



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 19 - 0 2 6 7  
AUG 2 3 2019

**REPORT RE:**

**DRAFT ORDINANCE ADDING SECTIONS 11.13 AND 11.5.14 AND AMENDING SECTIONS 11.5.9, 11.5.10, 12.04, 12.22, 12.24, 16.05, 16.11 AND 19.01 OF THE LOS ANGELES MUNICIPAL CODE (LAMC) TO EFFECTUATE THE TRANSFER OF LAND USE RELATED PLANS AND FUNCTIONS OF THE FORMER LOCAL COMMUNITY REDEVELOPMENT AGENCY (CRA) TO THE CITY OF LOS ANGELES PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34173(i)**

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

Council File No. 13-1482-S3

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance adds Sections 11.13 and 11.5.14 to the Los Angeles Municipal Code (LAMC) and amends Sections 11.5.9, 11.5.10, 12.04, 12.22, 12.24, 16.05, 16.11 and 19.01 of the LAMC to effectuate the transfer of land use related plans and functions of the former local Community Redevelopment Agency (CRA) to the City of Los Angeles (City) pursuant to California Health and Safety Code Section 34173(i). The draft ordinance subjects certain applications for projects within a CRA plan area to processing fees and removes references to the CRA from the LAMC.

### Background and Summary of Ordinance Provisions

In 2011, the state approved Assembly Bill (AB) X1 26, which commenced the dissolution of all redevelopment agencies throughout the state. The redevelopment agency in Los Angeles dissolved in February of 2012. At that time, the City chose not to become the successor agency for the local redevelopment agency. As a result, Governor Jerry Brown appointed a governing board to serve as the successor agency, known as the Community Redevelopment Agency of the City of Los Angeles, Designated Local Authority (CRA/LA-DLA, or the DLA).

In June of 2012, the state approved AB 1484, which amended California Health and Safety Code Section 34173(i) to allow the land use related plans and functions of the former redevelopment agency to be transferred to the jurisdiction that initially authorized the creation of the redevelopment agency, upon request by that jurisdiction.

On June 29, 2012, a motion (Huizar-Reyes) was introduced to request the transfer of the former redevelopment agency's land use plans and functions to the City. On December 11, 2012, the Planning and Land Use Management (PLUM) Committee recommended that the motion be received and filed, pursuant to a report by the City Administrative Officer recommending that the Department of City Planning (Planning Department) be first allowed to assemble and coordinate staff to undertake the responsibilities that would accompany the land use plans and functions of the redevelopment agency, before requesting the transfer. On December 12, 2012, the City Council adopted the PLUM Committee's recommendations, and the motion was received and filed.

At a meeting on May 8, 2014, the City Planning Commission (CPC) approved a proposed ordinance and a draft resolution transferring to the City the land use related plans and functions of the redevelopment agency. The CPC transmitted its recommendations to the PLUM Committee, which continued the matter. (See Council File 13-1482-S1.) On December 20, 2018, the CPC considered an updated proposed ordinance and draft resolution to effectuate the transfer and recommended approval of those documents to the City Council. On March 14, 2019, the Planning Department transmitted a further refined proposed ordinance and draft resolution to the City Council that included technical modifications but did not change the versions recommended by CPC in a substantial way or affect the recommended policy. The CPC's findings in support of the proposed ordinance, draft resolution, and related California Environmental Quality Act recommendation remain the same.

The PLUM Committee adopted the CPC's recommendations at its meeting on March 19, 2019, and requested that the City Attorney prepare and present a draft ordinance to transfer the redevelopment agency's land use related plans and functions to the City.

The CPC's transmittal report to the City Council, dated December 21, 2018 (CPC Transmittal Report), includes the Planning Department's staff report, which provides a detailed description of the LAMC regulations added and amended by the draft ordinance. Notably, the draft ordinance adds Section 11.13 to the LAMC to transfer jurisdiction over project review and approval from the CRA/LA-DLA to the Planning Department. It also adds Section 11.5.14 to the LAMC to establish additional procedures for the review of projects located in redevelopment plan areas. The draft ordinance amends the LAMC to eliminate references to the CRA, and also clarifies the existing processing fees to which redevelopment area project applicants may be subject.

If the City Council intends to exercise the authority conferred by Health and Safety Code Section 34173(i), it should adopt the draft resolution transmitted by the Planning Department requesting the transfer of the land use plans and functions from the redevelopment agency to the City at the same time it adopts the draft ordinance.

#### Charter Findings Required

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

#### California Environmental Quality Act (CEQA) Standard of Review

The CPC recommends that the City Council, based on the whole of the administrative record, determine that the draft ordinance and resolution are exempt under California Public Resources Code Sections 15308 (statutory exemption for actions by regulatory agencies for protection of the environment) and 15320 (statutory exemption for changes in organization of local agencies). Reliance on these categorical exemptions is appropriate when substantial evidence in the record supports the use of the exemptions.

The CPC also recommends that the City Council determine that the adoption of this ordinance does not constitute a "project," as defined by CEQA pursuant to CEQA Guidelines Section 15378(b)(5), which states that a "project" does not include "organizational or administrative activities that will not result in direct or indirect physical changes in the environment."

Finally, the City Council may consider adopting a negative declaration for this project. Adoption of a negative declaration is appropriate when the City Council, having considered the whole administrative record (including the initial study and any comments received), finds there is no substantial evidence the project will have a significant effect on the environment; and the negative declaration reflects the City Council's independent judgment and analysis. If the City Council concurs, it should adopt these findings prior to or concurrent with its action on the ordinance.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Housing and Community Investment Department. The departments were requested to report their comments, if any, directly to the City Council or its Committee when this matter is considered.

If you have any questions regarding this matter, please contact Managing Senior Assistant City Attorney Terry Kaufmann Macias or Deputy City Attorney Adrienne Khorasanee at (213) 978-8246. They or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON  
Chief Assistant City Attorney

DM:ASK:mgm  
Transmittal