

ALSTON & BIRD LAND USE MATTERS

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Land Use Matters provides information and insights into legal and regulatory developments, primarily at the Los Angeles City and County levels, affecting land use matters, as well as new CEQA appellate decisions.

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City of Los Angeles

City Council

Community Plans, General Plan Batching and EIR Consultant Selection

At its February 8, 2017, meeting, the City Council voted to approve a [report](#) regarding new systems for updating community plans, processing general plan amendment (GPA) applications and selecting consultants to prepare the environmental impact report (EIR) (or other CEQA document).

Community Plan Updates

The report accelerated the 10-year cycle to update all 35 Community Plans to a six-year cycle and issued a directive to the city administrative officer (CAO) to prepare a report that includes necessary budget resources, funding needs and a staffing analysis and to the Department of City Planning (DCP) to prepare a report to initiate a draft ordinance to codify the six-year requirement. On February 28, 2017, the Planning and Land Use Management (PLUM) Committee approved the CAO's report to increase the General Plan Maintenance Surcharge fee applied to planning and zoning applications to an amount equal to the greater of 7% of the fee or \$1, with 50% of the monies received used for costs directly related to updating the 35 Community Plans. The DCP intends to have a draft ordinance available for PLUM Committee review by June 2017.

General Plan Batching

The report implements a process to batch and accept GPA applications for processing based on Area Planning Commission boundaries. A hypothetical batching schedule for two, one-month filing windows is shown below:

AREA PLANNING COMMISSION	WINDOW 1	WINDOW 2
Harbor & South	January	July
West	February	August
Central	March	September
East	April	October
South Valley	May	November
North Valley	June	December

Batching applies only to the application and not the hearings on the development project. GPAs for 100% affordable housing projects, homeless service facilities, public improvement projects, hospitals, museums and roadway projects would be excluded from the batching process. The DCP was directed to immediately implement the administrative procedures and deadlines to batch GPAs and to commence work on an ordinance to amend the Zoning Code to codify the process.

CEQA Consultants

In lieu of having the DCP select the CEQA consultant or have staff prepare the EIR, the City Council will allow the applicant to select and hire the consultant from the City's list of pre-qualified consultants. The DCP was directed to issue a request for qualifications to establish a list of environmental consultants.

Department of City Planning

Proposed Affordable Housing Linkage Fee

On February 23, 2017, the City Planning Commission (CPC) approved and recommended that the City Council adopt the draft [Affordable Housing Linkage Fee](#) (AHLF) Ordinance, establishing a development impact fee of \$5 per square foot on the construction of nonresidential buildings, including hotels, and a fee of \$12 per square foot on new residential uses. The effective date of the ordinance was extended from 60 days to 180 days after adoption, and the fees generated through the AHLF will be used to fund the construction of new affordable units or the rehabilitation and preservation of existing affordable units. If an applicant had submitted a building permit application or application sufficient for a planning or zoning entitlement for the development project before the effective date, the project will not be subject to a fee.

The draft ordinance provides exemptions for certain types of developments, including:

- For-sale or rental housing development that contains restricted affordable units with at least 40% of the total number of units set aside for moderate-income households, 20% for low-income households or 11% for very low-income households.
- The construction of a new single-family detached home, located in a single-family zone, that is less than 1,500 square feet; any addition up to 1,500 square feet to an existing single-family detached home located in a single-family or multiple-family zone; or any replacement of a single-family detached home resulting in a net increase of less than 1,500 square feet from the prior home that existed on the property. Note, staff recommended a threshold of less than 2,000 square feet for single-family homes.
- Less than 15,000 square feet of additional nonresidential floor area in any nonresidential building. Note, staff recommended a threshold of less than 25,000 square feet.
- Residential projects subject to greater affordable housing fee requirements pursuant to state law or a land use policy or ordinance or development agreement.

The CPC removed the AHLF exemption for a multiple-dwelling building with five or fewer units and proposed a fee of \$1 per square foot, amended the grocery store exemption to apply only if the new grocery store is not located within one-third of a mile of an existing grocery store and amended the institutional use exemption to clarify that all K-12 schools and public institutions are exempt.

A residential or mixed-use development project subject to affordable housing and labor requirements pursuant to Los Angeles Municipal Code Section 11.5.11 (Measure JJJ) is exempt from the AHLF.

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