

FW: Transfer of Land Use Authority from the CRA/LA-DLA to the City; Resolution, Ordinance and Proposed CEQA Categorical Exemption

Frances Offenhauser <offenhauser@oma-la.com>
To: clerk.plumcommittee@lacity.org

Tue, Mar 19, 2019 at 10:50 AM

Hi Rita: Will you see that the PLUM Committee members get a copy of this email and attachments for their 2:30 meeting?

Thanks so much.

From: Frances Offenhauser [mailto:offenhauser@oma-la.com]
Sent: Monday, March 18, 2019 10:54 PM
To: 'Giselle Corella'; 'Beth Dorris'
Cc: 'Susan Wong'; 'Christy McAvoy'; 'Craig Weber'; 'Patricia Diefenderfer'
Subject: RE: Transfer of Land Use Authority from the CRA/LA-DLA to the City; Resolution, Ordinance and Proposed CEQA Categorical Exemption

Hi Giselle:

Will you please enter Hollywood Heritage's letter from December 2, 2018 into the record for the PLUM Hearing and if it is not too late, distribute it to the Commissioners? And the same for these attachments and my email? Thanks so much.

Unfortunately the notification of this hearing was too late to see and find the recent changes to the proposed Ordinance and Resolution, which Ms Diefenderfer and Mr. Weber have been working on to address certain of Hollywood Heritage's concerns, including the definition of "historic resource", "Project", and a proposed informational ZI.

There remain quite a number of very important concerns.

One has to do with CRA's current obligations resulting from 2 lawsuits, brought by Hollywood Heritage, to enforce the public's interest in critical planning and implementation for historic buildings.

Historic preservation in Hollywood is not a side issue! It was central to redevelopment planning 35 years ago and central to CRA's responsibilities today. Any transfer of CRA "land use authorities" is not a bonanza-- it includes a codified set of explicit responsibilities, many not addressed in the proposed Resolution and Ordinance -- some that that CRA has met, some not.

35 years ago the City of Los Angeles required that CRA absorb and perform serious responsibilities-- with CRA's resources and its ability to be MORE restrictive and MORE detailed --CRA was required to do work equivalent to

Specific Plans, Transportation Plans, and CHMs. The City and CRA had intertwining obligations unmatched in any other redevelopment area.

The responsibilities that CRA has not met will transfer to City Planning. That includes obligations from Settlement Agreements which principally addressed CRA's outstanding obligations under the Redevelopment Plan. If that Redevelopment Plan is transferring, the City is receiving the full package-- obligations, liabilities, etc.

As well:

- I have attached here a listing of CRA land use obligations included in the Redevelopment Plan, to have in the record..
- I have attached the text of comments Hollywood Heritage representatives prevented from delivering at the Planning Commission owing to a 1 minute time limit.

Respectfully submitted

Frances Offenhauser

Heritage Properties

[8762 Holloway Drive](#)

[West Hollywood, CA 90069](#)

From: Giselle Corella [mailto:giselle.corella@lacity.org]

Sent: Monday, March 18, 2019 4:27 PM

To: Beth Dorris

Cc: Susan Wong; Frances Offenhauser; Christy McAvoy; Craig Weber; Patricia Diefenderfer

Subject: Re: Transfer of Land Use Authority from the CRA/LA-DLA to the City; Resolution, Ordinance and Proposed CEQA Categorical Exemption

Hello,

Per the [PLUM agenda](#), written comments on agenda items may be submitted to clerk.plumcommittee@lacity.org. You may contact Rita Moreno, Legislative Assistant at (213) 978-1074 should you have additional questions about this process.

Best,

Giselle Corella, City Planning Associate
Department of City Planning



T: (213) 978-1357

200 N. Spring St., Room 667

Los Angeles, CA 90012



**Please note I am out of the office every other Friday*

On Mon, Mar 18, 2019 at 3:24 PM Beth Dorris <beth.dorris@aol.com> wrote:

Re: Council File: 13-1482-S3 Proposed Resolution, Ordinance, and CEQA Categorical Exemption transferring authority from CRA/LA DLA to the City;

PLUM Agenda for 3/1/19 Item 8, 13-1482-S3

CPC-2018-6005-CA, ENV-2018-6006-CE

Greetings. This letter is on behalf of Hollywood Heritage, Inc. Please include in the City Council's record for the above-referenced matters and, to the extent allowed under PLUM's rules, in PLUM's record for the same matters, the attached two documents :

Order under CCP Section 664.6 enforcing land use requirements of CRA/LA DLA described therein, among other matters;

Second Amended Petition, Hollywood Heritage v. CRA/LA et al, dated Nov. 12, 2007.

These two documents are provided to better document the following concerns (in addition to those previously raised by Hollywood Heritage and others in prior comments on these matters):

1. The proposed Resolution and Ordinance would violate the US Constitution by impairing contracts between the CRA/LA and Hollywood Heritage. Essentially, the Resolution and Ordinance, as interpreted in the Staff Report, seek to remove from the CRA/LA DLA the very land use authority needed for the CRA/LA DLA Board to fully review and on CRA/LA DLA Board approval, implement the Urban Design, Transportation, and other Plans and measures required of the CRA/LA DLA under the settlement enforced pursuant to the attached CCP 664.6 Order of the Court.
2. The materials being presented to PLUM and the City Council falsely make it sound as though the most recent settlement agreement between CRA/LA DLA and Hollywood Heritage (attached to the 664.6 Order) has nothing to do with the land use authority being transferred to the City. On the contrary, the settlement agreement directly relies on and circumscribes parameters of the CRA/LA DLA's land use authority, and thus is intrinsic to and part of any transfer of land use authority to the City and its Planning department.
3. Staff reports also have failed to acknowledge or address the fact that the CRA/LA DLA is subject to a Court Order enforcing the settlement agreement with CRA/LA DLA essentially as a judgment. This is not just some agreement

with a developer concerning money; it is a fully enforceable Order of the Court subject to relief for contempt (among other relief) that, we believe would directly transfer to the City and its Planning department as the CRA/LA DLA's successor in interest to the land use authority subject to the Court's Order. To the extent that the CRA/LA DLA is in default, or later defaults, in performance of its land use authority responsibilities under the attached CCP 664.6 Order, the City and its Planning department, on adoption of the Resolution and Ordinance, would be exposed to potential liability for contempt and other relief as successor to the CRA/LA DLA's land use authority responsibilities under that CCP 664.6 Order. Please note that under the *express* terms of the agreement enforced under the CCP 664.6 Order, the City and its Planning department are specifically deemed successors-in-interest to the obligations of the CRA/LA DLA thereunder.

4. The attached Second Amended Complaint describes CEQA issues that will be triggered anew by the Resolution, Ordinance and Proposed CEQA Categorical Exemption, by impairing the effect and execution of the settlement responsibilities and obligations of the CRA/LA DLA, and usurping the land use authority necessary for execution of the outstanding order against CRA/LA DLA also attached hereto and described above. Essentially, by ignoring (and, depending on timing, potentially requiring City ratification of), the CRA/LA DLA's commitments to prepare, review, and on CRA/LA Board's adoption, implement the Plans described in the attached 664.6 Order, the City and its Planning department would remove mitigations and project measures in the Hollywood Redevelopment Plan necessary to reduce cultural resources and transportation impacts and other CEQA impacts, as further explained in the attached materials.

Regards,

Beth S. Dorris

Law Offices of Beth S. Dorris

I'm using Adobe Send.

You can view "Hollywood Heritage v. CRA; Conformed Copy Signed Order re 664.6 Enforcement of Settlement Agreement as Judgment.pdf" at: <https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3Aa523631a-d8ff-416d-8e89-e7a326fee10f>

I'm using Adobe Send.

You can view "Second Amended Petition for writ of mandate_1.pdf" at: <https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3A31aade39-50dd-4838-9abf-6bdf116e74d7>

5 attachments

 **Response to 2018 proposed CRA transfer Ordinance.pdf**
360K

 **Hwd Redev Plan protections to transfer.pdf**
706K

 **BRIAN CURRAN text for Planning Commission.docx**
15K

 **JOHN GIRODO text for Planning Commission.docx**

3/19/2019

City of Los Angeles Mail - FW: Transfer of Land Use Authority from the CRA/LA-DLA to the City; Resolution, Ordinance and Proposed C...

15K



FRAN OFFENHAUSER text for Planning Commission.docx

15K

Objection to Resolution Transferring Land Use Authority from CRA/LA-DLA to City of Los Angeles and to Categorical Exemption ENV-2018-6006-CE; PLUM Agenda Tuesday, March 19, 2019, Item 8

Cynthia Kellman <cpk@cbcearthlaw.com>
To: Clerk.plumcommittee@lacity.org
Cc: Doug Carstens <dpc@cbcearthlaw.com>

Tue, Mar 19, 2019 at 3:05 PM

Honorable Chair Harris-Dawson and Councilmembers,

Attached please find a letter from Douglas Carstens regarding the above-captioned subject.

Please feel free to contact me with any questions or concerns.

Cynthia Kellman

CHATTEN-BROWN, CARSTENS & MINTEER

[2200 Pacific Coast Highway, Ste. 318](#)

[Hermosa Beach, CA 90254](#)

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Email: cpk@cbcearthlaw.com

Website: www.cbcearthlaw.com



Letter to PLUM 3-19-19 .pdf
859K

BRIAN CURRAN

Resident of Hancock Park; longstanding interest in historic buildings and historic preservation in Los Angeles

Having lived and worked in _____. Having returned to LA recently, I see this proposed Resolution and Ordinance and am struck by the disconnect between stated intent and the actual words you will vote on.

1. ENCOURAGED to read that the purpose of this transfer stated in Resolution is “to maintain important land use protections in the areas with active redevelopment plans”
2. DISCOURAGED to find not a single word in the Resolution or Ordinances that actually implements this
3. SIGNIFICANT OMISSION from this whole transfer—over decades CRA was handed the responsibility of historic surveys in each of the Redevelopment Areas—so citywide in CRA areas historic buildings are NOT NOW treated as designated resources by Cultural Heritage, ZIMAS, OR Survey LA.
4. DESIGNATED vs IDENTIFIED: City Planning said in a meeting I attended that they would not be reviewing or protecting these CRA-identified buildings, despite overt written requirements in Redevelopment Plans. Now on page A-3 of their analysis there is recent new wording BUT IT IS NOT SATISFACTORY **and in the Resolution and Ordinance—no follow up**.: “that is designated as an historic resource or is identified as an eligible historic resource on a survey using City-sanctioned survey methods”. As CRA surveys preceded City sanctioned survey methods, this is unacceptable.
5. Page A-5 describes “development review procedures” for historic buildings, especially in Hollywood. IT ENTIRELY MISSES the multitude of protections in the Hollywood Redevelopment Plan that are ALREADY CURRENT REQUIREMENTS. – delay of demolitions, withholding of entitlements, scorched earth, heightened review, use of Secretary of the Interior Standards. This is not true that they offer a “heightened level of protection”
6. **I RECOMMEND that you require this to be addressed BEFORE** proceeding with this proposed transfer --to incorporate specific language in the Resolution and Ordinance to. *The silence on this subject is deafening, and the Resolution and the Ordinance create conflict after conflict*
7. *I will volunteer to participate.*

I suspect your time will be up here.

EXAMPLES:

1. SEC 409 of Hollywood Redevelopment Plan required all identified historic resources to have review under the Secretary of the Interior Standards. The transfer specifically OMITS Sec 409. Why?
2. DEFINITION OF "PROJECT" omits mention of historic buildings—where at least Hollywood Redevelopment Plan required all projects which were identified Sec 511 resources resources in Sec 409 and 511 to be reviewed
3. GENERAL PLAN FRAMEWORK even made this same omission and mistake
4. 2012 Hollywood Community Plan made this same mistake
- 5.

FRAN OFFENHAUSER

Long time involvement with CRA in Hollywood- elected to committee that dev. HRP; coincidence hired by City of LA working under Pat Smith and wrote HCP in 1988—few experts left on both; founded HHI and active member—successful arch and real estate developer

1. THANK YOU for opportunity speak- actually even for me overwhelming and complex topic.
2. STATED GOALS are laudable—“maintain important land use protections” and lengthy discussions are laudable
3. HAVE A RESOLUTION and AN ORDINANCE before you for consideration. On the face of it these appear comprehensive. Resolution has had some recent improvements, still not there yet. Ordinance is known as the “Clean Up” Ordinance- PROCESS FOR REVIEWING PLANNING OR PERMIT APPLICATIONS -- takes Redevelopment Plan approval processes and says HOW to transfer by translating Redevelopment jargon and procedures into City Planning code admin procedures.
4. WHAT IS MISSING:
 - a. MORE WORK ON ACTUAL RES> _ STAFF REPORT you have provides recent lengthy explanations which are not yet built into either the RESOLUTION or the ORDINANCE.
 - b. PUBLIC INFORMATION AND TRANSPARENCY is missing—I have recommended a ZI to Planning staff, which we all know is an imperfect tool- to make transparent that Redevelopment Plans are in force; that their zones are in force; that they function as Specific Plans;. Will the Plans be on line? Will there be tools to help navigate them—checklists? How will the public know? Who will be Jim Urquhart? Who will be Kip Rudd? I am an expert on this, and I have to provide tables to help people navigate through this
 - c. ORDINANCE #2 is missing—Planning obligations. Redevelopment Plans had planning obligations. Hollywood familiar—obligation for annual traffic reports; proof of traffic mitigation PRIOR to projects approval; scorched earth; public information about historic buildings.

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Draft Hollywood Community Plan
Update 2018

Response to Draft Plan and Draft EIR
Section 3

How to Integrate Long-standing CRA Obligations for Historic Buildings
Into City Planning Obligations

Frances Offenhauser, Heritage Properties
Updated Jan 2019 for review of Nov 2018 Draft

A. Current CRA Mandates to Identify and Protect Historic Buildings

			Comm. Plan Draft?	Succeed/Fail Today?
1	CPC 86-835 GPC Cultural Heritage	Historic Listing and Protection Requirement: Affects 134 landmarks. CRA was required in this case to list all National Register Status Code 1-3 buildings as Cultural Heritage landmarks, affording Cultural Heritage permit reviews. CRA allegedly sent the list—City failed to list. City created a ZI (ZI 1812) so that Plan Checkers send applicants back to CRA. The City has not met its obligations for 30 years. Is City reviewing plans for all of these buildings? What is the permit clearance flagged as?		CRA submitted to City
2	Redev Plan— CRA- Sec 511	Listing/Public Information: CRA identified 1,078 known landmarks at outset of Chattel survey “Agency ..shall maintain publicly available list of all buildings within the Project Area which it determines to be architecturally and/or historically significant.		
3	Redev Plan— CRA- Sec 511	Protection requirement- delay of any kind of permit/ delay of demolition: Buildings listed by CRA, CHM, CHRIS, and National Register deemed to be of architectural significance; procedures for design review for alterations and for delay of demolition for 180 days process, extendable to 360 days.		
4	Redev Plan— CRA- Sec 511	Scorched Earth- bonus denial: “ The Agency shall deny requests for housing incentive units, development in the Regional Center Commercial designation above an FAR of 4.5:1 and variations for sites on which a structure determined by the agency to be significant was demolished after the adoption of this Plan or is proposed to be demolished”. (Note exempts SB 1818 increase)		
5	Redev Plan CRA 2003 EIR	Listing/Public Information: 2003 EIR identified and extended protections through Mitigation Measures to 448 landmarks_“In order to not report any significant effect under CEQA, the mitigation measure states “Rehabilitation of architecturally or historically significant buildings shall meet the U.S. Secretary of the Interior Standards for Rehabilitations”.		
6	CRA-HHI Settlement	Protection requirement- delay of any kind of permit/ delay of demolition: In absence of CRA meeting obligation for completed historic survey and listing, established process for CRA to consult with Hollywood Heritage on status of any building having a demolition permit application, and invokes delay of demolition for building		

B. Current CRA Mandates for Design Review of Alterations, Heights and Density, and Effects of New Construction

	Redev. Plan		Comm Plan Land Use/ Draft?	Succeed/Fail
1	Redev Plan—CRA- Sec 409:	<u>Design Review:</u> All rehabilitation undertaken in the Project Area..determined by the Agency to be or architectural and/or historical significance shall be rehabilitated in accordance with the Secretary of the Interior Standards		
3	Redev Plan—CRA- Sec 505.4 and 506.3:	<u>Design/permit review:</u> Agency must review commercial uses in residential areas and residential uses in commercial areas		
4	Redev Plan—CRA- Sec 506.2.1	<u>Design Review:</u> Hollywood Boulevard District Urban Design Plan required in 5 years, including design guidelines, may include a reduction of density up to 33%		
5	Redev Plan – CRA Sec 407.1.4	<u>Design Review: All development plans (whether public or private) shall be subject to review and approval by the Agency</u>		
5	Redev Plan- CRA Sec 505.1	<u>Design review</u> for any project exceeding 80 du/acre		
6	HHI Settlement Agreement B3	<u>Follow 1993 Urban Design Plan</u> “Until the deadlines stated in this Agreement for the preparation of an update of the 1993 Design Plan have been met, CRA/LA agrees that any new project...in the Hollywood Boulevard Urban Design Plan area shall be subject to review by CRA/LA, which review shall include without limitation ...the 1993 Design Plan, until the deadlines stated in this Agreement for preparation of an update of the Plan have been met. CRA/LA shall distribute the 1993 Design Plan to all new project applicants”		

C. Mitigation Measures for HPCU EIR

			Comm. Plan Draft?	Today?
1	Redev Plan CRA 2003 EIR	<u>EIR review:</u> Projects proposed in proximity to a cultural resource “the Agency will require a study to be made by a qualified architectural historian to determine whether the proposed development would result in substantial adverse change in the significance of the historical resource		
2	Redev Plan 2003 EIR	<u>Design Review Mitigation Measure:</u> “In order to not report any significant effect under CEQA, the mitigation measure states “Rehabilitation of architecturally or historically significant buildings shall meet the U.S. Secretary of the Interior Standards for Rehabilitations”. This restates the requirements in the Redevelopment Plan		

D. Mandated CRA Obligations re Incentives/ Affirmative Actions/ Land Use Limitations

Redev. Plan		Comm Plan Draft?	Succeed/Fail
Redev Plan—CRA-Sec 505	Planning: Any residential area with architecturally or historically significant structures may be further planned to reduce allowable density, require compatible design, ensure adequate parking, and conserve structures		
Redev Plan – CRA Sec 505.3	Limits on Housing Incentive Units: Agency will limit housing incentive units		
Redev Plan—CRA-Sec 511	TDRs “The Agency shall promulgate procedures for such transfer proposals(and shall) obtain adequate assurances that the building from which the density transfer is taken are preserved and the development on the site to which the density is transferred will occur in conformity with the Redevelopment Plan, the objectives of special districts as established by the Plan and if applicable, any adopted Design for Development”		
Redev Plan—CRA-Sec 506.2.3	Monitoring traffic: Required to make annual reports on buildout of FAR in Regional Center relative to traffic metrics; required to review all density increases above 4.5:1 and when Regional Center density reaches 2:0:1 FAR to establish specific methods and mechanisms to acquire open space or otherwise restrict or decrease density		
Redev Plan—CRA-Sec 518 and 518.2	Transportation Planning: Plan required, including planning to ameliorate undersupply of parking in Hollywood Boulevard. Agency to monitor off street parking supply		

E. Are Current City Planning Mandates for Identify/Protect Historic Buildings in 2018 Draft Community Plan EIR?

			Comm. Plan Draft?	City Succeeds/ Fail Today?
1	City Planning Affidavit	Hold on demolition: Planning agreed December 16, 2016 with Hollywood Heritage that they can and will institute an Affidavit Process—Applicants will be required to sign a statement indicating “This permit (including every demolition permit) request is not a part of a larger project.” . This is to stop the common practice be certain developers for piecemealing, which violates CEQA.	Not included	
2	Cultural Heritage Ord	Listing/Public Information/ Protection requirement: Listing of Cultural Heritage monuments (mapped on Navigate LA); Building permit review for alterations. Possible delay of demolition	Yes	

3	HPOZ	<u>Listing/Public Information/Protection:</u> Listing of single family neighborhood HPOZs outside of Redevelopment Area.	Yes	
4	HPOZ's under consideration	<u>Listing/Protection:</u> Listing of new single family neighborhoods proposed outside of Redevelopment Area	Hollywood Grove and Sunset Square were already completed	
5	Comm Plan 1986	<u>Protection:</u> TDR and preservation as justification for 6:1 FAR		
6	Comm Plan 2012	<u>Protection:</u> (Areawide) "D" Conditions on parcels with historic buildings	Unclear-	
8	General Plan Conserv Element	<u>Listing/Protection</u> <ul style="list-style-type: none"> City Planning and LADBS: Development permit processing, monitoring, enforcement, and periodic revision of regulations and procedures Element: Prepare the Historic Preservation and Cultural Resources Element of the Community Plan Identify: Continue to survey buildings and structures... including context HPOZs 	DEIR- yes Not yet re-integrated into the Plan Text- especially recognition of Redevelopment Plan resources	
9	2018 Comm Plan DEIR	<u>Listing/Public Information</u>	Yes –	
10	2018 Comm Plan DEIR	<u>Conflict Mapping, Analysis, and actions to reduce impacts</u>	Yes- some conflict mapping No – Analysis and actions	

F. What are additional Mitigation Measures possible for the 2018 HPCU, in addition to adopting all of the CRA protections :

			Comm. Plan Draft?
I	<u>Clarify public benefits:</u>	The cornerstone of CRA's authority for discretionary approval of high densities in the 2005 Redevelopment Plan is intended to be twofold: traffic and parking mitigations, and a Transfer of Development Rights Program. City Planning cannot approve discretionary higher densities without providing the public benefits which are critical to the Hollywood Community.	

2	<u>New Historic Preservation Overlay Zones</u>	CRA surveys over the years identified specific historic residential districts. These CRA districts should be reflected as potential HPOZ areas in Community Plan mapping and the EIR. The multi-family area north of the Hollywood Blvd. National Register District was identified in 1986 as needing special urban design protections; this area is especially critical. This area should have an ICO placed on it until an appropriate preservation mechanism is identified. The proposed Plan creates an avoidable impact on this area.	No
3	<u>Historic Cultural Monuments</u>	The Hollywood Community Plan adoption by the City Council in 1986 required that roughly 100 National Register and other listed historic buildings be forwarded by CRA to the Cultural Heritage Commission for listing as HCM's at the City, and for notification of the CHC in the event of proposed demolitions. CRA met its obligation and City Planning did not implement. The EIR must reflect this current non-compliance. The City agreed in 2009 again in a formal Settlement Agreement. This list included the 1D buildings—as contributors.	No
4	<u>Mapping of “protected” historic buildings, and notification of planned demolitions:</u>	There is a currently-adopted list of CRA buildings, with Status Codes 1-4 protected by the Hollywood Redevelopment Plan, including recognition of these buildings in EIRs. These addresses must be transferred, mapped, and protected by City Planning and reflected in the EIR. In addition there is an interim procedure set by judicial action wherein Hollywood Heritage is consulted on planned demolitions for Status Codes 1-6 within the Redevelopment Area.	City Planning has started with a ZI to identify buildings
5	<u>Interim Control Ordinance immediately:</u>	The Hollywood Boulevard National Register Commercial and Entertainment Historic District will need an ICO to give the Planning Department time to follow up on the court-mandated CRA Urban Design Plan, and to work to conform the zoning categories with current protections. The multi-family area north of the Hollywood Blvd. National Register District was identified in 1986 as needing special urban design protections; this area is especially critical. This area should have an ICO placed on it until an appropriate preservation mechanism is identified. The proposed Plan creates an avoidable impact on this area.	No
6	<u>Prohibition of Demolition</u>	Step two	No

Please continue to next page

- G. **What are the CRA current Plans being prepared that are going to have Implementation by City Planning in the future?** City Planning is working on this issue.

	<u>Thoughts for long term implementation</u>
<u>Franklin Avenue Design District Plan</u> <ul style="list-style-type: none"> Redevelopment Plan Reqs: Sec 505.2: “a detailed design plan ...which addresses preservation of architecturally and historically significant buildings, parking, circulation, views...” 	<ul style="list-style-type: none"> Community Plan to adopt HBUDP as a Specific Plan?
<u>Urban Design Plan Hollywood Boulevard Historic District</u> <ul style="list-style-type: none"> Redevelopment Plan Reqs: Sec 506.2.1 and 518.2; “urban design plan including design guidelines and criteria and a parking and circulation program to meet these objectives..All new development in the District shall meet the design guidelines..may include a reduction of density” 	<ul style="list-style-type: none"> Community Plan to adopt HBUDP as a Specific Plan—Integrate into Community Plan and change current D condition to permanent 2:1 FAR Until HBUDP adopted, HHI Settlement Agreement requires all projects proposed for alterations, demolition, building permits, or discretionary actions to follow 1993 UDP as follows: enforcement through CRA Interim mandated review as a part of all building permit and Planning applications; any environmental review to evaluate projects covered by 1993 UDP in all details and guidelines
<u>Hollywood Core Transition District Development Guidelines</u> <ul style="list-style-type: none"> Redevelopment Plan Reqs: Sec 506.2.2.: “properties...shall be given special consideration due to the low density..provide for a transition in the scale and intensity of devt” Redev Plan Sec 506.2.2 “The Agency shall review all permits in this District to ensure that circulation patterns, landscaping, parking, and the scale of new construction is not detrimental to the adjacent residential neighborhoods.” 	<ul style="list-style-type: none"> HHI prepare a list of conditions for any development affecting the residential neighborhoods for adoption by CRA Incorporation as “D” conditions in Community Plan Zoning for affected properties
<u>Transportation and Parking Standards Ordinance</u>	<ul style="list-style-type: none"> Integration of iteris studies into Community Plan and EIR City Planning to perform CRA annual reports Fund CRA completion of 2:1 calculation for Regional Center

<p><u>Updated Cultural Resources Survey</u></p> <ul style="list-style-type: none"> • <u>Settlement Agreement Req't</u>: “maintain consistency with Survey LA and its definitions...recognizes that integrity may be evaluated differently in Hollywood area due to rarity, property type” 	<ul style="list-style-type: none"> • Parking study and review • CPIO in Community Plan to include all CRA addresses • However, Hollywood and CRA reserved right to alter standards of integrity. • All “lowering” of status codes to be reviewed for loss of integrity; if loss of integrity due to remodeling since date of initial higher survey listing, or due to non-Hollywood integrity description in Survey LA • Review Hollywood Boulevard District with reference to 2014 submittal to State Office of Historic Preservation; HHI to provide review and map of existing District boundary (which is 35 years old) and proposed District boundary and contributors. New contributors to be identified with a ID; non contributors to be identified with a ZI—subject to Sec 511 procedures
<ul style="list-style-type: none"> • <u>Redevelopment Plan Req't</u>: Publicly available list • <u>Settlement Agreement Req't</u>: Publicly available list “uploading to CRA website is acceptable” “a printed version of the Section 511 list shall be provided to members of the public on request and at reasonable copying charges” <p><u>Background:</u> Preservation.lacity.org\SurveyLA findings and reports\Hollywood\Hollywood Redevelopment Project Area\Property Index (HHI has copy)</p>	<ul style="list-style-type: none"> • This is a non-searchable and non-mappable format. • To find an individual property there are 7 parts no index • Until data is mappable by the public from ZIMAS—as opposed to simply verbally connected to ZIMAS by marking “yes” on Historic Review, and searchable by address, City Planning will put a ZI on all parcels in the Redevelopment Area
<p><u>Density Transfer Procedures</u></p> <p><u>(to incentivize preservation)</u></p> <ul style="list-style-type: none"> • Redevelopment Plan Reqts • Settlement Agreement Reqts: 	<ul style="list-style-type: none"> • <u>Donor and receiver map</u>: from 1993 UDP • CRA to prepare • CRA to figure out how City will implement • City agree no discretionary increase in density in Regional Center Commercial without equal compensatory reduction of development in historic building area

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JOHN GIRODO

Member of Neighborhood Council, member of Whitley Heights Civic Association, Member Board Hollywood Heritage—Hollywood activist

Speaking today as individual (in case they cut us off as Hollywood Heritage)

1. THANK- Want to thank Planning Staff for their work on this CRITICAL issue- maybe the most important action of the year
2. CRA was well-funded-- provided for 25 years min 2 person full time planning staff just for Hollywood. Had maybe 6 or 8 “boots on the ground” staff involved in detailed issues.
3. The CRA required genuine PUBLIC BENEFITS integrated into project approvals—
4. CRA by law was only allowed to be MORE restrictive than City Planning- major protections for historic buildings—best in the City—detailed review of designs and plans—and CRA had to make findings and public benefits to allow discretionary actions
5. CRA No means perfect—and since 2012 it has been dismaying to see CRA’s commitment to better urban environment LOST more and more as CRA sat out its obligations.
6. MY RECOMMENDATIONS:
 - Specific training : I ask you to require a specific training period in this ordinance—maybe a 6 month training period before the transfer for Neighborhood Councils, Area Planning Commissions, Council deputies, even you—and for the City Planning and Building Department staffs who must take on a mountain of specific plans
 - Review the fee schedule: CRA had funded staff positions and to my knowledge did not charge for plan review. **Please send City Planning back to revise this ordinance -- the fee schedule attached to this ordinance.** To charge a single family homeowner \$7,859 – why should that be roughly equivalent to a 1,000 unit project requesting some huge modification?



HOLLYWOOD HERITAGE, INC.

P.O. Box 2586

Hollywood, CA 90078

(323) 874-4005 • FAX (323) 465-5993

Mr. Craig Weber, Giselle Corella
Department of City Planning, City of Los Angeles
200 N. Spring St.
Los Angeles, CA 90012

December 2, 2018

**Re: CPC-2018-6005 CA (Proposed Resolution and proposed Ordinance # _____)
ENV-2018-6006-CE (Proposed Categorical Exemption)**

Dear Mr. Weber et al:

Thank you for the opportunity to respond to your proposed Resolution and Ordinance for the transfer of the CRA "land use authorities" from the CRA to the City of Los Angeles. We appreciate having a recent meeting with you and your staff to start exploring in detail the process of the transfer, and how it affects Hollywood's irreplaceable and world- renowned heritage.

Our comments focus specifically on Hollywood and the Hollywood Redevelopment Project Area and Plan. From our perspective, Hollywood has likely the best-evolved, integrally developed blueprints for planning and preservation after Downtown. But our comments likely extend to other project areas. We understand that some or many of those project areas had historic resources identified by CRA which are not currently reflected in any City Planning lists, ZIMAS, or Survey LA, owing to the City's practice of assigning that responsibility over the years to CRA.

Hollywood Heritage has actively participated in preservation actions in Hollywood for over 35 years, including working cooperatively with CRA staff as the Agency actively pursued compliance with our Settlement Agreement. As Hollywood is one of Los Angeles' richest historic areas, known worldwide, and as historic preservation is central to the Redevelopment Plan goals, procedures, land use restrictions, and ultimately the area's success, we find that this Draft needs some revisions for a sustainable, positive future.

This letter reviews our Executive Summary. Back up information for each issue will be sent subsequently to enable an in-person review with Staff.

EXECUTIVE SUMMARY

Our comments fall into 5 categories:

- I. **Resolution CPC 2018-6005-CA Draft Nov 2018: Resolution Sec 2.C.I cannot allow City to repeal or cherry pick** parts of the Redevelopment Plan land use plans, requirements, or guidelines.
 - a. The Resolution must transfer all parts of the land use authorities and obligations “whole”.
 - b. The Resolution should not allow the City to cherry-pick through Plans, to piecemeal or “repeal” portions. Amendments to Redevelopment plans were required to follow specific procedures, and those must be the same criteria for amending these plans in the future.
 - c. The “Clean Up Ordinance” attached in this case must transfer ALL of the land use plans and obligations. For example, in the case of the Hollywood Redevelopment Area, the Resolution cites solely Sec. 500 of the Hollywood Redevelopment Plan; but other sections of the Plan also pertain to land use (notably Sec 407.I.4 and 409.I.)
 - d. Although CRA has not been fulfilling many of its duties since the 2012 dissolution, its zone restrictions and development guidelines required a finer-grained review of uses, height, bulk, setback and massing, site circulation, public improvements, neighborhood protection, loading docks, and architecture not found in City Planning regulations.
 - e. CRA’s plans reached deeper than City Planning intentionally; this level of specificity and design/development control was critical to reversing blight and accomplishing the economic revitalization goals. Redevelopment Plans thus were by law stricter than Community Plans AND zoning. CRA also had far more in-house reviews and discretionary public processes --akin to Specific Plans and HPOZ design review—for more permits than LA City. (All Site Plan review in Redevelopment Plan Areas was conducted by CRA.)

Recommendation: Delete the word “repeal” from the Resolution. State that Redevelopment Plan amendments shall be processed in accordance with applicable state redevelopment law. As these amendments will not involve spending or tax collection on the part of the City, the findings and process can focus solely on the amendment’s planning effects. This will include a focused EIR to address changes from the current Redevelopment EIR.

2. **Council should attach a second “Clean Up Ordinance” to address all the land use obligations not addressed in the current “Clean Up Ordinance”:** The Ordinance which is attached to the Resolution is known as the “Clean Up Ordinance”. It addresses the kind of discretionary planning entitlements which are regularly processed at the City, and states that the Redevelopment Regulations will supercede this Ordinance if there is a conflict.

The current Clean Up Ordinance is an excellent start to show how discretionary entitlements can be processed using City Planning’s procedures. CRA Plans used different administrative procedures, jargon, etc. For example—at CRA a “variation” is a City Planning “variance”

- a. We will provide a mark-up with comments on the language to share with staff—such as the definition of “Redevelopment Plan Project” doesn’t jive with requirements of the Hollywood Redevelopment Plan.
- b. The second “Clean Up Ordinance” can address all the other equally important land use obligations in CRA plans. It should clearly outline procedures for monitoring EIR mitigations; for forward planning required by Redevelopment Plans; for annual and other reporting of statistics required by Redevelopment Plans; etc.
- c. **Example:** For example, CRA “identified” historic buildings under a survey process mandated by Sec. 511 of the Hollywood Redevelopment Plan. The CRA Board extended specific protections mandated by the Redevelopment Plan to buildings with what were then known as “Status Codes #1-4.” City Planning has told us they currently review permits only for “designated” historic buildings—those listed on the National Register or as City Cultural Heritage monuments. The second “Clean Up Ordinance” can clarify how to ensure the follow-through required for all “identified” historic buildings – for building permits, entitlements, and EIRS. Will they all be listed as Cultural Heritage monuments?
- d. **Example:** For example, CRA is required by the Hollywood Redevelopment Plan and the Community Plan to implement all needed transportation mitigations in advance of approving projects. CRA is required in Sec 506.2.3 to monitor Regional Center growth and provide an implementation plan of realistic mitigations based on cumulative impact when development as a whole reached a 2:1 FAR; and to report annually to the Planning Commission on traffic growth. Sec 518.2 required monitoring of the loss of street parking and replacement.
- e. **Example:** For example, the Hollywood Redevelopment Plan mandates implementation of Urban Design Plans whether or not they were codified by the CRA Board as “Designs for Development”. These will be missed under current “Clean Up Ordinance” #1. Other reviews are in Sec 505.1 (review all “very High” density development for compatibility”; Sec 505.6.4 Review all commercial uses in residential areas, etc.
- f. CRA Board memos indicate that administrative procedures varied from Redevelopment Area to Redevelopment area. A matrix of procedures—which perhaps already exists—should be circulated to the public to identify the disconnects between requirements of specific redevelopment plans and the “Clean Up Ordinance #1”.

CRA’s purpose was to eliminate blight, and because of that its design guidelines and traffic growth limitations were central to building sustainable, healthy, urban communities with character. Currently City Planning approves individual project entitlements which contravene the Redevelopment Plans, using EIRS which only look for “significant adverse effect” but don’t contribute as an advancement within a well-considered plan. Active comprehensive forward planning differs from re-active justification of developer-proposed projects. Making findings for discretionary projects must be based on more than avoiding adverse effect!. The CRA transfer—at least in Hollywood—can be the catalyst to move into a more advanced and detailed stage of urban design.

Recommendation: *The 2nd “Clean Up Ordinance” should have a matrix attached making clear to the public how the new obligations accepted by the City from the Redevelopment Agency will be complied with for each Redevelopment Area, and what the method shall be for City Planning to integrate these planning obligations into the Department’s work and outreach. These are all of the planning obligations outside of the processing of project reviews and entitlements.*

The preparation of these matrixes will also help test the processes presented in “Clean Up Ordinance” #1, and whether they are compliant with the Redevelopment Plan for each of the 21 areas.

3. **A clear training/transition period, clear funding, and clear public information campaign are needed:** From our detailed understanding of the Redevelopment Plan, we see that there must be time to
- a. transfer data, databases, EIR mitigation requirements, precedents for discretionary findings, and numerous other information;
 - b. integrate data into City data-bases;
 - c. inform the public, including the development community – through a ZI or other established means—that redevelopment land use is in effect, and how
 - d. inform Council office staff on the details and procedures;
 - e. train Building Department staff to handle large numbers of discretionary permit applications all of a sudden;
 - f. train City Planning staff about Redevelopment Plans and design review where applicable
 - g. predict needed staffing levels, especially for historic preservation staff dealing with issues beyond HPOZ and Cultural Heritage monument issues
 - h. train Area Planning Commission commissioners who will hear appeals

Public Information: Our Planning Department is becoming acquainted with redevelopment plans and practices recently; but CRA previously employed large and specialized planning staffs, and if those individuals won’t transfer as well, more training will need to be done.

Funding: We recall Planning was allocated 6 new staff members – perhaps 4 years ago?—to administer the redevelopment plans when they were transferred. We look for clarity in how those planners will be assigned. CRA needed 2 full time Planners to administer the Hollywood Project Area, in addition to other staffers who read plans, visited construction sites, staffed the Building Dept desk, etc.

Recommendation: *The transfer Resolution should refer to at least the 6 dedicated Planning positions funded for this activity, and clarify how the planners will be assigned to ensure that obligations are not lost in the flurry of discretionary action. The Resolution should include a minimum 6 month overlap period in which CRA plans and obligations are put into clear form for third parties who must work with them before the transfer to the City Planning staff actually occurs..*

4. **Hollywood Heritage legal Settlement Agreement is not addressed in proposed Resolution and Ordinance.** Our two Settlement Agreements—which are monitored by the court-- obligate CRA to complete 5 long-overdue planning tasks required by the Hollywood Redevelopment Plan in 1986 and 2005, and implement them.
- a. The time frame in which this work is being developed, completed, adopted, and implemented will extend beyond the time frame City Planning expects for this transfer ordinance.
 - b. Either CRA will continue to have these obligations until 2028, or a formal and overt procedure for their completion and implementation must be included in the Resolution.
 - c. It appears that the Wiggins legal settlement is detailed and laced throughout the “Clean Up Ordinance” to ensure conformance with those requirements—this is needed also for the Hollywood Heritage Settlement Agreement.

- d. Currently Hollywood Heritage reviews all demolition permits in the CRA Project Area pursuant to a Settlement Agreement from 2008. City Planning has not stated in the Resolution or Ordinance which jurisdiction will continue this-- CRA or City Planning.

Recommendation: *City attorneys should meet with Hollywood Heritage's attorney*

5. **This transfer is not exempt from CEQA:** The Resolution states that “It can be seen with certainty that the transfer to the City of the land use plans and functions specified herein...will not have a significant effect on the environment.” Hollywood Heritage argues that this is unsupported for 2 reasons, and thus an EIR is necessary OR the proposed Resolution and “Clean Up Ordinance” must be changed:
 - a. A Resolution which allows portions of a land use regulation or obligation to be repealed with no stated procedure or justification cannot be found to be without significant environmental effect-- because the repeal is not known.
 - b. In the case of Hollywood, the Redevelopment Plan EIR in 2005 stated in the Cultural Resources section that the Plan had no significant environmental impact. The EIR cites the protections in the Plan as mitigating any significant adverse effect on historic buildings. A number of sections of the proposed Resolution (notably the amendment and repeal section) and in the “Clean Up Ordinance” (the removal of required project reviews which will adversely affect historic buildings) point to a degradation of protections, and thus to loss of protection from significant adverse effect..
 - c. The current Hollywood Community Plan concludes that that Plan will have a significant adverse effect on historic buildings. Without actively implementing all of the preservation procedures enconced in the Redevelopment Plan—which were the main techniques for many years--the effect can be expected to be significant and adverse.

Recommendation: *Environmental review is not Categorically Exempt. Either the Resolution and Ordinance must be adjusted to make the proposed action actually categorically exempt, or environmental review will be needed.*

BACKGROUND:

The Hollywood Redevelopment Plan (HRP) was expected to be in force until 2028 when it was enacted in 2003. It was administered by the Community Redevelopment Agency (CRA) , a separate agency from the City of Los Angeles and its Planning Department. CRA operated under state law, with independent staff and financing, but with the HRP authorized by means of an LA City Council Ordinance.

Preservation a CRA responsibility: For 35 years virtually all responsibility for identifying and protecting landmarks was assigned by City Planning to CRA. CRA maintained a planning staff for further planning and for project review. Under state law, our Redevelopment Agency could only be more detailed and strict than the City's Community and Specific Plans—not less. In Hollywood, CRA was required to review all plans altering or affecting historic buildings; EIRs had CRA as lead agency; the Redevelopment Plan accorded identified buildings protection including a delay of demolition and “scorched earth” demolition disincentive; and the zoning of large areas was conformed with the goals of the Plan so that historic districts might be retained and protected.

In February 2012 Governor Brown and AB xI 26 dissolved the redevelopment agencies statewide, in a move to recapture the independent monies the agencies garnered by collecting property taxes. State

law AB 1484 allowed localities to request transfer back – in our case to the City Council of LA. Virtually all California cities transferred their redevelopment land use obligations/authorities/plans/ and administration to another City entity. Los Angeles at that time voted to NOT accept the land use portion of Redevelopment.

AB xI 26 did NOT dissolve or abolish the Redevelopment Project areas or Plans, meaning that the land use obligations of the CRA and the Hollywood Redevelopment Plan continue to today According the LADCP: “ The transfer of land use authority to the City will ensure all development projects adhere to the goals and development regulations of the relevant Redevelopment Plans...”.

Respectfully Submitted,

Frances Offenhauser
Preservation Committee
Hollywood Heritage Inc.