultation with the City Attorney, to report on the impact of the CRA/LA-DLA June 27, 2018 Memorandum (Attachment 1) indicating that six City "redevelopment plans" have land use limitations that potentially detrimentally affect development projects in Redevelopment Project areas because they restrict the implementation of certain incentives of Measure JJJ's Transit Oriented Communities (TOC) Program, and to provide an update on the status of TOC projects being impacted; provide information as to what development project applicants have been informed by staff regarding their filed applications or those filing applications; and provide information as to any communication, if any, that has occurred between the Planning Department and the CRA/LA-DLA as to the land use impacts/ramifications of the Memorandum.

## **Background**

The City of Los Angeles established the former CRA/LA in 1948 pursuant to state law. In 2011, state law dissolved redevelopment agencies across California. The City of Los Angeles elected not to designate itself as the successor agency and in 2012 the Governor appointed a Designated Local Agency (DLA) to wind down the former agency's operations.

There are currently 19 active redevelopment plans covering 19 communities (project areas) that were prepared by the former CRA/LA and adopted by the City Council by ordinance. Redevelopment plans may, in some instances, include more restrictive development standards than City zoning code standards. These plans will expire on various dates with two expiring in the next three years and the final plan expiring in 2032. In the interim, the land use authority established by the redevelopment plans is being implemented by the CRA/LA-DLA staff, including assessing compliance of proposed development projects with various development standards codified in the redevelopment plans. A proposed ordinance and resolution are currently before the City Council (CF 13-1482-S3) that would transfer the land use related plans and functions of the former agency to the City pursuant to state law.

Measure JJJ, passed by the voters of Los Angeles in November 2016, created the TOC Affordable Housing Incentive Program. The program provides development incentives such as additional density and floor area for projects that include required amounts of affordable housing and are located within ½ mile of state-defined major transit stops. A TOC project, like any other type of development project located in redevelopment plan areas, requires permit review by CRA/LA-DLA staff.

On June 27, 2018, the CRA/LA-DLA issued a memorandum titled Transit Oriented Communities (TOC) Density Bonuses. The memo indicated that the CRA/LA-DLA has determined that density in the redevelopment plans may not be superseded by the TOC Program and that up to six redevelopment plans contain land use limitations that could potentially affect TOC projects.

## **Redevelopment Plans and TOC Projects Impacted**

The June 27, 2018 CRA/LA-DLA memo raises an issue of compliance with a set of regulations that exist in several of the redevelopment plans. Maximum plan densities and/or floor area ratios (FARs) are prescribed in different plan areas, as well as a specific method to request density or floor area bonuses beyond the CRA/LA limits. State Density Bonus law may be utilized to exceed this maximum allowable residential density. However, the CRA/LA-DLA memo states that the density limits contained in redevelopment plans are not superseded by Measure JJJ and the TOC Guidelines. The justification cited for this is that the TOC Program is a locally created incentive system, whereas the density bonus program derives from state law (as do the redevelopment plans).

The CRA/LA-DLA June 27, 2018 Memorandum indicated that six redevelopment plans may have land use limitations that potentially affect TOC Projects. Upon further evaluation, this list has been narrowed to three of the plans: Hollywood, North Hollywood and Central Industrial. Notably, the Central Industrial area is an industrially zoned area where TOC

incentives generally cannot be utilized. The other three plans originally identified in the June 27, 2018 memo by CRA/LA-DLA were found not to include any relevant limitations.

Therefore, the two redevelopment plans impacting TOC projects are Hollywood and North Hollywood. Both feature density limitations that limit the applicability of the TOC density increases in residential areas. Other TOC incentives such as parking and setbacks continue to be generally available in residential areas of these two affected redevelopment plans.

### Status of Potentially Impacted TOC Projects

Department staff has researched proposed TOC projects located in the three affected redevelopment plan areas, based on a review of submittals through March 21, 2019. A total of sixteen TOC projects have been filed within these three plan areas and are awaiting approval from the Department of City Planning and/or the Department of Building and Safety. All but two of those projects required a discretionary entitlement. The current status of these sixteen potential TOC projects falls into different categories:

- Six projects have building permit applications pending with the Department of Building and Safety.
- Ten projects currently have a discretionary TOC entitlement pending with the Department, or have an approved TOC entitlement but have not yet filed for building permits.

A summary of these projects, by location, is provided in Table 1, below.

**Table 1. Current Status of TOC Projects Impacted by Redevelopment Plans**

<b>Current Status of Impacted TOC Projects in Redevelopment Plan Areas</b>	<b>TOC Projects with Pending Building Permits from LADBS</b>	<b>Discretionary TOC Case Pending with City Planning or Approved by City Planning</b>	<b>Total</b>
Hollywood	4	8	12
North Hollywood	2	2	4
Central Industrial	0	0	0
<b>Total Impacted TOC Projects</b>	<b>6</b>	<b>10</b>	<b>16</b>

*Note: Data is provided as of March 21, 2019*

### Direction Provided by the Department of City Planning Staff

The Department issued its own advisory memorandum on January 9, 2019 (Attachment 2) to provide guidance on the issue and direct applicants to consult with Department staff for compliance options. For TOC cases that were previously accepted and are now in the entitlement pipeline, Department staff has contacted all sixteen applicants to provide them



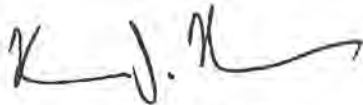
with this memorandum and provide alternative entitlement options, which generally involve a conversion of the TOC case into a Density Bonus request (either on-menu or off-menu) with a Conditional Use entitlement (LAMC 12.24 U.26). There may be other exceptions, conditional uses and public benefit entitlements that apply. Development Service Center staff is also sharing the January 9th memorandum with all potential applicants who inquire about filing for potential TOC projects in the affected redevelopment areas.

## Conclusion

The Department has provided information responsive to the City Council motion and is happy to answer any additional questions. For questions regarding this report, please contact Matt Glesne at (213) 978-2666. For questions regarding the TOC program, please contact the Department's Housing Services at (213) 202-5456, or in person on the 5th floor of the Development Services Center at 201 N. Figueroa.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

A handwritten signature in black ink, appearing to read 'K.J. Keller', with a long horizontal flourish extending to the right.

Kevin J. Keller, AICP  
Executive Officer

VPB:KJK:ALV:mg

## Enclosures

- Attachment 1 – June 27, 2018 CRA/LA-DLA Memorandum
- Attachment 2 – Department of City Planning January 9, 2019 Advisory Memo



448 S. Hill Street / Suite 1200  
Los Angeles / California 90013

DATE / June 27, 2018

FILE CODE /

T 213 977 1600 / F 213 977 1665  
[www.crala.org](http://www.crala.org)

### **Transit Oriented Communities (TOC) Density Bonuses**

Following passage of City Measure JJJ, the Los Angeles City Council adopted the TOC Ordinance which provides incentives to developers who construct housing in proximity to transportation infrastructure and systems. In some instances, the incentives provide for up to 80% density bonuses if affordable units are included in the project. While there are ongoing discussions with the Department of City Planning and the Office of City Attorney, CRA/LA has determined that the density limits contained in the redevelopment plans are not superseded by Measure JJJ and the implementing TOC Ordinance.

The density limitations affect potential development in six (6) redevelopment project areas: City Center, Central Industrial, Hollywood, North Hollywood, Wilshire Center/Koreatown, and Pacific Corridor. Please consult the appropriate redevelopment plan to determine if your proposed project may be impacted by the plan's limitations. The redevelopment plans are available on CRA/LA's website ([www.crala.org](http://www.crala.org)) under the "Project Areas" tab.



**DEPARTMENT OF CITY PLANNING**  
**Executive Office**

City Hall, 200 N. Spring Street, Room 525, Los Angeles, CA 90012

**January 9, 2019**

**TO:** Department of City Planning Staff  
Interested Parties

**FROM:** Kevin J. Keller, AICP   
Executive Officer

**SUBJECT: ADVISORY MEMO ON APPLICATION OF TRANSIT ORIENTED COMMUNITIES (TOC) INCENTIVES IN CRA/LA REDEVELOPMENT PLAN AREAS**

On June 27, 2018 the CRA/LA issued a memorandum entitled *Transit Oriented Communities (TOC) Density Bonuses* (see attached). The memo addresses the manner in which CRA/LA is implementing its land use authority over redevelopment plans with regards to the City's TOC Affordable Housing Incentive Program (TOC Program). The CRA/LA is the Designated Local Agency for the former Community Redevelopment Authority of the City of Los Angeles. The following guidance clarifies how the TOC Program will be administered by the Department, in light of the CRA/LA memo.

The TOC Program was created as a result of Measure JJJ, which was approved by the voters of Los Angeles in November 2016 (codified in LAMC 12.22 A.31). The TOC Program establishes a set of incentives, such as density and floor area increases for qualifying residential and mixed-use projects located near major transit stops provided such projects include a set percentage of affordable housing.

The CRA/LA memo states that some incentives in the TOC Guidelines are currently not recognized by the CRA/LA as being effective in some redevelopment plans. The following redevelopment areas are identified as being potentially affected: City Center, Central Industrial, Hollywood, North Hollywood, Wilshire Center/Koreatown and Pacific Corridor. Projects utilizing TOC incentives in any of these redevelopment areas which exceed certain density regulations established by the redevelopment plans may not be able to receive clearance by CRA/LA staff at this time.

TOC applicants, including those who have filed applications and are in process, those who have received approvals from the Department or those who are by-right and cleared by the Department of Building and Safety, are advised to contact their assigned Department of City Planning project planner or the Department's Housing Services Unit on options for compliance with City regulations as well as CRA/LA requirements. Planning staff are available to answer questions on potential alternative entitlement options via a consultation. The Department's Housing Services staff are located on the 5th floor of the Development Services Center at 201 N. Figueroa St., or by calling (213) 202-5456.

The Department continues to work collaboratively with the CRA/LA on this topic and will provide future updates on this matter as appropriate.

### **Transit Oriented Communities (TOC) Density Bonuses**

Following passage of City Measure JJJ, the Los Angeles City Council adopted the TOC Ordinance which provides incentives to developers who construct housing in proximity to transportation infrastructure and systems. In some instances, the incentives provide for up to 80% density bonuses if affordable units are included in the project. While there are ongoing discussions with the Department of City Planning and the Office of City Attorney, CRA/LA has determined that the density limits contained in the redevelopment plans are not superseded by Measure JJJ and the implementing TOC Ordinance.

The density limitations affect potential development in six (6) redevelopment project areas: City Center, Central Industrial, Hollywood, North Hollywood, Wilshire Center/Koreatown, and Pacific Corridor. Please consult the appropriate redevelopment plan to determine if your proposed project may be impacted by the plan's limitations. The redevelopment plans are available on CRA/LA's website ([www.crala.org](http://www.crala.org)) under the "Project Areas" tab.



## APPLICATION OF TRANSIT ORIENTED COMMUNITIES (TOC) INCENTIVES IN CRA/LA REDEVELOPMENT PLAN AREAS FREQUENTLY ASKED QUESTIONS (FAQ)

### How are Density Bonus projects affected by CRA's memo?

Projects approved pursuant to state Density Bonus law, as codified in the City's 2008 Density Bonus Ordinance (Ordinance 179,861), are not affected by the CRA/LA memo. This includes both on-menu and off-menu Density Bonus projects approved per LAMC Section 12.22 A.25.

### What options are available for Projects which are exceeding CRA density limitations and seeking other incentives through the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines)?

A Project may be eligible for a Conditional Use Permit entitlement for density increases greater than 35% (per LAMC Sections 12.24 U.26) in conjunction with a Density Bonus entitlement. Applicants should contact Planning staff to explore these and other potential options.

### Are By-Right TOC Projects in CRA Areas Affected?

Applicants who have filed a by-right project with the Department of Building and Safety and are within one of the six CRA Plan areas that contain density limitations are advised to contact the Department of City Planning's Development Services Center (DSC) on options for compliance with City regulations as well as CRA/LA requirements. The DSC has three convenient locations:

DSC Metro  
Figueroa Plaza  
201 N. Figueroa Street  
Main Public Counter, 4<sup>th</sup> Floor  
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### What if a TOC Project is located in a CRA/LA redevelopment project area, but not one of the six specified in the CRA's memo?

A Project that is not located in one of the six redevelopment project areas mentioned in the CRA/LA memo is not impacted by this advisory.

January 9, 2019

## Communication from Public

**Name:** Beth S Dorris  
**Date Submitted:** 09/17/2019 02:33 PM  
**Council File No:** 13-1482-S3  
**Comments for Public Posting:** See attached 4 page letter to City Council.

Beth S. Dorris  
Law Offices of Beth S. Dorris  
3226 Mandeville Canyon Road  
Los Angeles, California 90049

September 17, 2019

Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

*By Hand and Via Electronic Delivery to LACounselComment.com and [clerk.plumcommittee@lacity.org](mailto:clerk.plumcommittee@lacity.org)*

Re: Resolution (“Resolution”), Ordinance (“Ordinance”), Initial Study/Negative Declaration (“IS/ND”), and Categorical Exemption (“CE”) (collectively, the “Actions”) to Transfer the Land Use Functions of the CRA/LA, a Designated Local Authority (“CRA/LA DLA”), Successor of the CRA/LA (“Original CRA/LA” and, jointly with the CRA/LA DLA, the “CRA/LA”), to the City of Los Angeles and its Planning Department (jointly, the “City”); CF 13-1482-S3; CPC-2018-6005-CA, CEQA: ENV-2019-4121-ND & ENV-2018-6006-CE

Honorable Councilmembers:

This letter is on behalf of Hollywood Heritage, Inc. (“Hollywood Heritage”) and Donna Williams (as an individual). It updates, incorporates and supplements all comments previously provided by or on behalf of Hollywood Heritage on the proposed land use authority and function transfer from the CRA/LA to the City.<sup>1</sup>

**1. Based On Updates From The CRA/LA, The City Should, Wait (For Potentially As Little As A Month) For The CRA/LA To Correct Outstanding Violations Of The Court Order and Hollywood Redevelopment Plan Settlement.**

The CRA/LA has reported to us that it has prepared draft plans required under the Court Order and Hollywood Redevelopment Plan Settlement (and the HRP, FEIR and MMP as well). These plans include an urban design plan for the Franklin and Hollywood Boulevard areas, Sunset Boulevard design guidelines, a transportation/parking management plan, and density transfer procedures (as more fully described in said Court Order/HRP Settlement, the “Remaining Plans”). Thus, little remains to be done. It is dismaying (and an egregious violation of the Court Order) that the CRA/LA has not already submitted the Remaining Plans to the governing board for approval. Nonetheless, the CRA/LA certainly can still do so, and do so in the next month or so (if not weeks).

This raises a serious timing issue. Passing the Ordinance and Resolution at the very last minute, now, would remove from the CRA/LA the very land use authority it needs to correct its pre-existing violations of the Court Order, and present the Remaining Plans to its Board for approval. Based on the CRA/LA’s own reports as to its status, the CRA/LA could present Remaining Plans to its board for approval in as little as a few weeks. Neither the City nor the CRA/LA have proffered even a good faith reason as to why the CRA/LA has not already done so, but instead are pushing to transfer the necessary land use authority from the CRA/LA to the City. The timing is particularly suspect. The City has been deliberating some version of the Resolution and Ordinance to transfer land use authority for at least 4 years. Doing the transfer now, frankly, looks like the worst of bad faith, contempt of court, and deliberate unconstitutional impairment of contract.

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<sup>1</sup> Capitalized terms have the meaning set forth in our August 27, 2019 comment letter on this matter unless otherwise specified herein.

**2. The Proposed Actions Seek To Block Court Order/HRP Settlement Terms That Specifically Require The City Assume Land Use Authority Of The CRA/LA On Transfer Of Land Use Authority.**

The Resolution, Ordinance, and IS/ND have been revised in advance of the current PLUM Committee review. These actions still purport limit the transfer to CRA/LA obligations under the HRP only. In so doing, the actions continue to preclude transfer of land use responsibilities provided, acknowledged or clarified under the Court Order, HRP Settlement, or even the FEIR and MMP. This result would be unlawful and unenforceable for the reasons set forth in prior comments, as supplemented below and in the subsequent sections of this comment letter.

The Court Order and associated HRP Settlement expressly requires that the CRA/LA's obligations thereunder be transferred as part of the land use authority transfer to the City under H&S Section 34173(i). The Court Order, Attachment 1, Section 2 states: "If and when the City of Los Angeles or any other governmental agency assumes the land use authority in the Hollywood Redevelopment Proect area, said land use authority successor and not the CRA/LA shall be responsible for the CRA/LA's obligations" as to the Remaining Plans and the Updated Survey.

The HRP Settlement enforced by the Court Order also expressly binds the CRA/LA's land use successor to the other land use authority implementation measures in the HRP settlement provisions, including without limitation the "interim measures" in the original settlement:

"The Parties acknowledge and affirm that the CRA/LA's obligations under the Settlement are part of may not be segretated from its land use authority and functions, including without limitation any assignment or other transfer of all or any part of the CRA/LA's land use authority or functions to the City of Los Angeles (or City Planning) or other qualified governmental agency, and in the event of any transfer of or assumption of the CRA/LA's land use authority over the Hollywood Redevelopment Area, the successor agency shall succeed to the CRA/LA's obigations under the Settlement which obligations may not be terminated by the successor agency, notwithstanding any contrary provision herein.... In addition, the CRA/LA's obligations under the settlement and continuing court jurisdiction under Section 664.6 related to enforcement thereof shall be deemed "litigation" requiring automatic transfer of the CRA/LA's obligations under the Settlement to any successor authority under Health and Safety Code section 34173...."

(Court Order Attachment 1 Section 5.)

We note that the CRA/LA legally must *oppose* the Resolution and Ordinance to the extent they preclude successor liability under the Court Order and HRP Settlement. Otherwise they are directly agitating to violate and block the Court Order. Yet the CRA/LA has informed the public, Hollywood Heritage, the court, PLUM and the City Council that it strongly supports the Resolution and Ordinance, without qualification. The CRA/LA cannot do so without being in contempt of court under the Court Order. Further, any approval of the Resolution, Ordinance, and IS/ND would make the City a knowing co-conspirator to the CRA/LA's blatant contempt of court under the Court Order (as well as successor).

**3. The Constitution Precludes The Impairment Of Contract Contemplated By The Ordinance And Resolution, And The Associated Interpretation of H&S Code Section 34173(i).**

California Constitution Article 1, Section 9 provides that "a bill of attainder, ex post facto law, or law impairing the obligations of contracts may not be passed." The United States Constitution Article 1, Section 10 provides "No State shall . . . pass any Bill of Attainder, ex post facto law, or law impairing the Obligation of Contracts . . ." Legislation running afoul of these constitutional protections can be stricken. (*Teachers Retirement Board v. Genest* (2007) 154 Cal.App.4th 1012; *Valdes v. Cory* (1983) 139 Cal.App.3d 773.) These constitutional



provisions were put into place to prevent the legislative branch from enacting bills that prevented the performance of existing contractual obligations.

The Resolution, Ordinance, and IS/ND appear to present a novel interpretation of Section 34173(i). The interpretation would allow the transfer of only *some, but not all*, of the CRA/LA's land use authority and function parameters in the Hollywood Redevelopment area. Under this interpretation, the land use authority/functions to be transferred to the City would be circumscribed by the HRP, but specifically exclude the land use authority parameters under the Hollywood Redevelopment Plan Settlement and associated Court Order. Further, the contractual obligations the City seeks to thwart here are not payment of money, but rather exercise of land use authority in its purest form (review of land use plans and protocols and completion and incorporation of an updated historic survey). The Resolution, Ordinance and IS/ND unconstitutionally impair contract, and thus are void and unlawful.

The City purports to rely on Section 34173(i) to void its successor obligations under the Court Order. If correct, the City's apparent interpretation of Section 34173(i) would also make Section 34173(i) unconstitutional. The only other alternative is that the City's statutory interpretation is wrong. Nothing in Section 34173 limits the land use authority transferred under subsection (i) to just the redevelopment plans themselves, and not also to associated planning controls such as those in the Court Order and Hollywood Redevelopment Plan Settlement.

Beyond this, the Court Order/HRP Settlement, by its own terms, is ongoing land use authority litigation requiring assumption by the City as successor to that authority. (Court Order, Att. 1, Section 5.) Nothing in Section 34173 restricts, or can constitutionally restrict, the City from subsuming the role of the CRA/LA in the HRP Settlement, under the ongoing litigation associated with the Court Order. To the extent that the Resolution and Ordinance purport to do so, they are invalid and void.

4. **Councilmember Concern About Great Expense To The City Is Simply Not Valid Here.**

At the last PLUM meeting, staff and at least one committee member expressed concern that the City could not assume responsibilities under outstanding settlement agreements (and court orders/judgments enforcing them) without taking on significant unfunded costs. Nothing could be further from reality as to the Court Order and Hollywood Redevelopment Plan Settlement. The CRA/LA reports that it set aside the cost of consultants' preparation of the Remaining Plans and Updated Survey (as defined in the Court Order as HRP Settlement); that the draft Plans are done, and that the Updated Survey is on track for completion by the date required under the Court Order (18 months after the Effective Date of August 1, 2018). Further, the Updated Survey and Remaining Plans are independently required for effective implementation of the HRP, FEIR and MMP.

5. **The Actions Require Further CEQA Study And Continue A Longstanding Unlawful Pattern And Practice.**

The Hollywood Redevelopment Plan Settlement settled CEQA claims (among others) and claims of noncompliance with mitigations required under CEQA documents, including the FEIR and MMP for the Hollywood Redevelopment Plan now in effect. Any interference with performance under that settlement will necessarily cause or exacerbate potential significant adverse impacts as to cultural/historic resources, transportation/parking, aesthetics, air quality, infrastructure overburden, land use plan inconsistency, and urban decay. Further, the revised Actions purport to exclude land use functions and authority not directly in the HRP or associated Regulations. Any failure to transfer to the City obligations under the FEIR and MMP also creates potential significant environmental impacts in the same categories, otherwise mitigated by mitigations and project measures the FEIR and MMP, as detailed therein. This continues a long standing practice of CEQA avoidance started more than 20 years ago, as detailed in prior comments and attachments (including the original Complaint).

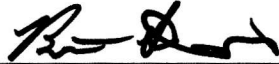
Beyond this, changes to the definition of the land use authorities and functions being transferred are changes to the project definition, and necessarily require reposting, noticing and circulation with additional comment of the IS/ND (and CE).

We note that the Notice of Intent to Adopt the IS/ND states that a hearing on the IS/ND will be held before City Council review and approval. Thus far we have received and seen only meeting notice, not hearing notice, for the IS/ND. The City committed to a public hearing in its Notice of Intent. The Actions thus cannot be a consent item and full hearing notice will need to be provided. No public hearing on the IS/ND has yet occurred or been properly noticed.

We very much appreciate your careful review and consideration of these comments.

Very truly yours,

Law Offices of Beth S. Dorris

By   
Beth S. Dorris

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