

Your Community Impact Statement has been successfully submitted to City Council and Committees.

If you have questions and/or concerns, please contact the Department of Neighborhood Empowerment at NCsupport@lacity.org.

This is an automated response, please do not reply to this email.

Contact Information

Neighborhood Council: Empowerment Congress North Area NDC

Name: Thryeris Mason

Phone Number: (213) 610-3032

Email: missmason.nandc@gmail.com

The Board approved this CIS by a vote of: Yea(10) Nay(0) Abstain(0) Ineligible(0) Recusal(0)

Date of NC Board Action: 12/06/2018

Type of NC Board Action: Against unless Amended

Impact Information

Date: 01/23/2019

Update to a Previous Input: No

Directed To: City Council and Committees

Council File Number: 12-0460-S4

Agenda Date: 12/06/2018

Item Number: VII (b)

Summary:



NANDC
 North Area Neighborhood Development Council
 www.NANDC.org



Thryeris Mason
 President

Julianne Burg
 Vice President

Samantha Burg
 Secretary

Julie Burg
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Joe Vaca
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 Area 1
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 Area 2
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Joanne Russell
 Area 3
 Representative

Vacant
 At Large
 Representative

Jon Tieucl
 At Large
 Representative

Vacant
 At Large
 Representative

**Amy Carnes,
 Ph.D.**
 USC Interest
 Representative

Aaron Flournoy
 Business Interest
 Representative

December 28, 2018

Office of the Clerk of the City of Los Angeles
 City Hall, Room 260
 200 N. Spring Street
 Los Angeles, CA 90012

Re: OPPOSITION TO Zoning Code/Los Angeles Municipal Code (LAMC)/
 Reorganization of Administrative Provisions/Amendment Council File 12-0460-S4;
 Case No. CPC-2016-3182-CA; ENV-2016-3183-CE – ("Proposal")

PLEASE PLACE THIS IN THE RECORD OF THIS FILE

(By Email)

On December 6, 2018 the Empowerment Congress North Area Neighborhood Development Council reviewed the proposed administrative changes to the zoning code administrative processes. The Board voted to oppose such changes until issues are clarified.

Many of us have been assured that there is nothing substantive in the changes and that the recode LA administrative changes are simply for consistency and clarity. However, after numerous discussions we are now concerned that this seemingly minor changes carries with it far more substantive changes in authority and public notice. We offer the following comments for your review and clarification.

I. Section 13.4.4. And 13.3.5

The Director is given authority to grant, conditionally grant or deny and whether to hold a public hearing of:

- Projects whether or not they "result in an increase of 50,000 gross square feet of nonresidential floor area" or "50 or more dwelling units or guest rooms"
- Change of use to fast food restaurant whether or not they result in net increase of 500 or 1,000 or more daily trips
- Residential use in Downtown irrespective of size or mixed use
- Single Family residences with more or less than 17,500 square feet of floor area.



Current Law:

(LAMC Section 14.5.7):

Increase "less than 50,000 square feet floor area": Director Authority has "limited" and "initial decision making authority" subject to notice, appeal and public hearing before an Area Planning Commission.

(LAMC Section 145.6): Increase of "more than 50,000 square feet of floor area": Director can recommend but cannot even make "initial" decision – City Planning Commission must provide notice and hold hearing and disapproval is subject to appeal to Council.

This change is more than procedural.

2. Sections 13.1.6. and 13.1.9

30 categories of "Specific Authority" delegated to the Director of Planning of which 8 are in his capacity as Advisory Agency:

- Of the 30 total, 22 of the newly created categories of authority are Director Determinations without appeal or with limited appeal to the Area Planning Commission or the City Planning Commission.
- the categories include not only the items in # above but also land use legislative authority such as "Specific Plan Interpretations" and "Alternative Compliance" providing all kinds of discretion without notice, public hearing or appeal

Current Law:

All director decisions and determinations, other than projects proposed in compliance with existing laws that may be decided by the director, are "initial" decisions for the City that do not become final until after notice and right to appeal.

3. Neighborhood Councils are not considered in the proposed ordinance

Neighborhood Council are the only Councils, boards, commissions or agencies involved under current law that are not included in the new Ordinance are the Neighborhood Councils and need to be.



Existing Laws:

Charter Sec. 907. Early Warning System. for "receiving input from neighborhood councils prior to decisions" and "notice to neighborhood councils as soon as practical, and a reasonable opportunity to provide input before decisions"

Charter Sec. 908. Powers of Neighborhood Councils." the City Council may delegate its authority to neighborhood councils to hold public hearings prior to the City Council making a decision on a matter of local concern."

Current law also requires mailed notices to Neighborhood Councils and residents (including across the street, common corners, HPOZ Boards, and interested parties who have filed requests even from Director Decisions. These and other notice Sections are deleted and need to be added back in.

4. Authority of the Mayor and City Council

Under the current law, the Mayor has no authority over zoning or land use other than to veto any ordinance subject to Council's override. Under Section 13.1.2 of the Proposed Ordinance, the Mayor acquires "Specific Authority" over

- A Specific Plan;
- The Zoning Code or a Zoning Code amendment; and
- A Zone Change (including Supplemental Use Districts).
- Exercise any other authority delegated by the Municipal Code, City Charter, or State law.

Current Law limits Mayor to management and enforcement functions of his office. Where the Zoning Code refers to the Mayor, it carefully preserves structure of Mayoral veto with the right of Council to override.

Example: LAMC 14.5.6.B (4) (f) (Council may override Mayoral disapproval by 2/3rds vote. This needs to be added to the proposed ordinance.

Current law gives Council control over legislation under Charter section 240 and also power under Charter section 240 but Council: Charter 245(a): can overrule any appointed officials from any Board or Commissioner on Planning and Zoning matters; Charter Section 245(e): pull planning matters, and Section 250(c): Council can always override the Mayor..



The proposed ordinance only references Section 240 of the Charter; this should be amended to add Sections 245-250 of the Charter.

5. Stacking

Affordable can count as both placement units under the state laws (such as the Ellis Act or density bonuses and the same unit will count as an affordable unit under the TOC Guidelines). This Ordinance is a complete 180 degree turn from existing law by allowing developers to mix and match bonus upon bonus upon incentive under different State and City laws.

6. Up zoning without affordable housing.

A renewed ability to build McMansions or luxury housing without having to provide affordable housing. Director Project Review now includes single family residences (including upwards of 17,500 square feet.

Revised LAMC 12.21.C (10) does not refer to 12.24.F. instead referring to new Sections 13.4.3.E (3) (a) and 13.4.3.E (3) (a), neither of which contain any reference to affordable housing requirements.

7. Parking

Director acquires new ability to reduce parking by 20% below the minimal amounts already required without any affordable housing component.

LAMC Section 12.24.P. reserves that ability to Council in land use legislation.

LAMC section 12.24.S) permits it as part of the Conditional Use Permit Process which today is limited to those who have to provide notices and hold a hearing -- Zoning Administrators, the City Planning Commission, Area Planning Commissions or Council -- but not the Director of Planning to reduce the parking requirements as part of the CUP process.

The Proposed Ordinance now gives the Director of Planning the power to reduce otherwise required parking by an additional 20% either as part of the legislative ordinance process or as part of the CUP process.

The Policy Committee met on November 22 and recommended by a vote of 6 ayes, 0 nays, and 0 abstentions that the Board make comment and oppose the changes until these and other issues are resolved. The matter



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was placed on the NANDC December 6, 2018, duly noticed General Board Meeting Agenda, VII. Motions & Resolutions, item b., and approved by a vote of 9 ayes, 0 nays, 1 abstention.

Sincerely,

A handwritten signature in blue ink, appearing to be "Thryeris Mason". The signature is fluid and cursive, written over a horizontal line.

Ms. Thryeris Mason, President
Empowerment Congress North Area Neighborhood Development Council

cc: Councilmember Marqueece Harris-Dawson
Councilmember Curren Price
Councilmember Gil Cedillo