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From: **Lily Larsen** <adolescentactivist@gmail.com>  
Date: Sat, Nov 24, 2018 at 1:50 PM  
Subject: OPPOSE 12-0460-S4  
To: <cityclerk@lacity.org>, <jordan.beroukhim@lacity.org>

Hi I am Lily, a local student and community youth activist.

I oppose **Council File 12-0460-S4, which provides developers to upzoning, density bonuses and incentives without providing a single unit of affordable housing.**

**I care about Los Angelenos and this council file is not in favor of the angelenos in this city!**

**Here are reasons why i oppose 12-0460-S4**

**1. Director Power Grab #1 (Sections 13.4.4 and 13.4.5):**

The Director decides, **in a back room and without ANY prior notice to ANYONE**, whether 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 14.5.6): 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.

**2. Director Power Grab #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 in the proposed ordinance at all**

**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. The staff report to the contrary is clearly erroneous and the outreach to date has been completely misleading and a violation of due process.

LAMC Section 11.5.7.C.(4)(b): **"Upon making a written decision, the Director shall transmit a copy."**

LAMC Section 12.22.A.25(g)(2)(i)(d): **"Within three business days of making a decision, the Director shall transmit a copy. "**

LAMC Section 14.5.7.A.(4) **"Within three business days of making a decision, the Director shall transmit a copy."**

**The current timeframe for an appeal from the Director's decisions is 24 days.**

**4. MAYOR v. COUNCIL Power:** 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. A Specific Plan;**

**b. The Zoning Code or a Zoning Code amendment; and**

**c. A Zone Change (including Supplemental Use Districts).**

**3. 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. Section 230 of the Charter: "management authority shall be vested in the Mayor . . . who shall execute and up-hold all laws and ordinances of the City." City Charter section 231 allows the Mayor to do things like "exercise management authority", "appoint and remove staff", and "publicly address council" but does not anywhere give the Mayor authority over Planning or Zoning.

Even 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 – need to add to 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: **Must be amended to add Sections 245-250 of the Charter.**

**5. STACKING (affordable units can count as BOTH replacement 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 permitting hyperdevelopment by allowing developers to mix and match bonus upon bonus upon incentive under different State and City laws. Current law: LAMC Section 11.5.11: "All Projects qualifying for development bonuses pursuant to this Section **shall be required to meet** any applicable replacement requirements of [State law]. A Developer seeking and receiving a density or development bonus under the provisions of . . .any other State or local program that provides development bonuses **shall not be eligible for the development bonuses pursuant to this Section.** For purposes of this provision, development bonuses shall include discretionary General Plan amendments, zone changes, and height district changes."

New Section 13.3.1. E.4. of the Proposed Ordinance then turns that "no stacking" concept on its head by stating that:

**"In addition to** the requested General Plan amendments, zone changes and/or height district changes, a Project that provides affordable housing consistent with this Section **shall also be entitled to** three incentives or concessions specified in [other state and local bonus programs." That literally turns substantive law on its head.

**6. UPZONING WITHOUT AFFORDABLE HOUSING:** long time objective of developers -- a renewed ability to build McMansions or luxury housing without having to provide affordable housing. First, Director Project Review now includes single family residences (including upwards of 17,500 square feet. LAMC Section 12.21.C(10) (part of the Hillside Ordinance) limits certain development unless otherwise permitted under LAMC Section 12.24.F (just amended in February 2018) that limits bonuses and incentives providing specified affordable housing. 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

Kind Regards,

**Lily Larsen**  
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