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CITY ATTORNEY

REPORT NO. R 18 - 0 3 5 2
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REPORT RE:

**DRAFT ORDINANCE ESTABLISHING THE
SOUTHEAST LOS ANGELES COMMUNITY PLAN
IMPLEMENTATION OVERLAY DISTRICT**

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. 17-1053

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance establishing the Southeast Los Angeles Community Plan Implementation Overlay District (Southeast Los Angeles CPIO Ordinance).

Background

At its meeting on June 22, 2017, the City Planning Commission (CPC) recommended the adoption of the Southeast Los Angeles Community Plan Update, including the following two zoning ordinances: (1) amendments to the Zoning Map for zone and height district changes pursuant to Los Angeles Municipal Code (LAMC) Section 12.32; and (2) the creation and adoption of the Southeast Los Angeles CPIO District pursuant to LAMC Section 13.14. On September 5, 2017, CPC transmitted its set of recommendations to the City Council.

On November 21, 2017, the Planning and Land Use Management Committee (PLUM) referred the draft Southeast Los Angeles CPIO Ordinance to this Office for its review for form and legality. On November 22, 2017, the City Council certified the related Environmental Impact Report and adopted the Southeast Los Angeles Community Plan Update, the Statement of Overriding Considerations, the Mitigation Monitoring Program, the PLUM Report, a Resolution relative to the Southeast Los Angeles Community Plan Update, and certified the related Environmental Impact Report.

Summary of Ordinance

The Southeast Los Angeles CPIO Ordinance establishes the Southeast Los Angeles CPIO District with the following 15 subareas: Corridors Subareas A, B, C and D; the TOD Subareas E, F, G and H; the Industrial Subareas I, J, K and L; and the Residential Subareas M, N and O. The CPC's transmittal report to City Council dated September 5, 2017 (CPC Transmittal Report), includes the Department of City Planning's staff report, which provides a detailed description of the zoning regulations set forth in the Southeast Los Angeles CPIO Ordinance.

Key provisions of the Southeast Los Angeles CPIO Ordinance include zoning regulations that are supplemental to the regulations set forth in the City's Zoning Code. These regulations include use limitations, design and performance standards, and height and floor area ratio (FAR) standards and incentives for targeted uses, including incentives for affordable housing production. The design regulations and guidelines address pedestrian orientation, architectural compatibility, scale, massing, signage, open space, landscaping and parking.

The Southeast Los Angeles CPIO Ordinance also includes one appendix: Appendix A - Environmental Standards. The Environmental Standards include mitigation measures required in the Mitigation and Monitoring Program adopted for the South Los Angeles and Southeast Los Angeles Community Plan EIR.

Charter Findings

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's Transmittal Report or make its own.

CEQA Determination

If the City Council wishes to adopt the draft ordinance, it must first comply with California Environmental Quality Act (CEQA). Based upon the actions it took at its meeting on June 22, 2017, as set forth in its Letter of Determination dated September 1, 2017, the City Planning Commission recommends that the City Council find, based on its independent judgment, that the project was assessed in ENV-2008-1780-EIR, SCH No. 2008101097, certified by Council on November 22, 2017, and that the City Council find, based upon its independent judgment, that pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, based on the whole of the administrative record, that no subsequent EIR or negative declaration is required for approval of the ordinances necessary to adopt and implement the Southeast Los Angeles Community Plan Implementation Overlay District.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Bureau of Engineering, Bureau of Street Services, Department of Building and Safety, the Department of Transportation, and the Housing and Community Investment Department with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney John Fox. He 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:JWF:sp
Transmittal