To Whom It May Concern:

I am refilling the e-mail I submitted to the PLUM Committee of the City Council regarding the proposed project at 7401-7501 La Tijera Boulevard / 5630 West 74th Street 7407 Council File- 13-1499. I am not sure if being in the record for the PLUM automatically gets me in the record for the City Council. I am also introducing one additional concern which is as follows: THE PROJECT DOES NOT QUALIFY FOR AN ON-MENU FAR INCREASE to 3:1

The Planning Department Report and the PLUM Committee Findings indicate that the Project is in the LAX Major Employment Center, or within 1,500 feet of the same, and therefore qualifies for the FAR increase to 3:1 for which it has applied in lieu of the otherwise applicable 1.5:1. This is not true. The project must reapply for the FAR increase and hold hearings for an off menu incentive in this regard.

The statutory basis for the on menu FAR increase sought is the City's Affordable Housing Incentives Statute, LAMC Section 12.22-A, 25(f)(4). The relevant Section of the Code provides as criteria for the on menu incentive in the pertinent part:

b. 50% or more of the commercially zoned parcel is located within 1,500 feet of a Transit Stop/Major Employment Center.

Here the project is relying on the "Major Employment Center" prong--consistent with the findings. The definition of a "Major Employment Center" is:

"(4) The boundaries of the following three major economic activity areas, identified in the General Plan Framework Element: Downtown, LAX and the port of Los Angeles."

Looking at the General Plan Framework Elements, the LAX economic activity area is described as verbally as follows:

"In addition, the City must take advantage of the critical role of the Port of Los Angeles and the Los Angeles International Airport in supporting the local economy. These facilities are major generators of economic activity, both in their immediate vicinity and throughout the entire Southern California region. Under the Charter of the City of Los Angeles, these facilities are operated by City departments each directed by a Board of Commissioners. The Harbor Department and the Department of Airports are proprietary and self-supporting departments of the City that prepare, control, and administer their own budgets and have substantial authorities over the properties that they manage.

As a result of the crucial role they play in economic development and their unique organizational status, these areas can benefit from and will require additional City actions form those designed to assist other market-linked areas. In addition to receiving incentives initiated in other market-linked areas, such actions as expansion of the City's foreign trade zone, permit facilitation and regulatory relief, and other programs appropriate to these facilities should be investigated to facilitate economic activity throughout the City. Such actions will support all of the critical industrial sectors (trade, tourism/entertainment, transportation, and technology) upon which the future economy will be based." General Plan, Framework Elements, 7. Economic Development.

Clear throughout this definition is the idea that when the General Plan refers to LAX as an economic center is referencing the "facility" or the identified "market-linked" area. Where the market-linked area/facility known as LAX is located is depicted on diagram 7-1, with other market-linked areas and other economic designated areas (attached). On the diagram, there is a circle which shows where LAX is, and then there is a depiction of the LAX market-linked area inside the circle. When you read the text of the plan, the reason for identifying LAX separately from other "market-linked" areas, by circling it on the diagram, is to highlight the area as one of particular concern, not to make the circle the definition of LAX. This point is further supported in that the LAX General Plan has a clear depiction of LAX and it is consistent with the odd shaped depiction of the market-linked area on the diagram (See attached). Even more to this point, is

the fact that if the "circle" is truly the "definition of LAX" for purposes of special economic consideration, you have an economic zone, administered by a proprietary and self-supporting department of the City, which per the General Plan should be considered as a free trade zone, which is actually a large swath of R1 zoned Westchester.

(I apologize for the quality of the scan of Diagram 7-1 but note all of you have access to the originals in on the Planning Department web site.)

The reason this is important is that if you use the LAX "market-linked" area and depiction of LAX from the LAX General Plan, the Project site is nowhere near 1,500 feet from LAX, let alone in LAX. I have attached google maps calculating the distance from the various street intersections which mark the boundary of LAX; it is not even close. I have also included a portion of an e-mail from a neighbor which explains the distances. She refers to this project as TriCal.

"i Kathryn - Many thanks for your detailed interest in this project/planning fiasco. While I can't really speak to many of the details you point out, I do have a couple things for you:
This is the documentation of distance from LAX proper. I'm not sure how far out the boundary of the LAX operating area we are, but this is the basic distance info:

If this diagram is what you're referring to (approximately) then the LAX Plan area boundary closest to the TriCal project at 74th & La Tijera is Sepulveda Westway

And in that case, the TriCal project is 1.5 miles (7920 feet) from the Sepulveda Westway boundary of the LAX operating area."

The Planning Department/PLUM findings do not contend that the definition of Transit Stop is met so I won't address why the Bus lines don't qualify as Metro Rapid. Just in case it comes up, the numbers are not in the 700 series which means not "Metro Rapid" line.

Accordingly, the FAR incentive recommended by the PLUM and applied for the applicant is not available and must be denied. The process needs to restart to consider an off-menu FAR incentive.

Thanks.

Kathryn M. Schwertfeger
229 Montreal Street
Playa Del Rey, CA 90293

The PLUM and the City Council should consider the following:

1. THE CITY OF LOS ANGELES HAS FAILED TO EXERCISE DISCRETION IN EVALUATING THE AFFORDABLE HOUSING INCENTIVES

PLANNING NEEDS A PAID EXPERT FEASIBILITY ANALYST

The Project is requesting off menu affordable housing incentives--a lot of them. The Los Angeles Municipal Ordinance which provides for affordable housing incentives require that the decision maker consider and make a finding as to whether the incentive is required to provide for affordable housing costs.

The Planning Report is silent on this issue and simply looks to whether the incentives are required to physically accomplish the project. There is no financial analysis measuring the value of the incentives afforded the developer against the costs of providing affordable housing . This is because the Planning Department has no "Project Feasibility Analyst" on staff. Where this leave the City of Los Angeles is exercising discretion and making findings that incentives either are or are not required to make the project economically feasible based on no City analysis. Hence the City simply looks to the physical structure requirements and decides the issue--i.e. you cannot build 140 units and two stories of commercial without going 5 stories up on this lot--so the incentives are required. The analysis in the Planning Report has nothing to do with the findings the City is supposed consider and make. An abdication of discretion is a failure of due process and a disservice to the City.

This leaves the City of Los Angeles to face developers who want oversized projects and out sized profits in exchange for nominal amounts of affordable housing. The price paid by the affected communities is ridiculously high relative to the public good served. Here are the incentives really to allow for high value commercial and additional full rent apartment units? Would a smaller project, compatible with the community, be just as feasible to support the required affordable housing units? The Planning Department needs resources to make these assessments because we have projects like this one throughout the City where developers are seeking cap rates which exceed industry standards on the back of affordable housing incentives.

What stops a request for a 10 story parking garage, with ten affordable housing units in a tower at the top, no other housing units, anywhere where parking is at an economic premium and you have mixed commercial/residential zoning? If the entire analysis is that the incentives are required to physically accommodate the project as defined by the developer, which is the analysis in the Planning Report here, the answer is nothing stops the request--except the Community Plan.

As to this case, a simple basis for denial would be the absence of information on which the required determinations regarding off menu incentive can be based. For off menu incentives the developer is required to present "a pro forma or other documentation to show that the waiver or modification of any development standard(s) are needed in order to make the Restricted Affordable Units economically feasible. . ." Section 25, (g)(3)(i)(a). I see no reference to this analysis anywhere in the Planning Report so I assume it was not presented by the developer. A simple finding of failure to provide required information should support denial of off menu incentives. If there is information in the file, you should send the file back to the Planning Department to reach findings on feasibility--hopefully there will be a staff analyst in place to do this near term.

Moreover, the City needs a statute which makes it 100% clear exactly what is the required feasibility analysis. There is nothing in the State law which prevents the City from defining this analysis. As a matter of fact, the State law is a complete paper tiger when you get past the density bonus and the parking standard reduction incentives. Moving to other incentives or concessions, such as height, set back etc. the requirement in the State statute is "quantifiable cost savingssufficient to enable the project." Government Code Section 65915 (k). Most of the time, the off menu incentives sought by developers do not generate "cost savings" at all, they enhance revenue. You don't save money by building a bigger building or a higher building--so denial would almost always comply with State law automatically.

This leaves the City of Los Angeles free to make its own policy to tailor what incentives a project receives to what is really required to make the affordable housing element of the project feasible. I'm sure the City has clever people who have thought this through much more clearly than I but the point is the City needs to enact an emergency ordinance now. OTHERWISE, THE MIDDLE CLASS WE WILL BE LIVING IN A CEMENT CANYON, UNABLE TO DRIVE TO WORK AND PARK, AND THE POOR WILL STILL BE HOMELESS. ALL THE CITY WILL HAVE ACCOMPLISHED IS INCREASING DENSITY IN HIGHER RENT AREAS

AND R-1 ABUTTING AREAS WHERE THE CITIZENS DID NOT HAVE THE RESOURCES TO MAKE DEMANDS IN THE CITY PLANNING PROCESS AND PREVENT UP-ZONING IN THE LAST ROUND OF PLANNING.

2. THE PLANNING COMMISSION DID THE RIGHT THING

The Planning Commission performed a Site Plan Review and found that the project does not match the Community Plan. Their reasons were many and sound. The analysis is consistent with City law and the requirements of the Government Code which make the General Plan (which translates to the 35 Community Plans) the overriding constitution. The Applicant now has the burden of disproving the Planning Commission findings. Reading their appeal, I find nothing which explains how the project truly fits the community and the Community Plan. The City Council should uphold the Planning Commission findings because they are supported by evidence, reasonable and the appeal is not de novo. Moreover, the Planning Commission did the right thing because the Community Plan and the local specific plans, used at Site Review, can protect communities from ridiculous off menu requests which have everything to do with developer profit and nothing to do with creating projects which make affordable housing economically feasible.

3. RIGHT TO APPEAL GRANTING OF AFFORDABLE HOUSING INCENTIVES

The City Affordable Housing Incentive Ordinance defines the right to appeal very narrowly--adjacent properties only. This is inconsistent with the City Charter provisions which give citizens the right to appeal land use decisions which negatively affect them. The definition is so narrow it does not meet due process. Given the definition, I have exhausted my appeal rights because I functionally am denied administrative appeal and reserve the right to go straight to court for myself and others affected by the decision. Of course, my recourse to the courts is not controlled by the time frames specified in the ordinance for those who have been granted administrative appeal rights--so I'll take my time.

Thank you.

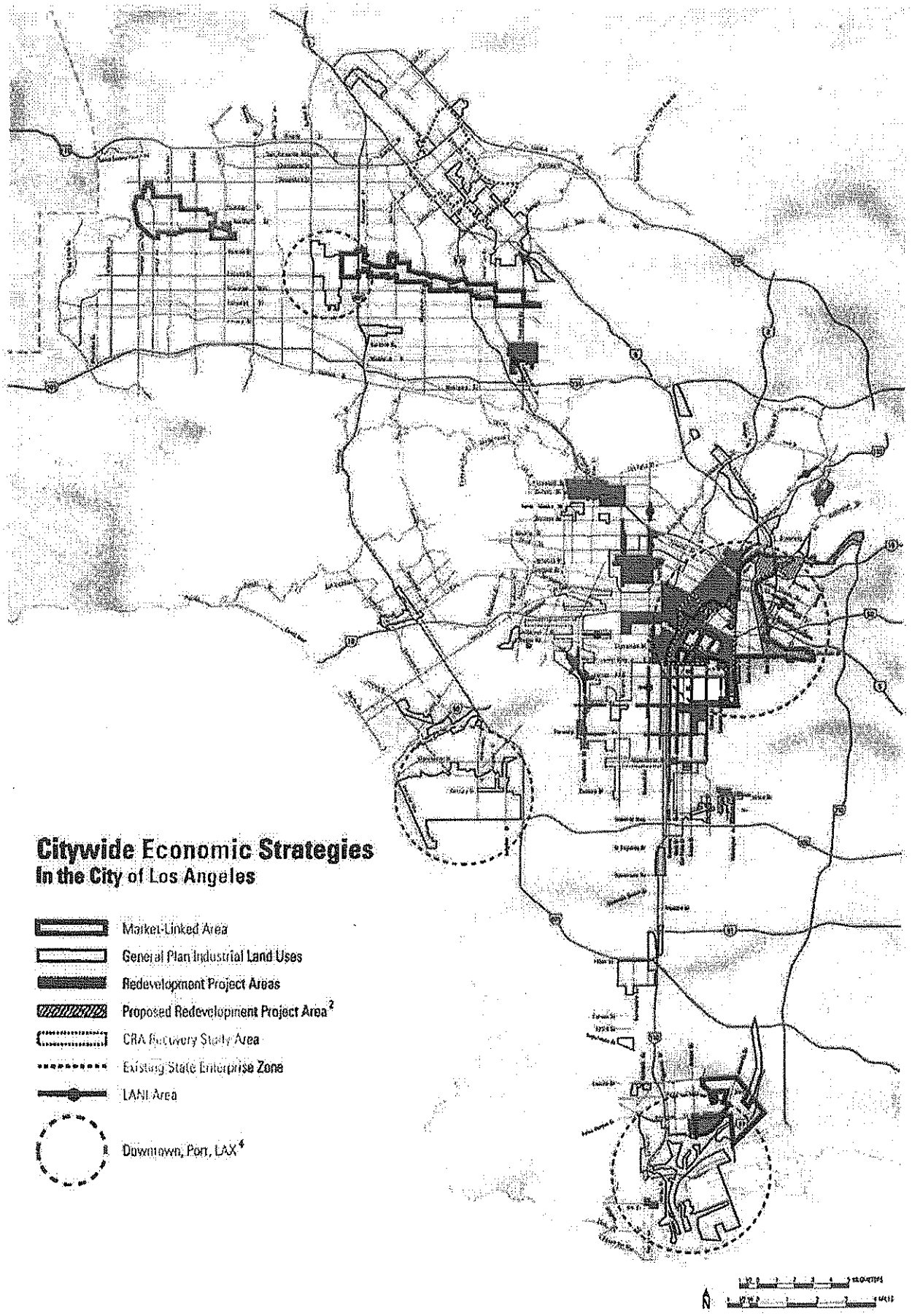
Kathryn M. Schwertfeger
229 Montreal Street
Playa Del Rey, CA 90293

Figure 7-1

Citywide Economic Strategies

NOTES:
Policies in the Framework Element address economic issues citywide. This map identifies areas characterized by unique opportunities or constraints that make them candidates for the consideration of economic strategies and implementation priorities.

1. Areas that represent adopted policies and strategies include State Enterprise Zones, Redevelopment Areas, and Los Angeles Neighborhood Initiative (LANI) Areas.
2. Areas that are candidates for designation as various types of economic policy districts include Los Angeles Community Redevelopment Agency Recovery Study Areas.
3. Maps in the Framework Element identify market-linked areas that are a focus of economic policy. These areas are defined and elaborated upon in this chapter.
4. Downtown Los Angeles, the Port of Los Angeles, Los Angeles International Airport, and other local airports are areas with broad regional and international market links. Improvement of these facilities and implementation of economic development programs in these areas will have a regional impact on employment and economic growth.


Citywide Economic Strategies
In the City of Los Angeles
Market-Linked Area
General Plan Industrial Land Uses
Redevelopment Project Areas
Proposed Redevelopment Project Area[2]
CRA Recovery Study Area
Existing State Enterprise Zone
LANI Area
Downtown, Port, LAX[4]
N

Prepared by the General Plan Framework Section, City of Los Angeles Planning Department, Citywide Graphics, April 1996

Get directions | My places

Sepulveda Westway, Los Angeles, CA

La Tijera Blvd & W 74th St, Los Angeles, CA

Add Destination - Show options

GET DIRECTIONS

Suggested routes

S La Tijera Blvd **1.5 mi, 3 mins**

In current traffic: 4 mins

Airport Blvd and S La Tijera Blvd 1.7 mi, 4 mins

In current traffic: 5 mins

W 83rd St and S La Tijera Blvd 1.8 mi, 5 mins

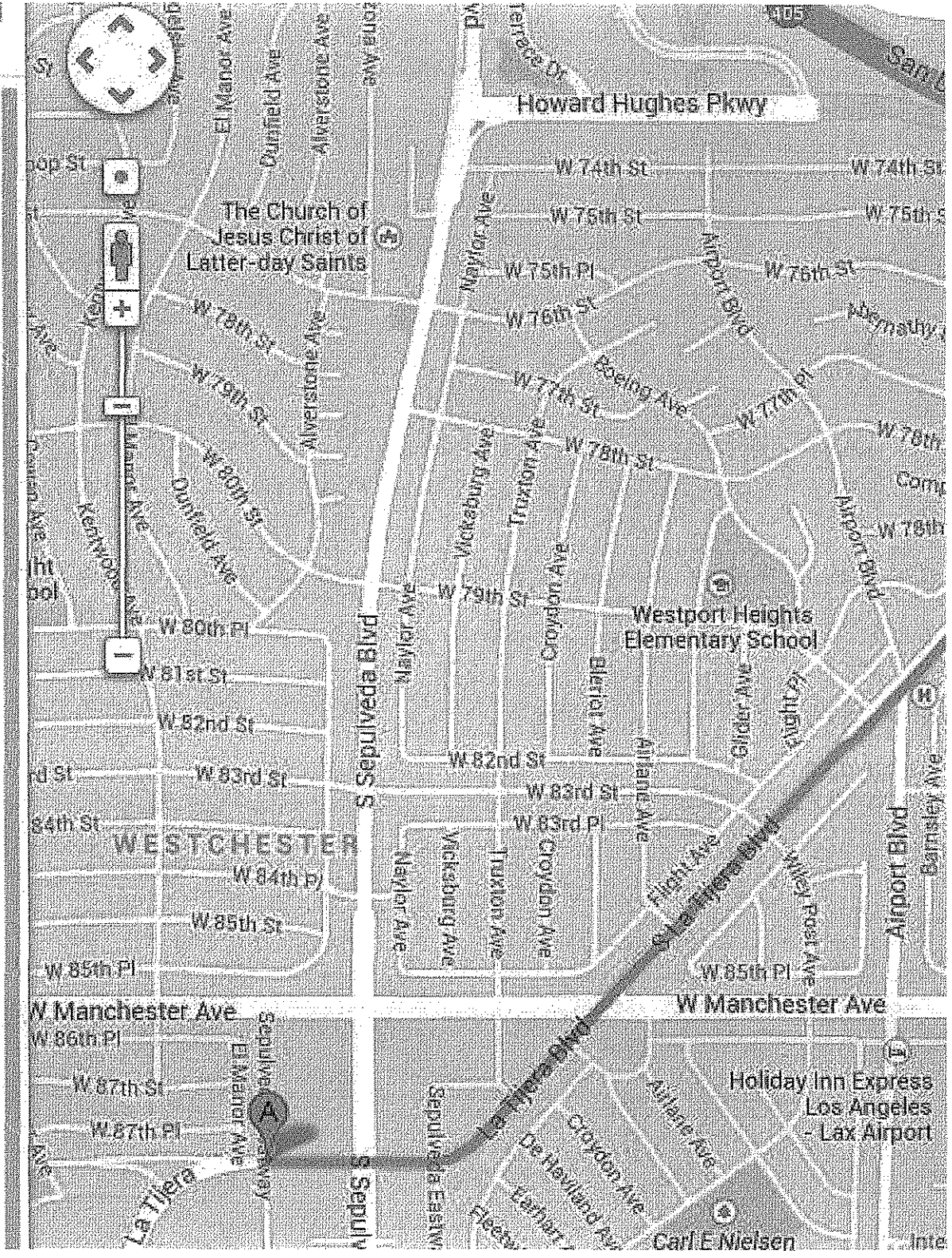
No traffic information

Or take Public Transit (Bus) 9 mins

Driving directions to La Tijera Blvd & W 74th St, Los Angeles, CA 90045

Sepulveda Westway
Los Angeles, CA 90045

1. Head **east** on **S La Tijera Blvd** toward **S**



Google 74th and La Tijera

Get directions | My places

A LAX

B La Tijera Blvd & W 74th St, Los Angeles, CA

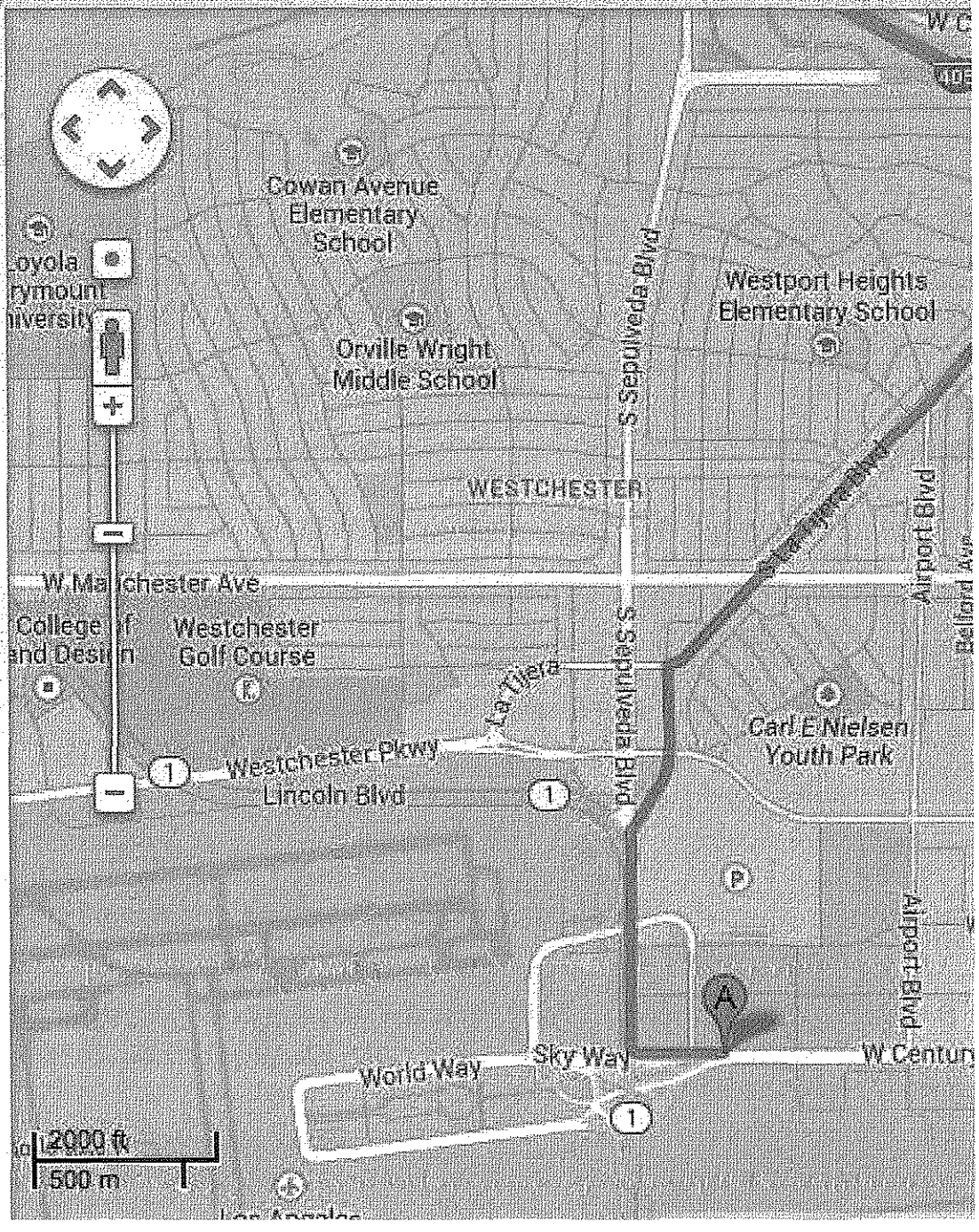
Add Destination - Show options

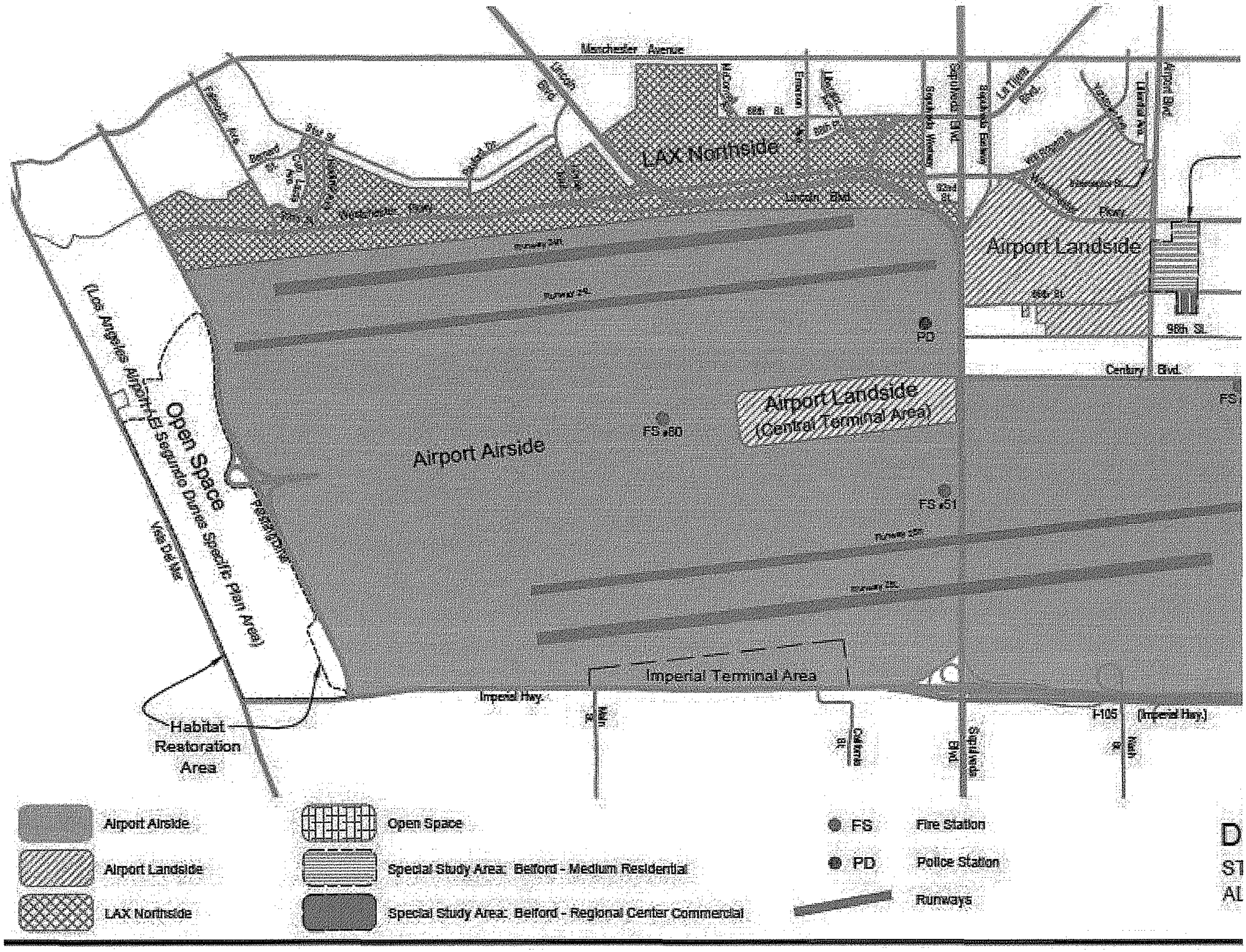
GET DIRECTIONS

Suggested routes

S La Tijera Blvd	**2.3 mi, 5 mins**
	In current traffic: 6 mins
Airport Rd	2.6 mi, 6 mins
	In current traffic: 7 mins
Airport Blvd	2.8 mi, 6 mins
	In current traffic: 7 mins
Or take Public Transit (Bus)	16 mins

Driving directions to La Tijera Blvd & W 74th St, Los Angeles, CA 90045





Manchester Avenue
Lincoln Blvd.
Sepulveda Blvd.
Sepulveda Westway
Sepulveda Eastway
La Tijera Blvd.
Airport Blvd.
Emerson
88th St.
LAX Northside
Airport Landside
98th St.
Century Blvd.
Airport Landside
(Central Terminal Area)
Airport Airside
FS #50
FS #51
PD
Open Space
(Los Angeles Airport / El Segundo Dunes Specific Plan Area)
Vista Del Mar
Imperial Terminal Area
Imperial Hwy.
Main St.
California St.
Sepulveda Blvd.
I-105
(Imperial Hwy.)
Nash St.
Habitat
Restoration
Area
Airport Airside
Airport Landside
LAX Northside
Open Space
Special Study Area: Belford - Medium Residential
Special Study Area: Belford - Regional Center Commercial
FS
Fire Station
PD
Police Station
Runways

PCL XL error

Warning: IllegalMediaSize