

## RESPONSE TO COMMENTS REGARDING TOC

This document responds to comments regarding the City's Transit Oriented Community Affordable Housing (TOC) program and the transfer of land use authority from the Community Redevelopment Agency of the City of Los Angeles, Designated Local Authority (CRA/LA-DLA) to the City of Los Angeles. Comments were raised in communications and at the Planning and Land Use Management (PLUM) Committee that were common in nature so a single comprehensive response is provided addressing these comments below.

### TOC in Redevelopment Project Areas

The proposed transfer of land use authority does not address the current conflict between the Redevelopment Plan's density limitations and the TOC program. As described in the staff report and Negative Declaration, the City has no intention of making any interpretation of the TOC program that is inconsistent with CRA/LA-DLA's interpretation or take any action that would change the Redevelopment Plan density limitations through this action. The action does not change or amend any land use provision of any of the existing unexpired Redevelopment Plans or Designs for Development (DFD).

Commenter concludes that the City is indicating its intent to reverse CRA/LA-DLA interpretations on TOC and density limitations by its use of the word "interpretation" in the staff report, Negative Declaration, Resolution, and Ordinance. However, commenter is misconstruing the language, which is unrelated to density limitations. The term interpretation is used in the context of the administrative agency adopting implementing guidelines or other provisions in Redevelopment Plans, that lack of objective standards. Density limitations are objective standards and not subject to an interpretation. The City will continue to implement the Redevelopment Plans, including the density limitations consistently with CRA/LA-DLA's current practice. As such, a transfer in land use authority would not cause a reasonably foreseeable impact to the environment due to an increase in "by-right" density. The Project is limited in scope and primarily consolidates the local land use authority. All development projects will continue to be reviewed for conformance with the respective Redevelopment Plan. A separate legislative action and environmental analysis would be required for any interpretation different than CRA/LA-DLA's current practice.

The timing of the transfer of land use authority is unrelated to the October 2018 Motion (CF18-1023) and the CRA/LA-DLA June 27, 2018 memorandum. The record reflects the City has for years, diligently been analyzing the effects of the transfer, including in relation to existing lawsuits, settlement agreements, and CRA-LA/DLA's enforceable obligations in addition to the logistics of implementation of the unexpired Redevelopment Plans, which have occurred prior to and continued after the CRA/LA-DLA memorandum and October 2018 Motion.

### State Density Bonus and Redevelopment Plan Density Limitations

The proposed transfer of land use only seeks to transfer the land use authority, plans and functions from the CRA-LA/DLA to the City. The City will implement the density limitations for the

Redevelopment Plans consistent with the density limitations in the applicable plan and consistent with state and local laws. The way in which CRA/LA-DLA currently implements state density bonus law is a separate matter and not relevant to the proposed Project.

### **Objectives of the Transfer of Land Use Authority**

Commenters argue that the timing of this project demonstrates that it is intended as a larger project to use TOC in redevelopment plan areas because of various factors they cite, including timing related to the CRA/LA-DLA June 27, 2018 memorandum. The commenters are in error and fail to recognize that City staff have been working on the transfer for years before the CRA/LA-DLA memo and that there are legitimate reasons, unrelated to TOC, that the City is moving to transfer the land use functions of the CRA/LA-DLA. The primary reasons for this transfer of land use authority are unrelated to the TOC program and are described below:

#### *Limited Staffing and CRA/LA-DLA as a Successor Agency*

The primary goal of CRA/LA-DLA is to wind down operations, pay off debt service activities related to enforceable obligations and dispose of assets. As such, the CRA/LA-DLA does not have the same capacity as it once did to review development projects and fund redevelopment projects that would spur economic growth and affordable housing opportunities. Since dissolution in 2012, the CRA/LA-DLA continues to lay-off staff as part of their winding down efforts. Currently, there are two staff members responsible for reviewing development projects and preparing board reports (on a part-time basis) for the 19 unexpired Redevelopment Plans. The one staff person at the development services public counter has limited hours, making it challenging for projects in Redevelopment Project Areas to be reviewed in a timely manner.

#### *Streamline Process*

Although it has been several years since the dissolution of the former CRA/LA, there continues to be uncertainty and confusion about where and how to obtain land use entitlements in Redevelopment Project Areas. CRA/LA-DLA's limited staff and limited frequency of Governing Board meetings for development projects requiring discretionary action impedes the protection and neighborhood improvement of the Redevelopment Project Areas.

Transferring the land use authority to the City is necessary to ensure predictability for both the development community and communities where Redevelopment Plans exist. All applicants, whether for a small or large project, can be assured of a more streamlined process that does not involve unnecessary delays in obtaining land use entitlements due to the lack of staff or regularly scheduled hearings for decision-making bodies. Consolidating the local land use authority to the City provides a more expeditious review and removes the duplicative review process that currently exists today. For example, affordable housing projects need to be fully entitled prior to receiving funding through the HCID's Managed Pipeline process for tax credit allocation which only occurs one or two times a year. Proposed affordable housing projects that require dual review may miss these funding deadlines delaying the creation of much needed affordable housing units.

Oversight of all land use plans and functions within the City is in line with the City's goals and Mayor's Executive Order No. 13, "Support for Affordable Housing Development," which calls to develop and implement policies to streamline and integrate case processing. Transferring the land use authority is therefore, a matter of good public policy that supports the goals of the General Plan Framework.