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Item No.: 8

Communication from  
Appellant Representative

*Item 8*

**Testimony of John Given to PLUM Committee, Nov. 21, 2017**

**Agenda items 8 — 1525 Industrial Street (VTT-74112; CPC-2013-2993-GPA-VZC-etc.)**

Good afternoon Councilmembers:

John Given, on behalf of Appellants Arts District Community Council Los Angeles and Yuval Bar-Zemer.

I will take approximately half of Appellants' time, and Mr. Bar-Zemer will take the balance.

We have limited time so I will not cover everything raised in the two appeals and other objection letters. I attempted to summarize our main issues in a letter submitted yesterday.

With respect to the vesting tentative tract map, or VTT, the main issues are:

- The map is inconsistent with the applicable community plan, the Central City North Community Plan, and
- The map is inconsistent with the General Plan Framework element
- These general plan inconsistencies are primarily that the proposed C2 zoning and land use designation of Regional Commercial are not consistent with the existing plan, and despite Planning's reports that state otherwise, the zoning and land use designation are not consistent with the draft update for the Central City North Community Plan, either
- Both the community plan and framework element support retaining industrially zoned and designated land, and the policies contained within those general plan documents are not merely aspirational goals that can be ignored; in the case of the framework element, before the City can convert industrially zoned land it must be the subject of study
- To grant approval of an inconsistent map subverts the integrity of the planning process and violates the Subdivision Map Act. Projects must conform to the general plan, not the other way around.

The VTT's environmental document:

- fails to fully acknowledge and analyze these general plan and community plan conflicts
- fails to disclose or analyze the spot zone that would result from project approval
  - "[a] 'spot' zone occurs when the zoning or land use designation for only a portion of a block changes, or a single zone or land use designation becomes surrounded by more or less intensive land uses." (CEQA Thresholds Guide, H.2-2.) Where a spot zone would result, the environmental review for a project requires further study. (*Ibid.*)

and the appropriateness of project approval. *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal. App. 3d 421, 431.

With respect to the other entitlements, the general plan conflicts are also the main problem

Site Plan Review requires a finding that the project is “in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.” The conflicts are obviously fatal to approval of Site Plan Review.

Likewise, the general plan amendment and vesting zone change cannot be approved, because of the same conflicts.

But the General Plan Amendment is also simply unavailable, because the Charter limits amendments to

the entire general plan, its subject elements or parts of subject elements, or by geographic areas, provided that the part or area involved has significant social, economic or physical identity.

This issue is discussed in much greater detail in our submissions.

The environmental document is inadequate for the entitlements in much the same as for the VTT. The sustainable communities environmental assessment was filed late for this project, but does not change the outcome, because it is based on the same substantive analysis.

Finally, it is clear based on the entire project history that the City is attempting to circumvent its responsibilities under CEQA. This project was first presented along with the Arts District Live/Work Interim ordinance that later morphed into the citywide Hybrid Industrial ordinance. The environmental documents essentially admit it is an HI zone project. When Appellants and others challenged the City’s adoption of the HI Zone, the project was refashioned to include HI Zone components but zoned as C2 and designated as Regional Commercial. The problem was that live/work was not permitted in new construction in the C2 zone. So in order for the action to look like something other than a zoning ordinance, the City bypassed its charter-mandated legislative land use process and had the Chief Zoning Administrator issue an interpretation declaring that live/work uses are permissible in the C2 zone. That is improper.

With that I would like to turn the balance of time over to Mr. Bar-Zemer.

Thank you for your consideration.