

Heritage Properties

Planning and Land Use Management Committee
City Council of City of Los Angeles

ITEM # 1482-S3
ENV-2018-6006-CE, ENV-2019-4121-ND

August 26, 2019

Dear PLUM Members:

You are considering whether a proposed Resolution and Ordinance affecting land use planning and development for 1/5 of the land area of the City of Los Angeles might have any significant environmental effects.

The Negative Declaration before you concludes that there are zero effects. From my knowledge of one of the 19 unexpired Redevelopment Area plans involved, I am finding that the Negative Declaration is both procedurally flawed, flawed in selected findings, and deceptive.

I know that is not the intent of the planners who prepared it—but from an arms' length view—this "Project" is presented unclearly to the public; is analyzed as an intent rather than according to the real words in the actual Resolution and Ordinance; and is openly anticipating a future of cherry-picking the Redevelopment Plans and prior project CRA entitlements.

The public and the PLUM were ill-served by providing notification with one business day before this public hearing, with the most major item—the Ordinance – uploaded at the last minute. As the "Project" being analyzed by the Negative Declaration is only the Resolution and the Ordinance, it appears quite contrary to CEQA to circulate the Negative Declaration about an Ordinance before the Ordinance.

The Ordinance is a new permission to charge fees while stating the opposite in the ND-

- The "Project Description" says the Transfer will "consolidate project review of development projects" but its quite unclear how this occurs—no "transfer" chart, no ssample of Redevelopment provisions and parallel Planning process.
- In fact new fees are being applied- suggesting that they are going to be applied to some action performed by City Planning—but left entirely unclear.
- **For a Single Family House—stated fee is \$7,859—or is it \$6500-** for the identical activity. ("Project Permit Compliance and with Design Review Board – Major (Single Family).” The fee will be charged—the activity is not mentioned in the Ordinance!
- CRA never charged fees. CRA had an income stream from tax increment revenue. City is now receiving that revenue.

The Resolution makes no commitment to Planning staffing or to the time period of the unexpired Redevelopment Plans:

- Time horizon: Why does the Resolution omit the critical information of the unexpired time period of each Redevelopment Plan?
- Staffing: Why does the Negative Declaration state staff commitments, but they do not appear in the Resolution?

The Ordinance creates new undesirable processes – with no fees-- to unravel the actions of the former Redevelopment Agency:

- The Redevelopment Agency could only be more restrictive than the City of Los Angeles. Contrary to myth, projects less restrictive than City requirements always had to get entitlements through City Planning procedures. So “Modifications” will remove controls installed to limit blight, encourage health and design quality, etc.,
- The “Redevelopment Plan Project Adjustment” allows the Director of Planning to decide on substantial compliance rather than requiring a Variance or Variation or holding a public hearing.
- The “Modification of Entitlement for a Redevelopment Project” allows up to a 20% increase or decrease in approved project conditions with no public hearing and no environmental study other than a limited look at the immediate neighborhood.

The “Project Description” for the ND is aspirational (about intent) but does not describe the actual Project -- certainly not clearly and accurately presenting either the Resolution or the Ordinance.

- The Negative Declaration states that the proposed actions “*Establish procedures in the LAMC to implement the unexpired Redevelopment Plans.*” This is inaccurate—the Ordinance amends the LAMC to address processing of Planning entitlements or development applications – it omits dealing with Building Permits, CRA un-fulfilled planning obligations, and monitoring and forward planning obligations in Redevelopment Plans.
- The Negative Declaration in “Description of Project” states “*If the City were to propose any substantive land use provision changes or changes to the level of review of the unexpired Redevelopment Plans, a separate action with the appropriate environmental clearance would be prepared.*” However, as there is nothing to this effect in the Resolution, we can reasonably expect that there is change planned and – unless this stricture is included in the Resolution—an environmental effect.
- The Negative Declaration Project Description says “*the intent of the proposed project is to ensure continuity of land use controls in the 19 unexpired Redevelopment Project Areas*”. This cannot be accurate, as the Resolution Sec B1 allows changes to exactly that.
- The Negative Declaration never makes clear what the Ordinance is- nor does the Ordinance. The Ordinance is supposed to fit Redevelopment Plan processes into the City Planning rubric— but it is unclear before and after reading this whether the Redevelopment Plans are to be treated as Specific Plans (as the fee schedule suggests)—or what.
- The Project Description does not explain which land use provision required to be transferred are not transferred by the Resolution. Resolution purports to follow CHSC Sec 34713 (i) but actively omits land use provisions except those in Sec 500. For example-- Sec 409 of Hollywood is omitted—requiring use of the Secretary of the Interior Standards.

The Resolution omits critical CRA land use responsibilities/ provisions/ functions”

- Resolution Section A says “*For the purposes of this Resolution, land use related plans of the Former Agency mean only those provisions of Redevelopment Plans and Guidelines that govern land use or development, including but not limited to, provisions that establish allowable land uses, land use restrictions, controls, processes or procedures.*”
- This fails to include CRA's responsibilities for further planning and monitoring as opposed to “governing”. In Hollywood those included annual transportation monitoring, calculation of the

Regional Center 2:1 FAR, replacement of lost parking, and considerable lists of responsibilities the Redevelopment Plan recites and are well known...

- Resolution Section B says: “For purposes of this Resolution, land use related functions of the Former Agency mean only the following functions, which, following the effective date of this Resolution, the City shall apply the Land Use Provisions to the Project Areas; and shall undertake related activities as necessary.”
- Resolution Sec D- says City has no obligation to “perform any land use related function-- in accordance with a final order of a court of competent jurisdiction.” Really?

The Negative Declaration suggests resolutions to critically important topics – but these mitigations and promises obviously must appear in the Resolution or the Ordinance.

- Historic Protections: The Negative Declaration cites excellent processes and procedures—and a commitment of a staff person—and states that “the City will implement the CRA mitigation measures as discussed below. “ This is all good intent—but if it is not in the Resolution or the Ordinance, a fair argument can be made that this Negative Declaration at least requires Mitigations.
- 19 Redevelopment Plan EIRS and Plan and Project Mitigation Measures: The Negative Declaration provides no factual basis for statements on page 24 and no Appendix showing project and Plan EIR mitigations that must be enforced by the City of Los Angeles. This appears to be a fatal omission. The statement that “It is the City’s intention to continue to implement the mitigation measure(s) sic” is not reflected in the Resolution or the Ordinance.
- Negative Declaration Page 24 states: “As identified in the proposed Resolution to be adopted as a part of the proposed actions of the Project, the City will develop guidelines to monitor and enforce mitigation measures.” This must be added to the Resolution, but unless it was revised and recently uploaded, it is not currently in the resolution.
- TOC Program: “Applying the TOC program to development projects within the specified Redevelopment Project Areas with density limitations that are inconsistent with CRA/LA-DLA’s current practice will require subsequent legislative action and is not part of the proposed Project”. (page 25) This is followed by prevaricating language. The Negative Declaration is inaccurate if this statement is not included in the Resolution.

As a professional who served on the Hollywood Project Area Committee and understand the Hollywood Redevelopment Plan from the inside out; and who has tried to communicate concerns both through the public process and to Planning staff—I am disappointed that this Transfer Negative Declaration wasn’t used to display how deeply the Planning Department has delved into each individual redevelopment area’s environmental setting and into each of the 19 redevelopment plans.

Respectfully submitted:
HERITAGE PROPERTIES



Frances Offenhauser