

# CLIENT ALERT UPDATE: MORE DETAILS ON CHANGES TO TOC MAPS

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## PRACTICE AREAS

Land Use and Environmental

Real Estate

As described in our previous *Client Alert*, the Los Angeles City Planning Department is reviewing its current TOC Tier designations, and due to mistakes in current TOC maps, many properties will have their Tier designations downgraded or will be eliminated from TOC eligibility altogether after the maps are revised. Most, but not all, of these properties are located in the Valley or West Los Angeles. Also, a number of properties throughout the City will be downgraded from Tier 4 to Tier 3 due to changes in the way the Planning Department will measure the required distance from the nearest metro rail station/Rapid Bus Stop.

Upon further discussion with City Planning staff, we understand that the revised TOC maps are expected to be released in January, not December as originally thought. Also, for recently purchased properties you are considering for TOC development, you may be able to protect yourself from changes to the maps by taking one of the following steps:

1. Submit a “Tier Verification Form (CP-4051)” to City Planning. We have been told, if you submit this form before the new maps become effective, the current TOC Tier designation will be honored. Once approved, you will be allowed to proceed with a by-right TOC project (i.e., with “Base Incentive” requests for density, parking and FAR, only) by submitting a building permit application within 180 days of approval.
2. Submit a “TOC Referral Form (CP-4050)” to City Planning. We have been told, if you submit this form before the maps become effective, the current TOC Tier designation will be honored. Project plans are required with a TOC Referral Form, and once approved, you will be allowed to proceed with a TOC project that asks for Additional incentives (i.e., for height, Open Space, setbacks, etc.) beyond the base incentives by submitting a City Planning Application within 180 days of approval.
3. Submit a Tier Verification Form first, and if you would like to proceed with a TOC project that includes Additional Incentives, submit and gain approval of a TOC Referral Form so that you can submit a City Planning Application before the 180-day expiration date of the original Tier Verification Form.

As stated previously, we believe the anticipated changes to TOC projects will not impact those TOC projects for which application forms have already been accepted for processing, but be mindful of the 180-day expiration date.

Please be mindful that this policy is continually evolving and we cannot guarantee what the final process will be or what the City Planning Department will ultimately enforce.

We will continue to monitor this situation closely – if you have any questions, please contact Ellia Thompson or Jonathan Riker at:

Ellia Thompson – [ethompson@ecjlaw.com](mailto:ethompson@ecjlaw.com); 310-281-6356

Jonathan Riker – [jriker@ecjlaw.com](mailto:jriker@ecjlaw.com); 310-281-6378