



Mar Vista Community Council Minutes



Planning and Land Use Committee

August 8, 2019 , 7:00 PM

St. Andrews Church, 12555 National Blvd., LA, CA 90066

1. **Call to Order/Introductions** Meeting was called to order by Chair Stacy Shure at 7:05 p.m.
2. **Minutes** Minutes were read. Kathryn moves to approve Minutes as read. Christine Stemar 2nds. pass by unanimous vote.
3. **Public Comment.** Public discussion regarding rules of civility and rules going forward for public comment.

Non Agendized: question about authority of PLUM Chair to meet with developers to give them information about presenting to PLUM before they arrange an appearance. Kathryn Wheeler and Wayne Wheeler were advised to direct their questions to the MVCC Chair Elliot Hanna and the City Attorney if they have questions about the Brown Act.

4. **Subcommittee Updates. Stacy announced that DCP will be at the community plan meeting 8/27 to discuss the arts district, please attend.**

5. New Business: 5.1

[12.95.2(f)(6) CIS] in support of the WRAC Motion extending protections to demolition for small lot subdivision (condos) and for demolition for construction of new apartments in which case AB 2222 shall be followed, e.g., rehoming RSO tenants on a 1 to 1 basis. Kathryn moved, Ashley seconded. Passed 7-0-0.

Motion: Please see Page 3, Motion for CIS attached in full.

5.2

[**Motion to Oppose Policies and Procedures Amendment, Chapter 1A of LAMC**], creation of a CIS to go the council file. Proposed CIS from another NC read, amendment made as follows:

Motion: Please see Page 5, Motion for CIS in Opposition attached in full.

3. change delegating to "ceding"

add 9. DO require 180 days for public comments and council review in light of the fact that the Policies and Procedures Amendment is over 916 pages including exhibits.

10. DO hold public workshops in all planning areas to educate, inform and notify the citizens of the planning areas what is contained in the Policies and Procedures Chapter 1A amendment.

to move city council authority to the top, as amended Motion to pass this CIS made by Kathryn Wheeler. Second by Ashley Zeldin. Motion passed 8-0-0

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* **PUBLIC ACCESS OF RECORDS** - In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at our website, <http://www.marvista.org>, or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact secretary@marvista.org.

5.3 Discussion regarding working group, we read other NC guidelines and informational discussion about what we what to do and whether to publish the guidelines. No consensus, to be tabled for discussion at another PLUM meeting.

5.4 (Not on Agenda) Question regarding vacancy tax and need to have a motion in support of Bonin's motion. Question regarding foreign home owner increased property tax (there are landlords of R-1 housing and don't live here) does this need to be done on the State level? Chair answered that this will be researched further and Agendize this for a future Committee meeting.

5.5 Stacy reviewed upcoming meeting schedule based upon plans received.

6. OLD BUSINESS ~ Discussion regarding 12444 and 12575 Presenting in September or October, PLUM does not have a copy of their plans and needs to obtain those from the developer.

7. Public Comment and Discussion ~ Discussion regarding other committee meetings and the schedule and difficulty obtaining meeting rooms during the summer months.

8. Future Meetings ~ August 29, if a room can be obtained and based on availability of other committee members, notice will be on the website; 9/3/18, probably at Windward High school and there will be at least one development presentation.

9. Adjournment ~ meeting was adjourned at 9:15 p.m.

5.1 [Motion]

12.95.2(F)(6) Motion for CIS for City Council File:

Community Impact Statement

Council File Nos: 17-0480, 14-0268-S4, 14-0268-S5, 15-0600-S35 and 15-0728

Since 2011 the number of demolitions for construction of new condominiums and apartments have increased, particularly in areas that are Transit Oriented Communities (TOC) under new TOC incentives. Those incentives are creating a net loss of affordable housing because RSO units are not replaced on a 1:1 basis.

The cumulative effect is a loss of more than 630 Rent Stabilized Units (RSO) in Los Angeles in the first quarter of 2019 and a loss of more than 23,000 units since 2001.

The current vacancy rate in Los Angeles is far below 5% (currently 3.74% in Mar Vista's planning area per Matt Glesne of the Department of Planning) and as such, protections under 12.95.2(f)(6) are in place for conversion of RSO apartments to condominiums.

The shortage of a diverse and plentiful housing stock in the City of Los Angeles has been well documented over the last decade. At this time we are in a "housing emergency" regarding affordable housing stock. The high occupancy rates throughout the City of Los Angeles ensures that rents continue to increase, and the ability to find adequate, affordable housing continues to be scarce or non-existent.

According to Los Angeles Municipal Code Section 12.95.2(F)(6) the Planning Department has the ability to deny a condominium conversion if the Vacancy Rate is lower than 5 percent for a Planning area, and the cumulative effect of the rental housing market in a Planning area is significant.

THEREFORE, Mar Vista Community Council moves that the Planning Department, with the assistance from the City Attorney's Office, and adoption of the City Council, include the same protections provided under 12.95.2(F)(6) as follows:

1. deny all demolition permits of RSO units for small lot subdivision and creation of condominiums; and
2. deny all demolition permits of RSO units for construction of apartment housing unless all current RSO tenants are rehomed on a 1:1 basis as provided for under
3. Notify the local Council Office and Neighborhood Council when a permit for development has been filed that will specifically affect RSO housing and that such permit will be denied because of the additional protections provided under LAMC 12.95.2(F)(6).

FURTHER, it is requested that the Los Angeles City Council reconsider such protections as originally requested by Council Member Koretz in Council File 17-0480.

Pending and approved permits for development of residential housing is taking approximately 2 years to be approved from application to final permit and 12.95.2(f) notifications to tenants to vacate their RSO apartments range from 120 days to 1 year for those over 65 or disabled.

Whereas this is a period of substantial time between the date of vacancy of the RSO units and the start of construction work. LAMC 12.95.2(G)(6) addresses the loss of housing during the pre-construction period and provides further protections for those RSO.

Therefore I move that the Planning Department, with the assistance of the Housing Community Investment Department (HCID), City Attorney's Office and any other relevant City departments prepare an ordinance to invoke protections provided under 12.95.2(G)(6):

Until each eligible RSO tenant is successfully relocated pursuant to the provision of 12.95.2(G)(6), the tenant shall be permitted to reside in the unit presently occupied until (i) such relocation occurs or (ii) 6 months before the start of construction, whichever occurs earlier.

[MOTION in 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")

To: Office of the Clerk of the City of Los Angeles

PLEASE PLACE THIS IN THE RECORD OF THIS FILE.

On August 6, 2019 the Mar Vista Community Council Planning and Land Use Committee reviewed the proposed administrative changes to the zoning code administrative processes. Further the Mar Vista Community Council Board reviewed the same on _____, 2019 and voted to oppose such changes until issues are clarified.

A summary of the particular code Sections that are problematic are attached, however a summary of corrections that our Mar Vista Community Council Board requests are as follows:

1. MAKE CLEAR THAT City Council is not ceding its powers and legislative authority on zoning and land use matters. We object to ceding of legislative authority to an unelected appointee like the Director of Planning or to any ceding or elimination of Council's authority to override a Mayoral veto or to pull a particular zoning matter from planning or a commission.
2. INCLUDE certified Neighborhood Councils as a body with authority under the Zoning Code. By City Charter, the Planning Department and City Council MUST provide notice to and seek input from Neighborhood Councils on all developments before the City, including the holding of public hearings before the Neighborhood Councils as delegated by the City Council.
3. INCLUDE the Early Notification System requiring the Planning Department notice and obtain input from the Neighborhood Councils.
4. DO NOT expand the authority of the Director of Planning or the Mayor.
5. DO NOT reduce or curtail notice, appeal and participation rights of citizens and residents and do not allow the Director or any unelected official to do so.
6. DO NOT reference or incorporate State law in violation of our City Charter.
7. DO NOT include any substantive changes and make it clear that the Director of Planning has no authority to make final decisions for the City as a whole.
8. DO NOT reclassify or redefine discretionary actions requiring application, notice and a public hearing as ministerial matters which permit "back room" approvals.
9. DO require 180 days for public comments and council review in light of the fact that the Policies and Procedures Amendment is over 916 pages including exhibits.
10. DO hold public workshops in all planning areas to educate, inform and notify the citizens of the planning areas what is contained in the Policies and Procedures Chapter 1A amendment.

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.

1. 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 non residential 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 the Council.

This change is more than procedural.

2. Section 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 Implementations" and "Alternative Compliance" providing all kinds of descretion 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 Councils are the only Councils, boards, commissions or agencies involved under the current law that are not included in the new Ordinance and need to be.

EXISTING LAW:

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;
- A Zone Change (including Supplemental Use Districts); and
- 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 tot he 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 fro 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)(b), 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 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 Land Use and Planning Committee met on August 6, 2019 and recommended by a vote of 8 ayes, 0 nays and 0 abstentions that the Board make comment and oppose the changes until these and other issues are resolved. The matter was placed on the MVCC Board of Directors Agenda for _____, 2019, duly noticed, Motions & Resolutions, and approved by a vote of _____ ayes, _____ nays, _____ abstentions.

Sincerely,

Elliot Hanna, Chair
Mar Vista Community Council

cc: Councilmember Mike Bonin
Councilmember Paul Koretz
Councilmember Marqueece Harris-Dawson
Councilmember Current Price
Councilmember Gil Cedillo
Councilmember Bob Blumenfeld
Councilmember Bruce Lee