

January 6, 2016

The Honorable City Council  
Planning and Land Use Management Committee  
200 N. Spring Street  
Los Angeles, CA 90012

RE: Council File: CF 15-1441  
Appeal of CPC-2013-521-DB-SPR and ENV-2013-522-EIR

This letter is written in response to the appeal filed by Hollywood Heritage Inc. ("Appellant") in connection with Department of City Planning Case Numbers CPC-2013-521-DB-SPR and ENV-2013-522-EIR for the property located at 1718-1730 North Las Palmas Avenue and 1719-1727½ Cherokee Avenue. As demonstrated below, the justifications for appeal put forth by the Appellant are not supported by facts.

1. **Calculation of permissible units and density not accurate.**

The Appellant claims that 1) the analysis of conformance with zoning, specifically for density, is incorrect and 2) the Zoning Administrator Interpretation of LAMC §12.22-A.18 does not apply.

Parcels 1, 2, and 4 are zoned C4-2D. The C4 zone allows multi-family residential uses at an R4 Zone density, typically, is 1 dwelling unit per 400 square feet of lot area. Height District 2D limits FAR and height but does not limit density in any way. Parcel 3 is zoned [Q]R5-2. The R5 Zone density typically is 1 dwelling unit per 200 square feet of lot area. However, the [Q] Condition imposed by Ordinance No. 165,657 limits density to 1 dwelling unit per 400 square feet of lot area.

The Project is entitled to additional density pursuant to LAMC §12.22-A.18 and a joint Zoning Administrator Interpretation and Zoning Engineer Memorandum dated May 18, 2000, which allows a mixed-use project to utilize the R5 density of 1 dwelling unit per 200 square feet of lot area, in lieu of the R4 density of 1 dwelling unit per 400 square feet of lot area. The Project meets the LAMC definition of "Mixed-Use Project" and subsequently qualifies for the exception to allow the R5 density of 1 dwelling unit per 200 square feet of lot area on Parcels 1, 2, and 4. Due to the Q condition, Parcel 3 does not qualify for the exception, and as such, the density of that parcel remains limited to 1 dwelling unit per 400 square feet of lot area. Therefore, the density of 221 units is accurate.

The Appellant asserts that LAMC §12.22-A.18 cannot be used in this manner because the Zoning Administrator Interpretation incorrectly permitted "uses" to be interpreted as "density." However, contrary to the Appellant's assertion, the Zoning Administrator Interpretation is a valid interpretation and does not

conflict with the Redevelopment Plan. LAMC §12.21-A.2 provides the Zoning Administrator with "the authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation." As such, Zoning Administrator Interpretations are innately part of the LAMC as their interpretations provide meaning to the LAMC's language.

Additionally, while the Project has minor deviations from the Redevelopment Plan (e.g., the proposed density on Parcel 3 would exceed the maximum density allowed on that parcel under the Redevelopment Plan), 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.

**2. Findings inaccurate – Not consistent with adopted Redevelopment Plan (for density calculations).**

The Appellant asserts that the Case Findings regarding consistency with the Redevelopment Plan are incorrect and that SB1818 density calculations are limited by the Redevelopment Plan.

The EIR includes a full consistency analysis with the Redevelopment Plan. The EIR discusses the Redevelopment Plan and analyzes the Project's consistency with the Redevelopment Plan and its applicable Goals. As previously stated, while the Project has minor deviations from the Redevelopment Plan, 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." Additionally, pursuant to a CRA/LA Memorandum dated June 21, 2012 (attached), the CRA/LA no longer requires CRA/LA discretionary land use approvals in the Hollywood Project Area as a means to simplify the entitlement and building permit process.

The Appellant inaccurately applies SB1818 with regards to density. SB1818 was adopted after approval of the Hollywood Community Plan and Redevelopment Plan and, as a state law, supersedes both plans. The Hollywood Redevelopment Plan also did not contemplate SB1818 and the associated density bonus and menu incentives. Therefore, state law permits the Project's density to exceed density regulations of Redevelopment Plan.

**3. Findings inaccurate: Not consistent with adopted Redevelopment Plan (for Community Redevelopment Agency ("CRA") Disposition and Development Agreements).**

The Appellant contends that the Redevelopment Agency still maintains land use authority and responsibility and that a development or participation agreement is required. However, the CRA/LA no longer requires their discretionary land use approvals in the Hollywood Project Area including Owner Participation Agreements for projects which include residential uses in a commercial zone. Pursuant to CRA/LA Memorandum dated June 21, 2012 (attached), this "action would remove what may be considered to be a confusing, redundant hurdle in the approval process, and is in keeping with the CRA/LA's current efforts to wind down and the City's effort to streamline its project approval process."

**4. On-menu density increase appealed.**

Please see Reply 1 above.

**5. Lot coverage appealed.**

The Appellant's position is unclear because they only state "Lot coverage appealed:."

**6. Findings inaccurate: Not consistent with the Hollywood Community Plan (for setbacks)**

The Appellant cites a goal in the Hollywood Community Plan and asserts the importance of rear-yard setbacks to the light, air, and views of residences.

The Project complies with the rear yard setback requirements pursuant to the LAMC. Where the Project does not otherwise comply with setbacks, off-menu incentives have been requested pursuant to SB1818 and as permitted under LAMC §12.22.A.25, which supersede the requirements of the Hollywood Community Plan and the other LAMC provisions.

**7. Findings inaccurate: Not consistent with Franklin Avenue Design District of Hollywood Redevelopment Plan.**

As recognized by the Appellant, the Franklin Avenue Design District Urban Design Standards and Guidelines are currently in draft form and have not been formally adopted. As such, they are not applicable to the Project Site. However, to be conservative, the EIR analyzes the Project's consistency with the draft Urban Design Standards and Guidelines in Section IV.A.1, Aesthetics/Visual Quality and Views (please refer to pages IV.A.1 46–IV.A.1-54 of the EIR). As concluded therein, the Project would be consistent with the five goals that define "compatibility" and form the basis for the Urban Design Standards and Guidelines,

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and would be partially consistent with the specific design standards set forth in the draft Urban Design Standards and Guidelines that apply to the Project Site.

The appeal continues by expressing an opinion but does not support this claim with facts, reasonable assumptions based on facts, or expert opinion supported by facts. Therefore, no further response is required.

Very truly yours,

LINER LLP



Kyndra J. Casper

CC: Roberto Mejia, Office of the Chief Legislative Analyst  
Sharon Gin, Office of the City Clerk  
Gerald Gubatan, Senior Planning Deputy for Council District 1  
Claudia Rodriguez, Planning Deputy for Council District 7  
Lynell Washington, Planning Director for Council District 8  
Hannah Lee, Chief Planning and Land Use Deputy for Council District 12  
Kevin Ocubillo, Planning Director for Council District 14

# APPROVED

CRA/LA, A DESIGNATED LOCAL AUTHORITY  
(Successor Agency to the Community Redevelopment Agency of the City of Los Angeles, CA)

**REVISED**  
**As underlined on Attachment A**

M E M O R A N D U M

# 13

**DATE:** JUNE 21, 2012 CI6990, CT6990, HW6990, PA6990, WK6990

**TO:** GOVERNING BOARD ROPS # N/A

**FROM:** CHRISTINE ESSEL, CHIEF EXECUTIVE OFFICER

**STAFF:** DAVID RICCIHELLO, CHIEF OPERATING OFFICER  
JOSH ROHMER, ACTING PROJECT MANAGER

**SUBJECT:** **CLARIFICATION REGARDING DISCRETIONARY LAND USE ACTIONS.**  
Resolution clarifying Redevelopment Plan language regarding CRA/LA discretionary land use actions in the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown Redevelopment Project Areas.  
DOWNTOWN, HOLLYWOOD/CENTRAL, AND HARBOR REGIONS (SDs 1, 2, 3, 4; CDs 1, 4, 8, 9, 10, 13, 14, 15)

## RECOMMENDATION

That the Governing Board adopt a resolution that, for the purposes of CRA/LA review of City development applications, the land use designations on the Redevelopment Plan Map defer to and are superseded by the underlying City of Los Angeles Community Plan and Zoning Ordinance designations within the City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown Redevelopment Project Areas. Future development permit applications will not require CRA/LA discretionary land use approvals in these Project Areas.

## SUMMARY

This action will simplify the approval process for entitlements and building permits within five CRA/LA redevelopment project areas: City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown. CRA/LA staff reviews all development applications within these project areas for conformance with the respective redevelopment plans (Plans), and has required CRA/LA Board approval (discretionary land use action) for projects that propose uses that vary from the land uses designated by the Plans, even when proposed projects otherwise conform with City land use controls. For sponsors of development projects, this CRA/LA discretionary land use approval has often been seen as a confusing extra step beyond the City's established approval process, and can cause delays in securing approvals or receiving entitlements.

Sections 502 of each of these Plans states that the City Community Plan and Zoning Ordinance land use designations prevail over the Redevelopment Plan map designations. This would appear to obviate the need for discretionary land use actions of this type. The proposed Resolution clarifies that future CRA/LA review of development projects shall not require discretionary land use approvals within these project areas. Permits within these project areas will continue to be reviewed for Plan conformance, and permits in other redevelopment project areas will continue as per current practice.

## DISCUSSION & BACKGROUND

### Redevelopment Plan Language

In most of the 31 existing Redevelopment Plans, Section 502 or 601 of the Plan references the Redevelopment Plan Map, an exhibit attached to each Plan that designates the intended uses for each parcel in the project area. Any proposed entitlement or building permit must conform to such designations, which are often more restrictive than what would otherwise be allowed by the City's relevant Community Plan and the Zoning Ordinance. All proposed development projects are reviewed by CRA/LA staff for conformance to the Plans, and the referenced Section, excerpted below, requires that projects proposing land uses other than those described in the Plan Map require a discretionary land use approval from the CRA/LA Board, regardless of conformance with the Community Plan and zoning. Approximately 30 to 50 such discretionary land use actions are considered by the CRA/LA Board each year. Since January 2011, the CRA/LA Board has considered 42 discretionary land use actions, 16 (or 38%) of which were located in the five project areas that are the subject of this action.

In five of the most recently adopted or amended redevelopment plans, Section 502 contains language that states that Plan land use designations shall defer to the uses identified in the Community Plan. In these project areas (City Center, Central Industrial, Hollywood, Pacific Corridor, and Wilshire Center / Koreatown), Plan language can be interpreted that CRA/LA Board discretionary actions are not required, even if proposed developments do not conform to the Plan Map designation. Although the Plans elsewhere provide procedures for making discretionary land use approvals, the Section 502 language in these Plans (see below) states that the Community Plan land use shall rule "notwithstanding." As a matter of practice, however, the Prior Agency has considered and approved discretionary land use actions in these five project areas.

Given the dissolution of the Prior Agency, the current wind-down of redevelopment activities, and the significant decrease of CRA/LA staffing resources, CRA/LA staff and the Department of City Planning are working to clarify and streamline land use approval processes. The recommended action would remove what may be considered to be a confusing, redundant hurdle in the approval process, and is in keeping with the CRA/LA's current efforts to wind down and the City's effort to streamline its project approval process.

### Standard Redevelopment Plan Language

#### *"Section 502. Redevelopment Plan Map*

The Redevelopment Plan Map attached hereto and incorporated herein illustrates the location of the Project Area boundaries, the immediately adjacent streets, the proposed public rights-of-way and public easements, and the land uses currently permitted in the Project Area for all public, semi-public and private land. "

### Redevelopment Plan Language in City Center, Central Industrial, Hollywood, Pacific Corridor and Wilshire Center / Koreatown Plans

#### *"Section 502. Redevelopment Plan Map*

The Redevelopment Plan Map, attached hereto as Exhibit No. 1 and incorporated herein, illustrates the location of the Project Area boundaries, the immediately adjacent streets, the proposed public rights-of-way and public easements, and the land uses currently permitted in the Project Area for all public, semi-public and private land. 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 supplanted from time to time. In the event the General Plan, the

applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment process."

#### Basis for Approval

The recommended actions are consistent with and authorized by provisions of Assembly Bill 1x-26, including but not limited to the following:

Section 1 [Intent of the legislature]: It is the intent of the Legislature to do all of the following in this act: (j)(4) *"Require successor agencies to expeditiously wind down the affairs of the dissolved redevelopment agencies and to provide the successor agencies with limited authority that extends only to the extent needed to implement a winddown of redevelopment agency affairs."*

Chapter 2, Section 34173, which provides: *"Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority, rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies."*

Land use requirements of each redevelopment plan will therefore remain in effect for the duration of the effectiveness of the applicable redevelopment plan. The recommended actions will carry out the applicable provisions of the listed redevelopment plans in a manner designed to expeditiously implement a wind-down of the former redevelopment agency's affairs.

#### SOURCE OF FUNDS

No funds are required for this action.

#### ROPS AND ADMINISTRATIVE BUDGET IMPACT

The recommended actions are consistent with AB1x-26 and consistent with the Successor Entity's expressed goals of winding down redevelopment activities and reducing administrative costs.

#### ENVIRONMENTAL REVIEW

The proposed action does not constitute an action according to the California Environmental Quality Act (CEQA). Future proposed land use projects in these five Redevelopment Project areas will still have to conform to the applicable Community Plan land use designations, which were approved by the City following a lengthy environmental review (Environmental Impact Report) process for each Community Plan. Permits for individual development projects within these five Project Areas will still be reviewed on a case by case basis for Redevelopment Plan conformance, as well as the need for any required environmental review.

Christine Essel  
Chief Executive Officer

By:



David Riccitiello  
Chief Operating Officer

There is no conflict of interest known to me which exists with regard to any CRA/LA officer or employee concerning this action.

ATTACHMENTS

Attachment A: Resolution



**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF CRA/LA, A DESIGNATED LOCAL AUTHORITY  
(SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY  
OF THE CITY OF LOS ANGELES) REGARDING CONFORMITY OF LAND  
USE PROVISIONS OF CERTAIN REDEVELOPMENT PLANS TO CITY OF  
LOS ANGELES LAND USE REQUIREMENTS**

**WHEREAS**, the City Council of the City of Los Angeles has heretofore duly adopted redevelopment plans (collectively, the "Redevelopment Plans") for each of the following redevelopment project areas (collectively, the "Project Areas") within the City of Los Angeles pursuant to the Community Redevelopment Law of the State of California: (A) City Center Redevelopment Project; (B) Central Industrial Redevelopment Project; (C) Hollywood Redevelopment Project; (D) Pacific Corridor Redevelopment Project; and (E) Wilshire Center/Koreatown Redevelopment Project; and

**WHEREAS**, each of the Redevelopment Plans contains a redevelopment plan map and provisions setting forth land uses permitted in the applicable Project Area; and

**WHEREAS**, each of the Redevelopment Plans contains a provision designated Section 502, which provides, in part, as follows: "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 supplanted from time to time. In the event the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment"; and

**WHEREAS**, prior to the enactment of the legislation known as Assembly Bill 1x-26 ("AB 26") which dissolved redevelopment agencies in the State of California, the Community Redevelopment Agency of the City of Los Angeles (the "Former Redevelopment Agency") and its staff carried out the provisions of the Redevelopment Plans, which included, as a matter of administrative practice, reviewing all development applications in the Project Areas to determine if the proposed development conformed to the land use requirements of the respective Redevelopment Plans; and

**WHEREAS**, AB 26 (Health and Safety Code Section 34173) provides: "Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority,

rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies"; and

**WHEREAS**, the CRA/LA, A DESIGNATED LOCAL AUTHORITY ("CRA/LA") is the duly established successor agency to the Former Redevelopment Agency, with all authority, rights, powers, duties and obligations to carry out the Redevelopment Plans; and

**WHEREAS**, CRA/LA has determined that it is necessary and appropriate, in winding down the affairs of the Former Redevelopment Agency, to carry out the Redevelopment Plans in such a way as to give effect to the provisions set forth in Section 502 of the Redevelopment Plans.

**NOW, THEREFORE**, the Governing Board of the CRA/LA resolves as follows:

1. The Recitals set forth above are true and correct.
2. For the 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.
3. The land use designation for any property in a Project Area set forth in the Redevelopment Plan Map and the land use requirements regulations for such property set forth in the Redevelopment Plan for the applicable Project Area shall defer to and be superseded by the applicable City of Los Angeles General Plan, Community Plan and Zoning Ordinance land use designations and requirements regulations for such property, all as they now exist or are hereafter amended or supplanted from time to time.

ADOPTED:

Attachment A

RESOLUTION NO. 16

**A RESOLUTION OF CRA/LA, A DESIGNATED LOCAL AUTHORITY  
(SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY  
OF THE CITY OF LOS ANGELES) REGARDING CONFORMITY OF LAND  
USE PROVISIONS OF CERTAIN REDEVELOPMENT PLANS TO CITY OF  
LOS ANGELES LAND USE REQUIREMENTS**

**WHEREAS**, the City Council of the City of Los Angeles has heretofore duly adopted redevelopment plans (collectively, the "Redevelopment Plans") for each of the following redevelopment project areas (collectively, the "Project Areas") within the City of Los Angeles pursuant to the Community Redevelopment Law of the State of California: (A) City Center Redevelopment Project; (B) Central Industrial Redevelopment Project; (C) Hollywood Redevelopment Project; (D) Pacific Corridor Redevelopment Project; and (E) Wilshire Center/Koreatown Redevelopment Project; and

**WHEREAS**, each of the Redevelopment Plans contains a redevelopment plan map and provisions setting forth land uses permitted in the applicable Project Area; and

**WHEREAS**, each of the Redevelopment Plans contains a provision designated Section 502, which provides, in part, as follows: "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 supplanted from time to time. In the event the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regards to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically modified accordingly without the need for any formal plan amendment"; and

**WHEREAS**, prior to the enactment of the legislation known as Assembly Bill 1x-26 ("AB 26") which dissolved redevelopment agencies in the State of California, the Community Redevelopment Agency of the City of Los Angeles (the "Former Redevelopment Agency") and its staff carried out the provisions of the Redevelopment Plans, which included, as a matter of administrative practice, reviewing all development applications in the Project Areas to determine if the proposed development conformed to the land use requirements of the respective Redevelopment Plans; and

**WHEREAS**, AB 26 (Health and Safety Code Section 34173) provides: "Except for those provisions of the Community Redevelopment Law that are repealed, restricted, or revised pursuant to the act adding this part, all authority,

rights, powers, duties and obligations previously vested with the former redevelopment agencies under the Community Redevelopment Law, are hereby vested in the successor agencies"; and

**WHEREAS**, the CRA/LA, A DESIGNATED LOCAL AUTHORITY ("CRA/LA") is the duly established successor agency to the Former Redevelopment Agency, with all authority, rights, powers, duties and obligations to carry out the Redevelopment Plans; and

**WHEREAS**, CRA/LA has determined that it is necessary and appropriate, in winding down the affairs of the Former Redevelopment Agency, to carry out the Redevelopment Plans in such a way as to give effect to the provisions set forth in Section 502 of the Redevelopment Plans.

**NOW, THEREFORE**, the Governing Board of the CRA/LA resolves as follows:

1. The Recitals set forth above are true and correct.
2. For the 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.
3. The land use designation for any property in a Project Area set forth in the Redevelopment Plan Map and the land use regulations for such property set forth in the Redevelopment Plan for the applicable Project Area shall defer to and be superseded by the applicable City of Los Angeles General Plan, Community Plan and Zoning Ordinance land use designations and regulations for such property, all as they now exist or are hereafter amended or supplanted from time to time.

ADOPTED: June 21, 2012

AYES: Rising, Semcken, McOsker

NOES: 0

ABSENT: 0