



DAVID A. GOLDBERG
T: 310.254.9027
E: David@AGD-Landuse.com

February 20, 2024

BY EMAIL & HAND DELIVERY

Chair Marqueece Harris-Dawson
Planning and Land Use Committee Members
Los Angeles City Council
c/o City Clerk, Room 395
City Hall, 200 North Spring Street
Los Angeles, CA 90012

Date: 2/20/24
Submitted in PLUM
Council File No. 23-1264-S1
Item No. 5
Deputy: Luna

LACouncilComment.com

Re: District NoHo Project (Council File No. 23-1264-S1) – Agenda Item No. 5

Chair Harris-Dawson and Committee Members:

We are writing on behalf of NoHo Development Associates, LLC (“Applicant”) to request that the City Council’s Planning and Land Use Management Committee recommend adoption of the Specific Plan ordinance for the District NoHo Project (“Specific Plan Ordinance”). The City Council unanimously approved the District NoHo Project Specific Plan on December 8, 2023, subject to preparation and presentation of the final ordinance by the City Attorney. The Applicant supports the City Attorney version of the Specific Plan Ordinance, subject to one requested modification attached to this letter at Exhibit A to ensure consistency with the City Council’s prior approval and the requirements of Measure JJJ, codified at Los Angeles Municipal Code section 11.5.11.

The Project proudly provides 366 affordable units deed restricted for 99 years, including 311 units restricted at Low Income levels – which is more than twice the requirement under Measure JJJ – and 55 units restricted at Moderate Income levels. To expedite their delivery, the Project’s Low Income Units would be developed in two 100% affordable buildings within District NoHo, in partnership with leading affordable housing developers National Community Renaissance and Cesar Chavez Foundation and with the endorsement of the Los Angeles Housing Department.

The Project’s 311 Low Income units include 142 units required under Measure JJJ and an additional 169 units separately required by Los Angeles County Metropolitan Transportation Authority (“Metro”) as a cornerstone element of the Joint Development between Metro and the Applicant. As approved by the City Council, the Specific Plan would correctly require that a certificate of occupancy for the 142 Low Income units required under Measure JJJ be obtained prior to the issuance of a certificate of occupancy for any of the Project’s market rate units. The balance of the 169 Low Income units are to be delivered pursuant to timing mandated by Metro, which would ensure that at all times the number of Low Income units comprise at least 20% of the total number of constructed residential units in the overall Project.



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The City Attorney draft ordinance, however, would inappropriately subject the additional 169 Low Income units required by Metro, which are not subject to Measure JJJ, to its timing requirement. In addition to being beyond the scope of Measure JJJ, this provision would conflict with the Project phasing requirements under the pending agreement between Metro and the Applicant and render the Project infeasible to finance.

Accordingly, the Applicant requests that the PLUM Committee incorporate the requested modification set forth in Exhibit A to ensure consistency with the City Council's prior action and Measure JJJ's requirements. We understand that Council District Two supports this request.

We appreciate your careful consideration and respectfully request that you recommend approval of the Specific Plan Ordinance, subject to the Applicant's requested modification, at your February 20, 2024 meeting.

Sincerely,

David A. Goldberg

cc: Mayor Karen Bass, Attn: Rachel Freeman
Councilmember Paul Krekorian, Attn: Karo Torossian
Milena Zasadzien, Department of City Planning

EXHIBIT A

Section 5.5 Affordable Housing.

- A.** This Specific Plan requires the construction of at least 142 Affordable Housing Units at rents affordable to Low Income households to comply with Code Section 11.5.11 (Affordable Housing). Each Project shall demonstrate that the cumulative dwelling unit development within the Specific Plan is in compliance with Code Section 11.5.11.
- B.** In addition to the Affordable Housing Units required under Section 5.5.A, the construction of additional aAffordable hHousing uUnits in the amount of 169 dwelling units at rents affordable to Low Income households, as defined in Section 50079.5 of the Health and Safety Code, is required as per the Joint Development and Option Agreement (the agreement between NoHo Development Associates, LLC and Metro governing the joint development and ground lease of the Specific Plan area).
- C.** All Affordable Housing Units shall be deemed to be located "onsite" for all purposes if located within the Specific Plan area, including without limitation for purposes of Code Section 11.5.11 (Affordable Housing) and Code Section 19.18 (Affordable Housing Linkage Fee). In no event shall a certificate of occupancy for any of the market-rate residential units permitted by this Specific Plan be issued prior to the issuance of certificate(s) of occupancy for all of the Affordable Housing Units ~~provided pursuant to~~ required under Section 5.5.A of this Specific Plan.
- D.** All Projects with residential uses allowed pursuant to this Specific Plan are exempt from the Affordable Housing Linkage Fee, pursuant to Code Section 19.18 B.2(k), as a residential Development Project that is subject to affordable housing and labor requirements pursuant to Code Section 11.5.11. Prior to the issuance of a building permit for development of a Project with residential uses, the Applicant shall provide evidence to support the Exemption from the Linkage Fee.