

# Channel Law Group, LLP

8200 Wilshire Blvd.  
Suite 300  
Beverly Hills, CA 90211  
Phone: (310) 347-0050  
Fax: (323) 723-3960  
www.channellawgroup.com

13  
CF- 16-1368 S-2

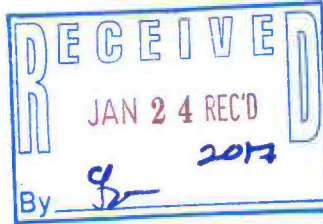
JULIAN K. QUATTLEBAUM, III \*  
JAMIE T. HALL \*\*  
CHARLES J. McLURKIN  
JOEL M. HOLLAAR

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

\*ALSO Admitted in Colorado  
\*\*ALSO Admitted in Texas

January 24, 2017

## VIA PERSONAL DELIVERY



Members of City Council  
City of Los Angeles  
200 N. Sprint Street  
Los Angeles, CA 90012

**Re: Case No. 16-1368, 16-1368, 16-1368-S2, ENV-2015-897-EIR, SCH No. 2016011061,  
CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR, VTT-74131**

Dear Honorable Members of the Los Angeles City Council:

This firm represents the Concerned Citizens of Beverly Hills/Beverly Grove (“Concerned Citizens”). Concerned Citizens previously wrote a letter to the City Council objecting to the proposed multi-use development located at 333 La Cienega, Los Angeles, CA 90048 (hereinafter referred to “Project”). This letter is being drafted in order to raise an additional issue – the Project’s failure to comply with Measure JJJ.

## **I. MEASURE JJJ**

On November 8, 2016, voters in the City of Los Angeles approved and passed Measure JJJ, the “Build Better LA” initiative. Among other provisions, this ballot initiative imposed minimum affordable housing requirements and labor regulations on certain development projects requiring certain General Plan Amendments, Zone Changes, and Height District Changes. The City Council certified the elections results on December 13, 2016.

The key provisions of Measure JJJ are as follows:

- All development projects that include 10 or more residential units and require changes to the General Plan or other zoning and construction rules are required to

make a percentage of the units affordable to low-income and working residents, or pay a fee to fund affordable housing and enforce laws that protect renters.

- Developers of any such residential projects must hire contractors who:
  - are licensed according to city and state law;
  - guarantee to offer at least 30 percent of work-hours to city residents, with 10 percent coming from those living within five miles of the project;
  - pay standard wages for the area; and
  - employ members of apprenticeship training programs and workers with real-world experience.
- No changes to the local plans for certain districts may be made without a guarantee that the changes would not “reduce the capacity for creation and preservation of affordable housing and access to local jobs.”
- Developers are required to make as much as 20 percent of the units in a project affordable for low-income and working renters. That number can be as high as 40 percent for homes that are for sale.
- Moreover, projects planned around public transit within a half of a mile from significant public transit stops are encouraged through an incentive program that would apply only to projects that include affordable housing and require contractors to comply with the restrictions laid out in the second bullet point of the list above.

Projects not exempt from Measure JJJ must comply with all the housing, labor, and wage requirements detailed in Section 3 and 5 of the Measure JJJ initiative as codified in LAMC Sections 11.5.6 and 11.5.11.

Any development project that 1) will result in ten or more residential dwelling units, and 2) requires a General Plan Amendment, Zone Change, and/or Height District Change that results in increased allowable residential floor area, density, height, or allows a residential use where previously not allowed, is subject to the provisions of Measure JJJ, with the exception of a project with a Vesting Zone Change, Vesting Tentative Map, or Vesting Conditional Use Permit, the applications for which were deemed complete by the Department of City Planning as of December 13, 2016.

## **II. THE PROJECT DOES NOT COMPLY WITH MEASURE JJJ**

It is indisputable that the Project required a General Plan Amendment, Zone Change and a Height District Change. The applicant has requested a General Plan Amendment to (a) change the land use designation for the subject property from Neighborhood Office Commercial to General Commercial within the General Plan Land Use Map for the Wilshire Community Plan; and, (b) modify Footnote No. 5.1 of the General Plan Land Use Map for the Wilshire Community Plan area to reflect that the subject property is not subject to the height restriction of Height District 1VL. Moreover, the Director of Planning has proposed an amendment to the Wilshire Community Plan solely to facilitate the Project.

Because of the entitlement requested, the Project is the type of development subject to Measure JJJ. According to Director of City Planning Vincent Bertoni, who issued a Memo dated December 13, 2016, “[a] project with approved entitlements as of December 13, 2016 may be exempt depending upon the facts.” See **Exhibit 1**.

The Project did not have “approved entitlements” as of December 13, 2016 and is therefore subject to Measure JJJ. At least two organizations timely filed appeals to the Central Planning Commission and therefore the entitlements granted by the Advisory Agency were not final. Moreover, the General Plan Amendment and Ordinance needed to facilitate the Project were not approved prior to December 13, 2016, nor could they have been, because the City Council is required to act on these items.

While the Project does provide for affordable housing, it does not comply with Measure JJJ’s mandate. The project will consist of 145 residential units, but only 8 units are reserved for Very Low Income Households, and 6 units reserved for Moderate Income units. The Project falls short of Measure JJJ’s requirements as described above.

### **III. CONCLUSION**

Because the Project does not comply with Measure JJJ, the City should not approve the Project. I may be contacted at 310-982-1760 or at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

Jamie T. Hall

# **EXHIBIT 1**




## DEPARTMENT OF CITY PLANNING

City Hall • 200 N. Spring Street, Room 525 • Los Angeles, CA 90012

---

December 13, 2016

TO: All Staff  
Other Interested Parties

FROM: Vincent P. Bertoni, AICP   
Director  
Department of City Planning

SUBJECT: **CLARIFICATION OF DEVELOPMENT PROJECTS SUBJECT TO  
MEASURE JJJ**

On November 8, 2016, voters in the City of Los Angeles approved and passed Measure JJJ, the *Build Better LA* initiative. Among other provisions, this ballot initiative will impose minimum affordable housing requirements and labor regulations on certain development projects requiring certain General Plan Amendments, Zone Changes, and Height District Changes. As a result of the Council's action on December 13, 2016 to certify the election results, the provisions of the initiative are now in effect.

The purpose of this memorandum is to clarify which development projects are subject to the affordable housing and labor requirements specified in Sections 3 and 5 of Measure JJJ. A subsequent memorandum will provide details on the implementation of the measure's other provisions.

Any development project that 1) will result in ten or more residential dwelling units, and 2) requires a General Plan Amendment, Zone Change, and/or Height District Change that results in increased allowable residential floor area, density, height, or allows a residential use where previously not allowed, is subject to the provisions of Measure JJJ, with the exception of a project with a Vesting Zone Change, Vesting Tentative Map, or Vesting Conditional Use Permit, the applications for which were deemed complete by the Department of City Planning as of December 13, 2016. A project with approved entitlements as of December 13, 2016 may be exempt depending upon the facts.

Projects not exempt shall comply with all the housing, labor, and wage requirements detailed in Section 3 and 5 of the Measure JJJ initiative as codified in LAMC Sections 11.5.6 and 11.5.11.