

Communication from Public

Name:

Date Submitted: 05/13/2021 09:09 AM

Council File No: 12-0460-S4

Comments for Public Posting: The proposed mini houses on beach parking lots will be a danger to beach goers. The crimes happening in homeless camps will continue on our beaches. What is needed more are drug rehab and mental health facilities.

Communication from Public

Name: Jessica Lall, Mary Leslie, and Stuart Waldman
Date Submitted: 05/24/2021 01:04 PM
Council File No: 12-0460-S4
Comments for Public Posting: Please see attached letter.



May 24, 2021

Councilmember Marqueece Harris-Dawson, Chair
Planning and Land Use Management Committee
200 N Spring Street
Los Angeles, CA 90012

Re: Processes and Procedures Ordinance

Dear Councilmember Harris-Dawson,

Our organizations collectively represent hundreds of members that have played a leading role in transforming our city. Our members work closely with the City, are deeply familiar with the entitlement process, and have been very supportive of the re:code LA effort and the related development of the Processes and Procedures Ordinance. **We offer this letter to provide our recommendations to further improve the clarity and usability of the City's land use and zoning rules for all stakeholders, and more efficiently and transparently processing projects that produce new housing, jobs and billions of dollars of investment in the City.**

We have been engaged on the Processes and Procedures Ordinance for several years, working with our members who have extensive experience with the City's entitlement process to review each version. CCA submitted a [letter](#) to the City Planning Commission in 2018 and we collectively submitted a [coalition letter](#) in 2021. We are pleased to see that some of our comments have been considered and reflected in the draft ordinance and appreciate the City Planning Department's collaboration. We have continued to review the extensive and detailed proposed ordinance with our members, and we believe the following recommendations are important to achieving the City's goals of simplifying and standardizing its zoning and entitlement rules and regulations.

1. Depoliticize the entitlement process by consistently deeming all entitlement requests approved if the City Council fails to act within a set timeframe.

As the current draft ordinance is written, there would be varying procedures for Specific Plan Amendments, Zoning Code Amendments, Zone Changes and General Plan Amendments when the City Council fails to act. Whereas City Council's failure to act on a General Plan Amendment is deemed disapproved (Section 13B.1.1.D.5), Council may continuously extend its time limits for acting on Specific Plan Amendments (Section 13B.1.2.D.4.c), Zoning Code Amendments (Section 13B.1.3.D.4.c) and Zone Changes (Section 13B.1.4.D.4.b). This issue also arises in the contradiction between the Appeals section and appeals for Zone Changes. The procedures for Appeals (Section 13A.2.8.F.2) reads, "Failure of the appellate body to render a timely decision shall result in the denial of the appeal" while the Zone Change appeals subsection (Section 13B.1.4.G.4.c) refers back to the Appeals section but then states, "If the City Council fails to act within this time limit, the failure shall constitute a denial of the application or disapproval of the initiated land use ordinance."

This is problematic for two reasons. First, varying procedures for different approvals create confusion and inconsistency when multiple approvals for projects are sought. Second, and more importantly, defaulting to disapproval of an application or enabling periods to act to be extended indefinitely places a great deal



of authority in the Council's hands, often to the Councilmember where a given project is proposed and/or to the Chair of the Planning and Land Use Management (PLUM) Committee. This may open the door for potential corruption, whereby hearings, action and/or approval of a project can be used as leverage over the applicant, as we have seen amid recent federal charges against two former Councilmembers.

Other cities default to deeming land use applications approved if City Council and other decision-making bodies fail to act, like New York City's Uniform Land Use Review Procedure¹, for example. The City of Los Angeles should follow this example to establish consistent and transparent procedures across all entitlement requests, and to work towards depoliticizing the planning process.

2. Use this opportunity to resolve zoning review conflicts between City Planning and the LA Department of Building and Safety (DBS), as called for by Councilmember Ridley-Thomas' recent motion (CF #21-0319), by merging or consolidating zoning interpretation powers under City Planning.

Councilmember Ridley-Thomas' recently approved [motion](#) recognizes the regular conflicts that occur between City Planning and DBS over zoning interpretation. Applicants often experience "late hits" due to a lack of coordination and inconsistency in case processing between City Planning and LADBS. It is common for a project to receive full approvals from City Planning only to be told that they are non-compliant once they seek permits from DBS, and then must obtain new approvals from City Planning and then go back to DBS for approval once more. These oversights and systemic glitches create barriers and delays to housing, jobs, major investments and tax dollars that would be easily avoided if zoning interpretation primacy was explicitly granted to City Planning.

3. Provide needed flexibility to meet changing needs by allowing a broader set of modifications to entitlements, and allow the Director of Planning to grant minor modifications rather than requiring applicants to repeat the entitlement process by seeking approval from the initial decisionmaker.

Projects are often complex and face unforeseen needs to amend their approvals, which could be minor changes but may trigger the need to seek new entitlements and undergo the entire process again. Various uses that are vital to the fabric of our communities -- restaurants, schools, childcare facilities, houses of worship, hospitals, day camps, and others -- operate under Conditional Use Permits (CUPs), many of which are over 25 years old. Operations for these uses change over time, but there is no process for modifying the conditions of approval in an existing CUP other than a Plan Approval (which is limited to a 20% deviation) or applying for another entitlement, which can be costly, time-consuming and uncertain. As an example, if an existing school decides to buy an adjacent property to expand their campus, that triggers the need for a new CUP, even if that adjacent property is going to be used as a parking lot.

The proposed ordinance offers processes for modifications of conditions relating to projects that involve Project Review, but there is no similar proposal for the modification of CUPs and it even recommends eliminating modifications to certain actions, such as Specific Plan approvals. There should be a procedure for modifying the conditions of approval for a broader set of entitlements, including an existing CUP, and having the City determine that potential project changes substantially conform to the Specific Plan. Additionally, minor modifications should be granted by Director's Determination, instead of forcing

¹ <https://www1.nyc.gov/site/planning/applicants/applicant-portal/step5-ulurp-process.page>



applicants to repeat the already time-consuming and costly entitlement process by seeking approval from the initial decisionmaker. Furthermore, modifications beyond the 20% restriction should be allowed without requiring a public hearing if both the local Neighborhood Council and City Council office support the request.

These changes to the entitlement modification provisions of the Processes and Procedures Ordinance would create the flexibility needed for a 21st Century zoning code amid our city's rapidly-changing needs and circumstances. They would also free up valuable City Planning staff time to work on long-range planning matters that will support the inclusive growth of our City.

4. Extend time limits for the utilization of discretionary approvals from three years to six years, or at least provide the opportunity to apply for an extension to utilize approvals.

The proposed ordinance would provide three-year time limits for utilization of discretionary approvals, except for projects that involve affordable housing, which would be given six years. For many projects, three years is not enough time. For example, projects like museums are generally funded by philanthropic contributions, but funders and donors will often not even consider a major donation until they know that the City has approved the project and fundraising campaigns can take several years. Other projects like schools and hospitals require state permissions on top of City approvals, which may take multiple years to obtain leaving little time to start construction before entitlements expire. Given the unintended consequences of the tight three-year utilization timeline, the limit should be extended to six years for all discretionary approvals, or there should at least be an option for applicants to seek extensions for utilizing their approvals.

5. Establish objective standards for permit voiding.

Section 13A.2.9 of the proposed ordinance relates to "Permit Voiding" and is currently drafted with very broad and general language, which could result in abuse and frivolous application. This section requires elaboration and greater focus on truly bad behavior, such as fraud. It should also provide specific, objective reasons and standards for voiding permits and leave no opportunity for subjective permit voiding. It also is inconsistent with the Mayor and City Council's goals of extending certain unpermitted activities, like the Al Fresco outdoor dining program.

6. Shorten the timeline for CEQA appeal review to comply with the Permit Streamlining Act (PSA) and Subdivision Map Act.

The currently proposed 75-day CEQA appeal review timeline makes it impossible for the City to comply with the Permit Streamlining Act (PSA) and the Subdivision Map Act's much shorter timeframes for actions. We strongly recommend shortening the timeline for action on the CEQA appellate process to harmonize with the much shorter PSA and Subdivision Map Act processes.

7. Establish standards for appeals, even if they are effectively *de novo*.

The draft ordinance would grant appellate bodies the broad ability to hear matters "*de novo*," meaning that they may consider the whole of the project, rather than being limited to only considering any errors or abuses on the part of the initial decision maker in approving or denying the project. This would be a



significant shift in City policy governing appeal review that would be contrary to expeditious decision making and would violate the City Charter's provision requiring deference to the decision maker. Section 552(a) of the City Charter states that Area Planning Commissions have the responsibility to "hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by a Zoning Administrator." This ordinance must create objective, legal thresholds for filing and hearing appeals otherwise anyone can abuse the appeals process without legal standing.

8. Amend Section 13B.7.2 to clarify that lot line adjustments in three dimensions (i.e. width, depth, and elevation or "Z" dimension) are allowable, provided that no greater number of lots are created.

Including this in the code would not be a policy change; rather, it would provide clarity for the Bureau of Engineering that this is explicitly permissible and reduce confusion among City agencies.

This is a rare opportunity for the City to address such fundamental aspects of its zoning code, and we believe it is crucial that the City Council use this moment to incorporate these recommendations that would further the goals of re:code LA and create fairness and flexibility in the City's planning process.

With the changes outlined herein, we hope that this Ordinance will move along in a timely fashion, as it is key to advancing the DTLA 2040 Community Plan and all other Community Plan updates, along with the new citywide code more broadly. Thank you for your consideration.

Sincerely,

Jessica Lall
President & CEO,
Central City Association of Los
Angeles

Mary Leslie
President
Los Angeles Business Council

Stuart Waldman
President
Valley Industry and
Commerce Association

cc: Councilmember Bob Blumenfield
Councilmember Gil Cedillo
Councilmember John Lee
Councilmember Mark Ridley-Thomas