

CHAPTER 2

AMENDMENTS TO PLANNING AND ZONING PROVISIONS OF THE MUNICIPAL CODE

One of our major recommendations is that a complete revision of the Zoning Code be undertaken (Recommendation 5). This work has recently been initiated and is expected to require at least two years for completion. In the meantime, a number of changes can and should be made now in the present Zoning Code and in certain other sections of the Municipal Code. These changes are of two types:

1. Code provisions required to implement the proposed Charter provisions set forth in Chapter 1.

2. Other Code provisions to carry out our various recommendations, but not dependent upon Charter amendments.

We have reviewed the planning and zoning sections of the Municipal Code to identify the provisions we believe should be revised or supplemented in the near future in accord with our recommendations. This Chapter outlines the nature of these proposed Code changes. For some Code sections we provide suggested text, while for other sections we merely indicate the proposed subject matter by means of headings and notes in brackets. All of this material should be viewed as a preliminary outline which is designed to assist the staff of the Planning Department in developing final drafts of ordinances. In the material which follows, the outline and suggested text of Code provisions are supplemented by explanatory comments. The Code material is indented and identified by the symbol # in

the left margin. Also, the Code revisions are grouped by subject rather than arranged in sequence by section numbers. Thus, all sections which should be amended in connection with each subject are identified under each subject heading.

GENERAL PLAN CODE

Recommendation 1 calls for improved Charter provisions concerning the General Plan, supplemented by "a section of the Municipal Code defining the required content and form of the General Plan and prescribing the specific procedure for its adoption and amendment." Recommendation 2 is concerned with such procedure, and Recommendation 3 proposes scheduled area-by-area consideration of the General Plan. To put these recommendations into effect, a new section of the Municipal Code should be adopted to govern the preparation, consideration, and adoption of the General Plan—a General Plan Code. Note, however, that the General Plan itself is not to be adopted by ordinance and therefore could not be included within the Code. The General Plan Code would only prescribe the means by which a separate document—the General Plan—is to be created and maintained.

The Planning Department should proceed to draft a General Plan Code for consideration by the Planning Commission and City Council. We do not attempt to outline such a Code here, but among the matters to be included are the following:

1. Repeat and expand upon the new Charter provisions contained in proposed Charter Sections 96.5 and 96.6.

2. Enumerate the subject elements to be included in the General Plan. In addition to the proposed Charter-required elements—land use, circulation, and service-systems—strong arguments have been presented for including a housing element and a conservation element.

3. Define the elements or aspects of the General Plan subject to area-by-area preparation and review.

4. Provide for the division of the City into geographic areas for the purpose of area-by-area consideration. These areas or subdivisions thereof should also apply to proceedings for changes in the Zoning Map.

5. Provide for the scheduling of the preparation, consideration and review of the General Plan by subject elements and by geographic areas.

6. Specify requirements concerning public hearings including the means of notification and the time limits involved. 11.5.6 B

✓ 7. Specify the time limit in connection with proposed changes referred back to the Planning Commission by the City Council. 11.5.6 -D

✓ 8. Specify the time limit for final action by the City Council. 11.5.6 -D

9. Prescribe minimum requirements for the publication and availability of the General Plan document.

PROCEDURAL CODE

We recommend the amendment of the Municipal Code "to provide simple and uniform procedural requirements governing applications, notices, hearings, time limits and appeals for all types of planning and zoning cases." (Recommendation 16.) This could be accomplished by placing standard provisions on procedure in Article 9 of Chapter 1 of the Municipal Code—an article which at present deals primarily with fees for planning matters. Once such a procedural code is available, many

other sections of the planning and zoning regulations could be greatly simplified. It is desirable that the Procedural Code be adopted at an early date so that its provisions can be relied upon in preparing Municipal Code amendments to carry out other recommendations, thus avoiding the need to repeat procedural provisions as part of these other amendments. The Procedural Code should include provisions to carry out our specific recommendations concerning a notification subscription service (Recommendation 18), testimony under oath (Recommendation 19), verbatim records (Recommendation 20), written findings (Recommendation 21), appeals (Recommendation 22), transfers of jurisdiction (Recommendation 23), and City Council action (Recommendation 28).

We, therefore, suggest the repeal of the present Article 9 and the substitution of a new Article 9 drafted along the following lines:

Chapter 1—Article 9 PROCEDURES AND FEES

Sec. 19.00 APPLICABILITY

The provisions of this Article shall apply to all proceedings initiated pursuant to the provisions of Articles 2 through 8 of this Chapter to the extent that the procedures described in this Article are called for and are not in conflict with other provisions of this Chapter.

Sec. 19.01 DEFINITIONS

Agency—Any officer, board, commission or other official body.

Application—Any application, request, order, resolution or other bona-fide action or document submitted for the purpose of initiating an official proceeding, but not including the initiation of a matter by the agency which has original jurisdiction over the matter involved.

Determination — Any decision or recommendation required of an agency having jurisdiction in a matter.

Sec. 19.02 FILING OF APPLICATIONS

A. **Form and Contents.** An application to initiate official consideration of a matter, including an appeal, shall be prepared upon a form, accompanied by such information as may be required, and verified, all in accordance with the provisions of this Chapter and any rules established by the agency having jurisdiction to act upon the matter involved.

B. **Place of Filing.** Applications shall be considered as officially filed only when received at those regular public offices of the City designated for this purpose by the agency having jurisdiction to act upon the matter involved. Such designation shall be based upon considerations of public convenience and the availability of adequate personnel and facilities.

C. **Filing Date.** An application shall be considered as officially filed when it has been completed in accordance with the applicable rules and regulations, has been submitted at a designated office together with the required filing fees, and a receipt for said filing fees has been issued. If at any time during the processing of an application it is discovered that an application has been improperly prepared or required pertinent information has not been submitted in accordance with the previously established rules, upon notification to the applicant by the appropriate officer or employee the applicable time limits shall be suspended and not continue to run until the application has been rectified or the omitted information furnished in a proper manner.

Sec. 19.03 NOTIFICATION

Notification of the time, place and purpose of public hearings or other events in the consideration of a matter shall be made in one or more of the following manners if called for by the provisions of this Chapter or by the rules of the agency having jurisdiction:

A. **Applicant.** By mailing of a written notice not less than 10 days prior to the day of hearing or other event, to the address furnished for this purpose on the application or subsequently provided by the applicant.

B. **Surrounding Property Owners.** By mailing of a written notice not less than 10 days prior to the day of hearing or other event, to the owners of all property adjacent to the property involved, using for this purpose the last known names and addresses of such owners as shown on the records of the City Clerk.

C. **Property Owners in the Vicinity.** By mailing of a written notice not less than 10 days prior to the day of hearing or other event, to the owners of all property within 300 feet of the exterior boundaries of the property involved, using for this purpose the last known names and addresses of such owners as shown on the records of the City Clerk. Where all property within the 300-foot radius is under the same ownership as the property involved in an application, the owners of all property which adjoins the property in the same ownership as that involved in the application, or is separated only by a street, alley, public right of way or other easement, shall be notified.

D. **Newspaper.** By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Council, not less than 10 days prior to the day of hearing or other event.

E. Posting. Upon request of the agency having jurisdiction, the Board of Public Works shall cause copies of the notice of hearing or other event to be posted not less than 10 days prior to such event. Said Board shall post at least three notices . . . [Continue with requirements similar to existing Sec. 14.01B1.]

F. Subscription Service . . . [Provisions should be developed by the Planning Department.]

Sec. 19.04 HEARINGS

A. Conducted By. When a hearing is called for, such hearing shall be conducted by the agency having jurisdiction over the matter involved, or by an examiner or board of examiners designated by such agency.

B. Oaths. All testimony and statements of fact received at required hearings shall be under oath.

C. Record

1. Testimony. All oral testimony received at required hearings shall be recorded verbatim by audio recording device or stenographically. Such record may be either transcribed verbatim or summarized in written form or both. At the request of any party or interested person and upon the payment of any fee required by ordinance, a verbatim transcript shall be prepared and delivered to the requestor. A copy of any such transcript shall be attached to the file on the matter.

2. Other Evidence. Written and graphic evidence may be introduced at any hearing and shall be identified with the file on the matter. At the request of any party or in-

terested person, to the extent feasible, and upon the payment of the costs involved and any fee required by ordinance, reproductions of such evidence may be made and delivered to the requestor.

3. Retention. Records of hearings shall be retained for at least three years.

D. Continuance. Every hearing shall be conducted and completed on the date set unless, for cause, the officer or board conducting the hearing shall on that date continue the matter. No further notice of continuance need be given if the time and place therefor is announced at the time and place for which the hearing was set.

E. Reports. After the conclusion of a hearing conducted by an examiner or board of examiners, such examiner or board shall submit a report to the agency having jurisdiction in the matter within such period of time as may be fixed by such agency, setting forth conclusions and recommendations in writing and stating briefly the reasons therefor.

Sec. 19.05 FINDINGS

Unless specifically exempted by the provisions of this Chapter, each determination shall be supported by written findings showing specifically how the determination meets the criteria and requirements set forth in this Chapter and in the City Charter for determination of the matter involved.

Sec. 19.06 DETERMINATIONS

A. Time Limits. When a proceeding is initiated other than by the agency having jurisdiction, all required proceedings shall be completed and the agency having jurisdiction shall file its report and determination within

50 days of the filing date or such longer period as may be mutually agreed upon between such agency and the applicant.

The above time limit may also be extended unilaterally by the agency having jurisdiction when it is determined and justified in writing that a valid reason exists for delay in order to obtain legal opinion or to conduct special research which is essential to determining the matter involved.

B. Record and Notice. The written findings and determination in a matter shall be attached to the file on the matter, a copy shall be mailed or delivered to the applicant, and copies shall be sent to such other agencies as may be required to take notice of the action. Additional copies may be sent to other interested parties.

C. Effective Date. If subject to appeal, a determination shall be effective upon the close of the appeal filing period if no appeal is filed. If a determination is not subject to appeal, it shall be effective on the fifth day after mailing required notice of the determination, unless otherwise provided in the determination or by the provisions of this Chapter.

Sec. 19.07 APPEALS

A. Appellants. An appeal may be filed only by the applicant, or any person aggrieved, or the City Planning Commission, or the Director of Planning.

B. Basis. An appeal must set forth in writing specifically wherein there was error or abuse of discretion in the determination appealed from.

C. Filing Period. When a determination is subject to appeal, any such appeal must be filed within 20 days of the date on which the determination is issued except that when the final

day for filing an appeal falls on a Saturday, Sunday or legal holiday, the time for filing such appeal shall be extended to the close of business on the next succeeding working day.

D. Filing Date. For the purpose of determining time limits applicable to appeal proceedings, the last day of the appeal filing period shall be considered to be the filing date of any appeal.

This provision is merely to avoid any confusion in computing time limits in those cases where more than one appeal is filed on the same matter.

E. Appeal Proceedings. Except as otherwise provided in this Chapter, appeal proceedings shall be governed by the requirements of this Article pertaining to applications, notification, hearings, findings, determinations, time limits and fees. When an appeal is filed, the agency having original jurisdiction shall transmit its record of the matter to the appellate agency within 5 days after the end of the filing period.

F. Consideration. An appellate agency shall base its determination only upon the evidence and testimony introduced at the hearing or hearings, if any, held by the agency having original jurisdiction, and upon the record, findings and determination of such agency, and after consideration of arguments, if any, presented to the appellate agency. If an applicant or aggrieved person wishes to offer into the proceedings any new evidence, including testimony, a written summary of such evidence, together with a statement as to why such evidence could not reasonably have been presented during the original consideration, all declared under penalty of perjury, shall be filed. If the appellate agency determines that such evidence could not reasonably have been presented earlier and is of such nature as might reasonably

have led to a different determination, the matter shall be remanded to the agency having original jurisdiction which agency shall reopen the matter at a hearing limited to the receipt of such evidence together with any new evidence from other interested parties, and within 50 days of the remand or such time as may be prescribed by the appellate agency, make a new determination.

In determining its action on an appeal, an appellate agency shall be subject to the same limitations, considerations, criteria and requirements as are placed by Charter and ordinance upon the agency having original jurisdiction.

G. Findings. Before granting an appeal in whole or in part, an appellate agency shall make written findings setting forth specifically wherein there was error or abuse of discretion in the original determination in addition to making those findings required to support any new or revised determination of the matter.

Proposed Subsections F and G, above, conform with proposed Charter Section 99(3).

H. Failure to Act. Except in the case where the City Council is the appellate agency, failure of an appellate agency to make a determination within 50 days of the last day for filing an appeal, or such longer period as may be mutually agreed upon between the appellate agency, all appellants, and the original applicant shall constitute denial of the appeal.

Sec. 19.08 TRANSFERS OF JURISDICTION

A. Transfer Action. When an agency having jurisdiction in a matter fails to act within the prescribed time limit, the applicant may file a request for a transfer of jurisdiction to the appellate agency, if any, for a determina-

tion of the original application by such appellate agency. In such case the appellate agency shall assume jurisdiction and shall follow the same procedures and be subject to the same limitations and requirements applicable to the agency having original jurisdiction. When the appellate agency assumes jurisdiction the agency having original jurisdiction shall lose jurisdiction in the matter except that the matter may be remanded, or the appellate agency may accept the applicant's request for withdrawal of the transfer, in which cases the agency having original jurisdiction shall regain jurisdiction for the time and purpose specified by the appellate agency. If the appellate agency retains jurisdiction, the agency having original jurisdiction shall make such investigations and furnish such reports as the appellate agency may request. When the appellate agency assumes jurisdiction, the agency having original jurisdiction shall transmit the files in the matter to the appellate agency and may file a statement of facts pertaining to the matter.

Proposed Section 19.08A, above, conforms to proposed Charter Section 99(4).

B. Procedure. When a matter is transferred, the agency assuming jurisdiction shall be governed by the same procedural requirements as apply to an original proceeding. The applicable time limits shall be measured from the date on which the transfer request is filed.

C. Failure to Act. Failure to act within the prescribed time limit after transfer shall constitute denial of the original application.

Sec. 19.09 ADDITIONAL RULES

With respect to matters governed by the provisions of this Chapter, each agency involved may adopt such rules as are not in conflict with the provisions of this Chapter and the City

Charter. Any such rules must be available for inspection in the regular public offices of the agency and a copy furnished to any person upon request.

Proposed Section 19.09, above, would supplement the provisions of proposed Charter Sections 98(4) and 99(5).

Sec. 19.10 CITY COUNCIL ACTION

Whenever any matter subject to the procedures established in this Chapter is presented to the City Council for action, and until such time as final action is taken, such matter shall be placed upon the agenda of the Council for action by the Council within five days before or after each 90-day period measured from the date of initial receipt by the Council or from the date of the most recent action by the Council, whichever is later.

The above proposed Section 19.10 is intended to prevent unreasonable delays in final Council action on planning and zoning matters. We believe that in most instances the Council acts expeditiously, but apparently on occasion actions have been unduly delayed by holding a file in Committee or in a Councilman's office. Time limits are provided by Charter and ordinance for Planning Department and Commission action on most planning and zoning matters. It is perhaps unwarranted to impose time limits for final legislative action on these same matters, but at least there should be an opportunity for the majority to act within a reasonable time.

Sec. 19.11 FEES . . . [Incorporate existing sections 19.01, 19.02, and 19.03.]

Upon adoption of these standard procedural requirements, the procedural requirements in the following existing sections of the Code can be abbreviated:

- 12.24 B3, C3, (Conditional Uses)⁵
- 12.27 A, B1-5 (Zoning Administrators)⁵

12.28 A2-9 (Board of Zoning Adjustment)⁵

12.32 B, C, D4-7, E (Zone Changes)

13.00 C2-5, 13.01 H (Supplemental Use Districts)

14.01 A-D (Building Lines)

15.00 D (Public Use Approvals)

With the Procedural Code available, it then would be necessary to indicate only the following procedural information in each of the Code sections dealing with a particular type of matter, such as conditional use, variance, and zone change:

Applications—who can file?

Hearings—whether or not one is required and type of notification called for.

Appeals—who can file if different from standard provisions, and the name of the appellate agency.

Any other special requirements.

ZONING MAP CHANGES

One of our most significant recommendations is that there be established "a procedure for review and revision of the Zoning Map of the City on a regularly scheduled area-by-area basis, such schedule and areas to be established by the City Council upon recommendation of the Director of Planning and the City Planning Commission." (Recommendation 6.) Our proposed Charter Section 96.6 would require that such an area-by-area zone change procedure be provided for by ordinance. To accomplish this we suggest the Planning Department draft provisions to be substituted for the present provisions of Sections 12.32D1 and D2 concerning time limits for acting on zone change matters. The new provisions should:

1. Provide for division of the City into areas for the purpose of consideration of zoning map changes. The areas should be either

⁵Present Code sections proposed to be rewritten in connection with other Citizens Committee recommendations.

the same areas designated for General Plan review or subdivisions of those areas.

2. Provide for the scheduling of the hearings and determinations by area.

3. Set forth the criteria for permitting individual cases to be considered other than at the scheduled time and specify the procedure by which the Planning Commission may authorize such out-of-turn proceedings.

Another of our recommendations requires specific findings to be made in zoning cases to show that the action taken "is in substantial conformance with the purposes, intent and provisions of the General Plan." (Recommendation 4 and proposed Charter Section 96.5(5).) With respect to zone changes, a requirement to this effect should be inserted in Section 12.32A of the Zoning Code.

Also, in order to carry out Recommendation 29 regarding the identification of legislative matters, we suggest the addition of the following definition to Section 12.03 of the Zoning Code:

Amendment. A legislative change in wording, context or substance of this Code, or a change in the zone boundaries upon the Zoning Map, which Map is part of this Code when adopted hereunder.

OFFICE OF ZONING ADMINISTRATION

To conform to the proposed amendments to Section 98 of the City Charter concerning the functions of the Office of Zoning Administration, the Code section concerning this Office must be substantially revised. This revision could be accomplished according to the following outline:

Sec. 12.27 OFFICE OF ZONING ADMINISTRATION

A. Organization and Management [Retain first paragraph of existing Section 12.27 and then add:]

Section 98(4) of the City Charter provides that: "The Office of Zoning

Administration may adopt such rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All such rules and regulations shall be available for inspection in the Office of Zoning Administration."

B. Authority. Pursuant to Section 98 of the City Charter, a Zoning Administrator shall have the power and duty to:

1. Appeals . . . [Copy proposed Charter Section 98(2)(a).]
2. Conditional Use Permits . . . [Copy proposed Charter Section 98(2)(b).]
3. Planned Developments . . . [Copy proposed Charter Section 98(2)(c).]
4. Variances . . . [Copy proposed Charter Section 98(2)(d).]
5. Classification of Uses . . . [Copy proposed Charter Section 98(2)(e). See present Code Section 12.21A2.]
6. Slight Modifications . . . [Copy proposed Charter Section 98(2)(f).]
7. Other Determinations. Make such other determinations as are authorized by the provisions of this Chapter, including the following:
 - a. Yard Interpretations . . . [Copy present Code Sec. 12.27C1.]
 - b. Fences . . . [Copy present Code Sec. 12.27C2.]

To conform to the above renumbering, a correction is required in present Code Section 19.01E regarding fees so that the reference to Section 12.27C becomes a reference to Section 12.27B7.

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C. Variances.

1. Findings Required . . . [Copy requirements for findings from proposed Charter Section 98(2)(d).]
2. Continuance of Variance or Exception . . . [Copy present Code Sec. 12.27B6.]
3. Discontinuance . . . [Copy present Code Sec. 12.27B7.]

D. Slight Modifications — Limitations . . . [See present Code Sec. 12.27B4. Add criteria and standards.]

E. Procedures. Except as otherwise provided in this Chapter, the Office of Zoning Administration, in carrying out any of the powers and duties enumerated in Subsection B of this Section, shall follow the procedures set forth in Article 9 of this Chapter subject to the following rules:

1. Applications . . . [See existing Code Sec. 12.27B2.]
2. Hearings . . . [Specify when required and the type of notification required. See present Code Sec. 12.27B3.]
3. Determinations . . . [See present Code Sec. 12.27B4.]
 - a. Regular . . .
 - b. Slight Modification . . .
 - c. Rulings . . . [Copy present Code Sec. 12.27D.]

F. Foster Care Homes and Day Care Homes. [Copy present Code Sec. 12.27E. Eventually these provisions should be incorporated in the conditional use or similar sections of the Code.]

Since provision is made for the classification of land uses under proposed Section 12.27B5 above, the present authority for this function as set forth in Section 12.21A2 may be repealed.

It is also suggested that the following definition be added to Section 12.03 of the Zoning Code:

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Variance. An adjustment in the application of the specific regulations of the Zoning Code to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges; provided, however, a variance may involve modifications of permissible uses for specific limited periods of time when related to initial land development, or for essential public purposes, or for replacement of certain damaged nonconforming buildings and structures; and provided that the requirements of the City Charter with respect to variances are satisfied.

BOARD OF ZONING APPEALS.

Under our Recommendation 15 and proposed Charter Section 99 the Board of Zoning Adjustment would be renamed the Board of Zoning Appeals and its strictly quasi-judicial function protected by more stringent requirements concerning appeal procedure. These changes will require revision of Code Section 12.28 and numerous other references to the Board throughout the Zoning Code and other planning regulations.

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Sec. 12.28 BOARD OF ZONING APPEALS

A. Authority. Section 99(2) of the City Charter provides that: "The Board of Zoning Appeals shall have and exercise only the following powers:

- (a) Hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by a Zoning Administrator.

- (b) Hear and make determinations on any matter normally under the jurisdiction of a Zoning Administrator when such matter has been transferred to the jurisdiction of the Board pursuant to a request for transfer because a Zoning Administrator has failed to act within the time limits prescribed by ordinance."

The Board of Zoning Appeals is the successor to the Board of Zoning Adjustment and shall assume jurisdiction over all matters properly submitted to the Board of Zoning Adjustment at the time of succession.

B. Procedure.

1. Proceedings under the jurisdiction of the Board shall be in accordance with the provisions of Article 9 of Chapter I of the Municipal Code.
2. In each case appealed to the Board, notifications of Board hearings and distribution of Board determinations shall be the same as that made in the original proceeding; provided, however, that the Board may authorize such additional notification and distribution as it may deem appropriate.
3. All determinations of the Board shall be final and may not be appealed to any other agency of the City.

C. Rules of the Board . . . [Provisions similar to present Code Sections 12.28D1, 2 and 3 and consistent with proposed Charter Section 99(5) which authorizes the Board to establish rules.]

Numerous references to the Board appear throughout the Code which should be changed as necessary, including the following:

Change "Adjustment" to "Appeals" in Sections 12.03 (Board of . . .) and 12.50D.

Delete "Board" in Sections 14.01, 15.00-B, C, D, E, F, 17.02 (Board), 18.01 and 18.08.

Change "Board" to "Commission" in Sections 17.02 (Appeal Board) and 18.12.

CONDITIONAL USES

Our greatest concern is for the proper handling of conditional use matters. The fundamental principle that each citizen and property owner is entitled to equal treatment under the law requires the consideration of conditional use cases as administrative actions taken within legislative guidelines. The mistaken notion, too prevalent in the past, that the conditional use procedure is a means of granting exceptions, or of legislating on an individualized basis, is a mockery of justice. Under Recommendation 7 we propose two basic corrective measures:

1. Legislative establishment of uniform regulations and criteria to govern conditional uses.

2. Clear designation of action upon individual conditional use permits as an administrative matter under the jurisdiction of the Office of Zoning Administration, with initial appeal to the Board of Zoning Appeals and any further appeal only to the courts.

The second point is provided for in our proposed Charter Sections 98 and 99 and proposed revisions of Zoning Code Sections 12.27 and 12.28. Under these proposals, the Board of Zoning Appeals would be strictly limited to its proper role as an administrative/quasi-judicial appeal body, in contrast to the present Board of Zoning Adjustment which at times has improperly assumed a legislative role.

The first of the above points—legislative establishment of uniform regulations and criteria—requires the extensive revision of Municipal Code Section 12.24 to incorporate the

necessary criteria. To accomplish this we suggest the drafting of a new Code Section 12.25 concerning conditional uses. As rapidly as possible criteria should be developed for the various uses involved. As soon as criteria are developed for a use, that use should be deleted from Section 12.24 and added to Section 12.25. Upon completion of this process, present Sections 12.24B1(e), (g), (h) and (i) and all of 12.24C would be deleted. The proposed Section 12.25 might be developed along the following lines:

Sec. 12.25 CONDITIONAL USES

A. Purpose . . . [See existing Section 12.24A.]

B. Uses. A Zoning Administrator may approve the use of property in the zones hereafter indicated for any of the following uses, subject to the regulations, limitations, criteria, standards, conditions and policies established by, or pursuant to, the provisions of this Section:

[List the uses from present Code Sections 12.24B1(e), (g), (h) and (i), 12.24C1 and 12.24C1.5 together with the specific limitations, criteria and standards applicable to each.]

There is considerable confusion over the nature of the limitations, criteria, standards, conditions, policies and other requirements which might be set forth and the manner in which they should be applied. Some basic distinctions should be made:

I. The matters subject to conditional use consideration should be those which require some degree of discretion or judgment in determining whether or not the use is to be permitted in a given situation. By comparison, if it is possible to write a very specific set of standards and it is intended that the use be permitted in every case where these standards are met, then the use should not be subject to a conditional use permit. Such uses should be listed as permitted uses in the appropriate zones, subject to the desired standards, and the Building and Safety De-

partment should automatically permit such uses when the standards are met. An example of such a "limited use" under the present Zoning Code is an automobile laundry or wash rack for which definite noise standards are provided to be directly administered by the Building and Safety Department (Section 12:14A6(b)).

2. For true conditional uses, locational criteria should be distinguished from developmental and operational standards.⁶ Locational criteria are those policies and guidelines set forth in the Code to assist a Zoning Administrator in exercising his judgment as to whether a use should or should not be permitted at a requested location. Examples of locational criteria are:

Compatibility with surrounding land uses including considerations of appearance, hazard, noise, etc.

Functional relationship with surrounding uses including such considerations as:

Possible joint use of common facilities such as parking.

Proximity to related community facilities, customers, suppliers, etc.

Public need for the proposed use in the proposed area.

Availability of suitable access:

Rail.

Highway—effect upon traffic congestion, impact of traffic upon other land uses.

Public Transportation.

Utility requirements — availability of water, sewers, power, etc. without overload.

⁶An excellent example of criteria and standards for particular conditional uses are found in the following brochures published by the San Diego City Planning Department:

Mobilhome and Travel Trailer Parks, June, 1967.
Impound Storage Yards, June, 1966.

On the other hand, developmental and operational standards are those requirements to be met if the use is permitted. Such requirements might include:

Parking—not less than a specified number of spaces.

Landscaping—types and extent of planting.

Building arrangement and height limitations.

Open space—not less than a specified percentage of the total land area.

Fencing requirements.

Control of signs, lighting, etc.

Performance standards—limits on noise, vibration, air pollution.

Hours of operation.

In granting a conditional use, "conditions" are specific regulations imposed upon the use to insure that developmental and operational standards are met and that the use operates within intended limits as to size, character and intensity.

Based upon the above discussion, the Code provisions for each use subject to conditional use approval should include the following:

Name of use.

Zoning classifications in which the use may be permitted.

Limitations upon the use and the site which must be satisfied in order to apply for a conditional use permit.

Locational criteria to be considered in determining whether or not to grant a conditional use permit.

Developmental and operational standards to be imposed as conditions which must be complied with if the permit is granted.

C. General Criteria. In addition to the requirements for each type of use as provided above, a Zoning Admin-

istrator must find that the following criteria and policies are satisfied before granting any Conditional Use Permit:

1. . . [General Plan conformance.]

2. . .

[etc.]

D. Conditions. In granting a Conditional Use Permit, a Zoning Administrator shall impose such conditions as are deemed necessary to insure compliance with the intent of this Code and the requirements of this Section, to protect surrounding property, and to secure an appropriate development in harmony with the General Plan.

E. Procedure . . . [Refer to the standard procedure in Article 9. State who may file an application. State that a hearing is required in each case and the type of notification required, or give any exceptions.]

F. Existing Uses . . . [Provisions similar to those in present Section 12.24 F.]

G. Development, Change or Discontinuance of Uses . . . [Provisions similar to those in present Section 12.24 G.]

Also, in order to clarify the nature of a conditional use matter, we suggest the following definitions be added in Zoning Code Section 12.03:

Conditional Use. A use permitted in one or more zoning classifications as defined by this Code, but which use because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to assure that

the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site and to assure that such use shall not be inimical to the public welfare.

Conditional Use Permit. The documented evidence that a Zoning Administrator acting under Charter and Code authority, has granted permission to locate a "conditional use" at a particular location.

PLANNED DEVELOPMENTS

Under our Recommendation 9 and proposed Charter Section 98(2)(c) we propose that the approval of planned developments be identified as a particular type of administrative action to be processed in the same manner as conditional use permits. The purpose of the planned development procedure should be to carry out the basic intent of the requirements for the zone in which the development lies but with flexibility as to the specific regulations applied in order to achieve the best possible environmental quality.

The following is a suggested outline of a new Code Section to govern the approval of planned developments:

Sec. 12.25.1 PLANNED DEVELOPMENTS

A. Purpose

B. Requirements

1. . . . [Requirements applicable to all Planned Developments.]

2. . . . [Additional requirements applicable to Planned Residential Developments. This subsection could include requirements similar to those contained in the proposed RPD ordinance recommended by the City Planning Commission under City Plan Case No. 17155.]

3. . . . [Additional requirements applicable to Planned Commercial and Industrial Developments.]

C. Conditions [Authority for a Zoning Administrator to impose conditions—see proposed Charter Sections 98(2)(b) and (c).]

D. Procedure. The procedure for approving a Planned Development shall be the same as that provided for approving a Conditional Use Permit.

E. Existing Developments [Provisions similar to those in present Section 12.24 F, if required.]

F. Development, Change or Discontinuance [Provisions similar to those in present Section 12.24 G, if required.]

Upon adoption of new provisions for planned developments, the present Code Section 12.24B1(j), which authorizes planned residential developments to be handled as conditional uses, should be deleted.

Also the definition of "Planned Residential Development" in Code Section 12.03 should be revised or deleted, and a definition of "Planned Development" should be added.

UNCLASSIFIABLE USES

An important aspect of our recommendation about conditional uses is that each type of conditional use is to be permissible only in specified zones. We find, however, that a few land uses presently handled as conditional uses cannot be adequately classified by zone. For these few uses we recommend a new category of "unclassifiable uses" and provision for legislative approval of each such use by ordinance (Recommendation 8 and proposed Charter Section 97.2(1)(ii)).

Assuming that a new Code section is enacted to provide for conditional uses in accordance with our recommendations, it would then be possible to repeal the remainder of present Code Section 12.24 and replace it with a new section on unclassifiable uses:

Sec. 12.24 UNCLASSIFIABLE USES

A. Purpose . . .

B. Uses. Each of the following uses may be permitted at such locations as may be specified for such purpose by ordinance, subject to the regulations, limitations and conditions established for such use by the provisions of this Section, by the applicable authorizing ordinance, and by administrative action taken pursuant to such ordinance:

1. Airports, subject to the following requirements:
 - a . . .
 - b . . .
 - [etc.]
2. Cemeteries . . .
3. Educational Institutions . . .
4. Land Reclamation Projects . . .
5. Natural Resource Developments . . .

C. General Criteria. In addition to the requirements for each use as provided above, it must be found that the following criteria are satisfied before adopting an ordinance authorizing any such use:

1. . . [General Plan Conformance.]
2. . .
- [etc.]

D. Conditions. An ordinance authorizing an unclassifiable use shall include such conditions as are deemed necessary to protect surrounding property, secure an appropriate development in harmony with the General Plan, and carry out the requirements of this Section. Such conditions may include provision for administrative approvals and determinations by the Office of Zoning Administration in

order to carry out the intent of this Code and the authorizing ordinance.

E. Procedure. The procedure for authorizing an unclassifiable use shall be the same as that provided for making a change in the Zoning Map. When effective, the authorized location of an unclassifiable use shall be shown by appropriate symbol upon the Zoning Map.

F. Existing Uses . . . [Provisions similar to those in present Section 12.24 F.]

G. Development, Change or Discontinuance of Uses . . . [Provisions similar to those in present Section 12.24 G.]

Also, it may be desirable to add a definition of "Unclassifiable Use" in Zoning Code Section 12.03.

BUILDING AND SAFETY DEPARTMENT

A possible problem, noted in our first report of July 1968, pertains to the overlapping of authority between the Office of Zoning Administration and the Department of Building and Safety. At present, interpretations as to the proper application of the Zoning Code and the granting of slight modifications in yard and area requirements may be made by either agency. In order to eliminate this overlapping, we suggest the following Code amendments:

Add to Section 12.26A:

- # 3. Whenever any policy determination or interpretation is required by the Department of Building and Safety regarding the meaning or general application of any provisions of the Zoning Code, the Superintendent of Building shall request such determination or interpretation to be made by the Chief Zoning Administrator. The Chief Zoning Administrator shall issue such determination or interpretation within a reasonable time, or may request the

City Attorney to issue an opinion on the matter, or both.

Amend Section 12.26B to read:

B. Yard Areas. Pursuant to the authority contained in Section 93 of the City Charter, the power granted to the Board of Building and Safety Commissioners to make slight modifications in the yard area requirements of the zoning ordinance is hereby abolished.

Note that our proposed Charter Section 98(2)(f) provides a new authority for Zoning Administrators to grant slight modifications in yard and area requirements. This authority, which is proposed to be implemented by revisions to Code Section 12.27, would not be subject to the stringent requirements for granting variances and thus would make it possible for Zoning Administrators to grant reasonable modifications without undue delay.

At present the final sentence of Section 12.26B authorizes the Board of Building and Safety Commissioners to waive loading space requirements in certain situations. We suggest this authority also be transferred to the Office of Zoning Administration and included in Code Section 12.21C6, which contains other regulations on loading spaces.

SUGGESTED CHANGES IN TERMINOLOGY

Zoning Code. The phrase "Comprehensive Zoning Plan" appears in the following sections of the present Code:

12.00	13.00
12.02	13.01H
12.04E	13.03A
12.24A [†]	17.50

For simplicity and to avoid confusion with the "Comprehensive General Plan," these references should be changed to refer to the "Zoning Code."

Municipal Code. At many places in the present Code, reference is made to "this Code," meaning the Municipal Code. In a number

of such cases the reference is to a section of the Building Code. It is suggested that such references say "Municipal Code" or "Building Code," etc., in order to make it clear that the reference is not to another part of the Zoning Code.

General Plan. The term "Master Plan" appears in the following sections:

12.02	12.32A
12.03	12.37
(Highway— Major)	13.00C
	14.00
12.03	15.00E
(Highway— Secondary)	17.02
	(Highway— Major)
12.04F	(Highway— Secondary)
12.07 C4	(Master Plan)
12.07.01 C4	
12.07.1 C4	17.05C
12.08 C4	17.50
12.21 C1(h)	17.52 A2, A3
12.22 A5	18.01 (Major Highway)
12.24A [†]	18.05A, K
12.24 B2, C1, C1(q), C1.5, C1.5(d), C2 [†]	

In some cases the reference is something like "the Master Plan of Highways as approved by the Commission." In most, if not all cases, the reference should simply be to the "General Plan." If necessary, reference could be made to an element such as "the circulation element of the General Plan." Any reference to who approves the Plan should be dropped. A definition of "General Plan" could be added to Section 12.03 to make it clear that the General Plan is an official document adopted by the Council pursuant to the Charter and the proposed General Plan Code.

Subdivision Code. Section 17.00 of the Municipal Code uses the title "Division of Land Regulations" to include both subdivision and parcel map regulations. For simplicity and

[†]Present Code sections proposed to be rewritten in connection with other Citizens Committee recommendations.

comparability with the title of the State Subdivision Map Act, the term "Subdivision Code" might be used in place of "Division of Land Regulations."

Section 17.00 also refers to the subdivision regulations as part of the "City's Community Design Plan." This apparently refers to the Community Design Element of a General Plan

as mentioned in the State Planning Law; but, since the subdivision regulations should not be considered as part of the General Plan, this reference to a "Community Design Plan" should be dropped. The first paragraph of Section 17.01B also refers to "Community Design Plan" and this should be changed to "General Plan."

CHAPTER 3

CONDUCT IN OFFICE—CHARTER AND CODE AMENDMENTS

In considering the subject of conduct in office, we believe emphasis should be placed on the following measures, in the order of priority here stated:

1. Establish and maintain clearly drawn laws and rules of procedure, understandable by the widest segment of the citizenry, so that incorrect application of the law becomes evident. Our recommendations for Charter and Code revisions relating to planning and zoning as contained in Chapters 1 and 2 of this report are intended to serve this purpose.

2. Obtain people of the highest quality of competence and integrity to serve on commissions and boards. We believe that the Mayor and City Council must assume full and equal responsibility for assuring such appointments through the selection and confirmation process. There is evidence that renewed attention is being given to this matter.

3. Establish uniform guidelines and standards for official conduct through a code of ethics and conflict of interest legislation. The suggestions in this Chapter are intended to assist in developing such standards.

In our first report of July 1968 we made four general recommendations about ethics, conflict of interest, private communications and campaign contributions, all in relation to planning and zoning matters (Recommendations 31, 32, 33 and 35). Although our study has been limited to planning and zoning matters, the City Council also referred to us for

report and recommendation certain files on the general subject of ethics, conflict of interest, and campaign contributions.⁸

Obviously any requirements for conduct in office should be equitably applied to public servants at all levels and functions within the City government. Accordingly, our suggested Charter and Code provisions are outlined in a form applicable to all City officials and employees, not just those connected with planning and zoning.

In formulating these suggestions we have also been guided by the following basic principles:

1. Charter and Code provisions must supplement State law. The Charter cannot supersede State regulations in this field.

2. Charter provisions should be limited to establishing basic concepts and requirements and providing the mandate and authority for further City legislation. Supplementary requirements and details should be left for adoption by ordinance.

3. The paramount consideration is that public actions are to be taken in the public interest. All the proposed regulations should be directed toward this goal.

4. The performance of routine or standardized duties which do not involve the exercise of substantial judgment should not

⁸Council File Nos: 132,460 Supplement 1; 132,683; and 132,683 Supplement 1.

be restricted by these regulations since external influences would not be a significant factor in such situations even though conflicting relationships might exist.

We propose that the existing Charter Sections 28 and 28.1 concerning conflict of interest be repealed and new provisions enacted. The present conflict of interest provisions are located in Article II of the Charter under the heading "Powers and Duties of the Council." Because such provisions also pertain to other officers, it is proposed that the new Charter provisions should be placed in Article IV—"Powers and Duties of Officers."

In the remainder of this Chapter, suggested Charter provisions and outlines of ordinances are presented together with explanatory comments. The suggested Charter text is indented and identified with the symbol # in the left margin. The complete text of the present and proposed Charter provisions is repeated in continuous form in Appendix B.

CODE OF ETHICS

We recommend that the City Council "undertake further study of this broad area including consideration of recent constructive developments elsewhere" and then "adopt a code of ethics for City officials and employees involved in planning and zoning matters." (Recommendation 31.) Fairness requires a code of ethics for planning and zoning matters to be established within the framework of a general code of ethics applicable to the entire City government. The following Charter provision is suggested to establish a mandate for both general and specific codes of ethics which will provide consistent guidelines for all officials and employees of the City.

CONDUCT IN OFFICE

Sec. 64.1. Ethics

The Council shall establish a Code of Ethics for all officers and employees of the City, whether elected or appointed, paid or unpaid. The purpose of this Code shall be to establish ethical standards of conduct for all

such officers and employees and to define those acts and actions that are incompatible with the best interests of the City. Such Code may be supplemented by codes of ethics adopted by the various departments, boards and agencies of the City, providing such supplementary codes are not inconsistent with the Council-adopted City-wide Code.

These first two sentences of suggested Charter Section 64.1 are adapted from the "Declaration of Policy" contained in A Suggested Code of Ethics for Municipal Officials and Employees (Chicago: International City Managers' Association, 1962). This publication is recommended to the Council as a guide in its further study of the subject.

To implement such a Charter provision, the City Council should review, revise, and supplement the Code of Ethics previously adopted by resolution. We also suggest that the Planning Commission periodically review its statement of "General Operating Policies and Practices," adopted October 19, 1967, and we urge the Board of Zoning Adjustment (to be renamed Board of Zoning Appeals under one of our recommendations) to adopt a similar policy statement.

CONFLICT OF INTEREST

The present Charter provisions relating to conflicts of interest are as follows:

Sec. 28. Members of the Council and other officers and employees of the City shall be prohibited from voting or acting upon any matter, contract, sale or transaction to which the City or the Council, or such other officers or employees may be a party, to the extent and in all instances as now or may hereafter be provided by applicable general laws of the State of California. The effect of any such matter, contract, sale or transaction made or handled in violation of this section and the penalty to be imposed on any member of the Council or other

officer or employee of the City acting in violation of this section shall be as now or hereafter provided by applicable general laws of the State of California.

Sec. 28.1. In the event the City Attorney is requested by any board, or member thereof, officer, except a member of the Council, or employee, to render an opinion upon the question of such board's, board member's, officer's or employee's prohibited interest under Section 28 of this Charter, the City Attorney shall render a written opinion upon such question. Such board, board member, officer or employee may likewise request an opinion from the City Attorney regarding any situation wherein it may not be in the public interest for such board, board member, officer or employee to act in a particular matter, contract, sale or transaction and the City Attorney shall render a written opinion thereon.

In the event that pursuant to such request the City Attorney determines, by written opinion, that such board or board member, officer or employee has a prohibited interest under Section 28 of this Charter, or that it is not in the public interest for such board, board member, officer or employee to act in the matter, contract, sale or transaction involved, the same shall be transferred for action thereon to the Board of Referred Powers, which is hereby created. Unless such transfer is prohibited by an applicable general law of the State of California, the Board of Referred Powers is vested with the same power to act upon any matter, contract, sale or transaction so transferred to it with the same force and effect as if acted upon by the board, officer or employee from whom the matter, contract, sale or transaction was transferred. The Council shall provide by ordinance for all matters relating to number of members, appointment and functioning of the

Board of Referred Powers and the procedure applicable in referring matters to it for its determination.

These existing provisions are deficient in several respects. Section 28 merely applies State law on the subject to Los Angeles. However, the present inadequacy of State conflict of interest legislation has been revealed in many ways. There is, of course, the possibility of further revision in State law, but such revisions may not prove adequate. The City should recognize its authority and accept its responsibility to supplement State law in this field.

Section 28.1 provides for the City Attorney to render opinions "regarding any situation wherein it may not be in the public interest" for an officer or employee to act in a matter. No definition whatsoever of the term "public interest" is provided to guide the City Attorney in carrying out this responsibility. Some stated guidelines should be directly available to the affected officials and should assist the City Attorney in further interpretations.

Finally, difficulties exist with the present provisions for the Board of Referred Powers. It seems unnecessary to require the transfer of a matter to this Board simply because one member of a commission is disqualified from acting. In these cases the remaining members of a commission should be permitted to act, providing some protection is established against their vote being influenced by the disqualified member. Also, in many cases a regularly designated appeal agency could assume jurisdiction more knowledgeably than the all-purpose Board of Referred Powers.

Another problem is that the rules for the appointment and functioning of the Board are left entirely to the Council. As now constituted, the Board consists entirely of Councilmen. The result is that it does not provide an independent advisory function and its actions tend to be a mere formality.

In view of these various deficiencies, we suggest the repeal of present Charter Sections

28 and 28.1 and the adoption of provisions along the following lines:

Sec. 64.2. Conflict of Interest

(1) Intent

No officer or employee of the City shall participate in or act upon or vote upon any matter in which there is or might reasonably appear to be a substantial conflict between his personal interest and the public interest.

These provisions are not intended to require officers to divest themselves of private interests that might create a conflict. The intention is only to have them avoid acting in those specific situations where they could be influenced by private considerations.

(2) Definition of Conflict

A conflict of interest exists when there is any circumstance which leads an officer or employee of the City, when involved in an official action by or in behalf of the City, to make a decision or to exercise discretion or judgment other than in the public interest. Circumstances which may create a conflict of interest include situations where an action by the City may affect particular groups, persons or property substantially differently from other groups, persons or property and an officer or employee involved in such action by or in behalf of the City has, directly or indirectly, a personal interest in the matter. A personal interest will be presumed to exist by reason of:

- (a) Current or prospective ownership of property involving substantial interest or control.
- (b) Current or prospective financial transactions.
- (c) Current or prospective employment.

(d) Participation in an organization in a position of leadership or control or involving an obligation to the organization.

(e) Personal relationships through friendship, family or other relationship which involve a compelling obligation to anyone having an interest as described in Subsections (a), (b), (c) and (d) above.

(f) Any similar influence.

This suggested provision would provide a framework for determining when a conflict of interest exists. It should be noted, however, that this is merely an enumeration of the subject matter to be considered. It would be left for the City Council to determine by ordinance the types and degree of ownership, the kinds of financial transactions, the specific organizational and personal relationships, and other factors which would be presumed to constitute an actual conflict.

Note that under Subsection (d), membership in an organization would be a factor only if one is in a position of leadership, control or obligation with respect to it. Under Subsection (e), personal relationships would be a factor only if there is a "compelling obligation."

In the final analysis, it is a matter of individual conscience to determine whether or not a true conflict of interest is present. But the enumeration of the factors involved should at least be an aid in such self-examination.

(3) Disclosure and Disqualification

(a) An officer or employee who has a conflict of interest shall publicly disclose the general nature of the conflict prior to participating in or acting upon the matter involved on behalf of the

City. If, after having participated in a matter but prior to final City action upon the matter, an officer or employee discovers that a conflict of interest exists, he shall immediately disclose that fact.

This suggested Subsection implements our Recommendation 32. We believe that individual privacy will be best protected by requiring a limited disclosure only when a specific conflict occurs rather than a regular and more comprehensive disclosure of one's total assets, real estate holdings, income, etc., as has been suggested by others.

(b) Any officer or employee, upon disclosure that a conflict of interest exists, may disqualify himself from further participation in or action upon the matter involved. Any officer or employee, other than the Mayor, Members of the Council and Members of the Board of Referred Powers, who has a substantial conflict of interest, as such term is defined in any ordinance adopted pursuant to this Section, shall disqualify himself from further participation in or action upon the matter.

It is proposed that the Mayor and Council be exempted from forced disqualification (but not from the disclosure requirement) since their legislative responsibilities cannot be transferred to others. Also, failure of the Mayor to act on an ordinance is equivalent to approval, while abstention by a Councilman would be equivalent to a vote against an ordinance. Therefore disqualification of these officers is not necessarily impartial. The Board of Referred Powers is exempted because it is an agency of last resort—there is nowhere else to go if this board should be unable to act because of disqualification.

Note that a distinction is made here between substantial and minor conflict—with the definition to be spelled out by ordinance—and only the former would require disqualification.

(c) When an officer or employee has a conflict of interest but does not disqualify himself, then a complete public disclosure of his personal interest in the matter shall be made at the time of initial disclosure.

(d) An officer or employee who has a substantial conflict of interest shall not communicate in any way with other officers or employees of the City concerning such matter except for statements of disclosure and disqualification as required under this Section.

This non-communication provision is intended to protect, for example, a commission from being influenced by a member who has a conflict of interest. This will remove the need for the present requirement for transfer of a matter to the Board of Referred Powers even when only one member of a commission has a conflict.

(4) Implementing Regulations

The Council, by ordinance, may provide specific regulations refining the definition of substantial conflict of interest, requirements and procedures for disclosure and disqualification, and such other implementing regulations as are consistent with the provisions of this Section.

The following is a suggested outline of the subjects to be covered in the ordinance which should be adopted to implement suggested Charter Section 64.2:

CONFLICT OF INTEREST

Purpose

Definitions

Conflict of Interest

Substantial

Minor

Interests

Ownership

Financial

Employment

Organizational

Personal

Relationship

Direct

Indirect

Family

Friendship

Regulations

Matters affected

Contracts

Sales

Purchases

Other transactions

Regulatory measures

Policy actions

Persons affected

Officers

Employees

General disclosure—when required

Disqualification—when required

Detailed disclosure—when required

Communications

Scope

When prohibited

Procedures—steps, when, by whom, forms, etc.

General disclosure

Detailed disclosure

Disqualification

Transfer of jurisdiction

To appellate agency

To Board of Referred Powers

Earlier in this chapter, we pointed out some present problems with the Board of Referred Powers as now constituted. We propose a new Charter provision for this Board as follows:

Sec. 64.3. Board of Referred Powers

There is hereby created the Board of Referred Powers which shall consist of five members, none of whom holds any other position as an officer or employee of the City. Said Board shall exercise the powers and perform the duties provided for in this Charter. The Council shall provide by ordinance for the appointment and functioning of the Board of Referred Powers.

Essentially, this Charter proposal would continue the present provisions for the Board but with an important restriction added so that none of the members of the Board may hold other City positions. Accordingly, the Board members would not be otherwise involved in City actions, and consequently would be in a position to render independent decisions on recommendations in the same manner as the citizen commissions for which the Board would act as a substitute when necessary.

Sec. 64.4. Transfer of Jurisdiction

In the event that disqualifications made under Section 64.2 of this Charter shall render any agency of the City, other than the Mayor or City Council, unable to act upon a matter as required by law, then the matter shall be transferred for action to the appellate agency for the type of matter involved. If there is no appellate agency, then the matter shall be transferred to the Board of Referred Powers. The appellate agency or the Board of Referred Powers, as the case may be, is hereby vested with the power to act upon any matter transferred to it in accordance with this Section with the same force and effect as if acted upon by the agency from which the matter was transferred, and is subject

to the rules governing the agency having original jurisdiction.

Under this suggested provision, the Board of Referred Powers would come into play only as a last resort. When an appeal agency exists which normally handles a given type of matter, it is best qualified to serve as a substitute for the agency normally possessing original jurisdiction.

CAMPAIGN CONTRIBUTIONS

State law provides certain requirements about campaign contributions to candidates for local office. However, we believe they are inadequate, particularly since complete and itemized reports are not required. More comprehensive reporting of campaign contributions is recognized by many people in various phases of political activity and government as being a key requirement for insuring that campaign financing is an honest, open, and responsible activity. Therefore, we propose the adoption of supplementary regulations in the Charter and Municipal Code (Recommendation 35).

Sec. 64.5. Contributions, Gifts and Gratuities

(1) The Council, by ordinance, shall regulate and may prohibit the offering to and the receipt by or in behalf of any candidate for office, officer or employee of the City any contribution, gift or gratuity, in whatever form, which would tend to create a conflict of interest.

(2) All candidates for office, officers and employees of the City shall be required to submit itemized reports of contributions, gifts and gratuities, listing donors and amounts received from each donor. Such reporting shall include indirect contributions handled through campaign committees, campaign management firms or other individuals and organizations.

The following is a suggested outline of the Code provisions which might be adopted pursuant to the above proposed Charter requirement:

CONTRIBUTIONS, GIFTS AND GRATUITIES

Purpose

Definitions

Regulations

Affected parties

Elected officials

Candidates for elective office

Appointed officers and employees

Individuals, firms or other organizations receiving or disbursing funds or services on behalf of candidates, officers or employees.

Reports required—source of funds and services and amount from each source.

Procedures—steps, when, by whom, to whom, forms, etc.

Individuals, firms and organizations must make reports to beneficiaries.

Beneficiaries must file complete report with City Clerk

City Clerk to retain for five years

Information to be available to public

PRIVATE COMMUNICATIONS

In California, the Ralph M. Brown Act prohibits members of public bodies from reaching joint decisions in secret. We believe protection of local public officials from private pressure and arguments hidden from public view should be expanded (Recommendation 33).

Sec. 64.6. Private Communications

The Council, by ordinance, shall regulate and may prohibit private communications between interested parties and officers or employees of the City concerning official matters which are or may be under consideration by such officers or employees.

This suggested Charter provision is merely a general mandate and enabling provision. We propose the establishment by ordinance of specific regulations along the lines of the following outline:

PRIVATE COMMUNICATIONS

Purpose

Definitions

Affected parties

Commissioners and Board members.

Persons communicating with Commissioners and Board members.

Regulations

No oral or written communication regarding any matter pending before a board or commission except statements presented in open public meeting or written communications addressed to the board or commission as a whole.

If prohibited communication occurs:

Disclosure by officer involved.

Disqualification or vote against interest of party initiating prohibited communication.

We do not believe it is feasible to include the Mayor and Councilmen within a prohibition against private communications. The remedy for abuses by elected officials is at the ballot box. But for advisory and quasi-judicial bodies which are appointed for the purpose of making fair and impartial decisions or recommendations to elected officials, we believe that all of the information upon which such actions are based should be equally available to all members of such bodies and to the general public.

ENFORCEMENT

To clarify the procedures and penalties applicable to violations of local requirements for conduct in office, it is suggested that a section on this subject be included in the Charter.

Sec. 64.7: Misconduct in Office

(1) Violations

Any officer or employee of the City who in the performance of his powers and duties violates the requirements of Sections 64.1 through 64.6 of this

Charter or any ordinances adopted pursuant thereto shall be guilty of misconduct in office.

(2) Discipline

(a) Officers and employees subject to the civil service provisions of this Charter shall be subject to discipline and penalties for misconduct in office only under said civil service provisions.

(b) Appointed officers and employees not subject to the civil service provisions of this Charter and found guilty of misconduct in office shall be subject to suspension or removal by the appointing authority.

(c) Officers subject to the provisions of State law concerning misconduct in office shall also be subject to discipline and penalties in accordance with said provisions.

Several problems about discipline and penalties may need to be considered further. Is an officer who is under civil service placed in double jeopardy since he might be charged both under civil service procedures and by a Grand Jury accusation under State law? In the case of an employee not under civil service, should a specific procedure be provided to determine guilt?

Ordinance provisions on misconduct in office should include the following subjects:

ENFORCEMENT

Enforcing agencies designated

Department managers and Civil Service Commission for civil service employees.

Appointing authorities for noncivil service officers and employees.

Grand Jury accusation under State law for elected officers and as alternative course of action for other officers.

Provision for advisory opinions and interpretations by City Attorney.

Disciplinary action

Procedures for bringing charges and determining guilt

Civil service employees

Noncivil service officers and employees

Penalties

Suspension

Discharge or removal

Fine

Penal action

Jeopardy under other provisions of State law and Municipal Code.

Enumeration of provisions of this

ordinance subject to misdemeanor or felony prosecution.

Civil action

Damages

Validity of City actions even though misconduct may be discovered.

OFFICERS OF THE CITY

To identify clearly the members of the Board of Zoning Appeals and the Board of Referred Powers as officers of the City, these titles should be added to Charter Section 5 which lists the officers of the City. The title "Board of Zoning Appeals" is used instead of "Board of Zoning Adjustment" on the assumption that another Charter amendment will accomplish this title change in present Sections 97, 98, 98½ and 99.

CHAPTER 4

CHARTER AMENDMENT CONCERNING TERMS OF OFFICE ON COMMISSIONS AND BOARDS

One of our recommendations is the amendment of the Charter "to strengthen the system of overlapping terms of service on the City Planning Commission and the Board of Zoning Appeals." (Recommendation 27.) It seems clear that the present Charter intent is for Commissioners and Board members to serve regular five-year overlapping terms of office. However, the present provisions allow an appointee to be removed from office at any time simply by the appointment and confirmation of a replacement. This constant possibility of removal conceivably could be used as a means of unduly influencing the actions of appointees. Sudden changes in the majority of the members on a board also could be accomplished, possibly resulting in a lack of continuity and consistency in the actions of such board. We believe it is essential to protect the independent advisory role of the Planning Commission and a consistent quasi-judicial role for the Board of Zoning Appeals.

The specific ways in which an incumbent board member can be removed under the present provisions are:

1. The Mayor may simply make a new appointment to an office, even though there is an incumbent. The City Attorney has ruled that in such cases, confirmation of the new appointee automatically confirms the removal of the incumbent. However, in such cases, attention tends to be focused entirely upon the qualifications of the new appointee rather than upon the reasons for removal of the incumbent.

2. Upon expiration of a term, the Mayor may fail to make either a reappointment or a new appointment. In this circumstance, the incumbent continues in office but is subject to replacement at any time by a new appointee.

3. Possibly, an undated resignation could be secured as a condition of appointment and then held for use at any time.

Last year, after considering this tenure problem with respect to all City commissions, the Council approved a proposed Charter amendment for the April 1, 1969 municipal election, to apply to all City commissioners and the members of the Board of Zoning Adjustment. This amendment was approved by the voters. It requires the Mayor to make an appointment within 45 days of either the expiration of a term or the occurrence of a vacancy. If the Mayor does not act within the 45 days, the power to appoint shifts to the President of the Council, and if he in turn fails to act within an additional 45 days the Council as a whole can make an appointment. Also, if the Council fails to disapprove an appointment within 45 days after submission, the appointment is deemed confirmed. These provisions will tend to insure that appointments are made at the beginning of each term of office and extended vacancies and holdovers do not occur.

We support this Charter amendment in the belief it will bring about a significant improvement in the existing situation. However, we recognize it does not carry out our

recommendation in the following respects:

1. The Mayor still could remove a commissioner simply by obtaining the confirmation of a new appointee. We proposed a requirement that in such cases removal must precede a new appointment. By requiring a separate removal action, arbitrary removals would be unlikely, and an appointee could expect to serve his full term unless a valid and publicly stated reason is presented.

2. Removal still could be initiated only by the Mayor. We suggested the City Council be empowered to initiate removal by a two-thirds vote, and if the Mayor opposes such

action, a four-fifths vote be required to sustain it.

3. The possibility remains for obtaining a prior, undated resignation as a condition of appointment. This could be prevented if the Charter provided that a resignation is valid only when publicly filed with the City Clerk by the office-holder.

4. We suggested 60-day periods, rather than 45-day periods, be allowed for the making of appointments and for Council disapproval of appointments. We see no objection to the 45-day rule.

CHAPTER 5

ADMINISTRATIVE AND POLICY ACTIONS

A number of our recommendations do not require changes in the City Charter or the Municipal Code and, therefore, can be accomplished by administrative order or policy resolution. In addition, some of the proposed Charter and Code changes will require significant policy and administrative action to properly implement the new legislation. These various action requirements are summarized in this Chapter.

Area-by-Area Schedule for General Plan (Recommendation 3)

Our proposed Charter and Code provisions call for the adoption and amendment of the General Plan on an area-by-area basis. The Planning Department has scheduled a number of area or community General Plan studies as part of its work program. However, in order to carry out the proposed Charter requirement, it will be necessary for the Department to give continuing attention to the definition of areas and the scheduling for study of all areas of the City.

Zoning Code Revision (Recommendation 5)

We recommend that a complete revision of the Zoning Code be undertaken. Funds are provided for this work in the current City budget, and the Planning Department staff and consultants are getting the project underway. This work will require at least two years. We urge that budgetary support for this project be continued at an adequate level.

Area-by-Area Schedule for Zoning Map Revisions (Recommendation 6)

We are proposing Charter and Code provisions to require an orderly area-by-area process of considering changes in the Zoning Map in place of the present case-by-case procedure. The definition and scheduling of areas under this new procedure will require considerable study and analysis by the Planning Department and should be coordinated with the area-by-area General Plan program. Other factors to be considered include the rate of development and the relative inadequacy of existing zoning patterns in various parts of the City.

Conditional Uses (Recommendation 7)

One of our major proposals is the establishment by Code of suitable regulations and criteria to guide the Office of Zoning Administration in acting upon conditional use permits. It has been suggested by others that it is not possible to determine such regulations in the near future and therefore conditional uses must continue to be handled without definite guidelines. This course of action is bound to produce inequities and inconsistency in the application of zoning law. We firmly believe it is possible to establish workable guidelines if adequate attention is given to this matter. Therefore, we propose intensive study be initiated by the Planning Department to define the significant characteristics of each type

of land use subject to the conditional use procedure and the principles, criteria, and standards which should be applied in acting upon each such use. Priorities should be determined for the uses to be studied and staff should be assigned to begin this vital project for improving the Zoning Code. This type of study should be a continuing function of the Planning Department if the Zoning Code is to be kept up-to-date with respect to new types of land use and the changing characteristics of existing land uses.

**"Q"—Qualified Zone
(Recommendation 10)**

The Planning Commission and City Council are currently considering an ordinance to create a new and relatively unrestricted form of conditional use approval. Under this proposal a "Q" zone designation could be adopted legislatively in combination with any zone change. The ordinance which applies the "Q" designation to an applicant's property would also specify one or more particular uses, in addition to those uses permitted under the previous zoning, to which the property could be put if it complies with specific conditions included in the same ordinance.

We strongly oppose the "Q" zone concept because it includes no rules or criteria established in advance, thus creating unlimited possibilities for inconsistent and discriminatory action. We, therefore, urge that the "Q" zone proposal be filed.

In order to meet the problems which gave rise to the "Q" zone proposal, we suggest the conditional use approach be applied in accordance with our Recommendation 7. The particular types of uses and circumstances for which the "Q" zone was envisioned should be identified, placed in priority order and studied for the purpose of establishing adequate criteria as proposed in this Chapter under the subject of conditional uses.

**Zoning Enforcement
(Recommendation 11)**

We recommend that the Building and Safety Department provide adequate staff for regular inspections and follow-up on compli-

ance with zoning regulations, particularly the special requirements of conditional use and variance approvals. We urge the Building and Safety Department to evaluate its effectiveness in this regard and to make known any requirements for fully carrying out our recommendation.

**Notification of Hearings
(Recommendation 17)**

We offered several suggestions for improvements in giving notice to the public about zoning proceedings. To implement these suggestions the Planning Department should:

1. Improve the format and wording of hearing notices.
2. Resume the practice of having City personnel prepare property ownership lists for mailing of notices, rather than relying upon the submission of such lists by applicants.
3. Adopt a definite policy of notifying owners of nearby property in those instances where a matter is under consideration but no formal hearing is to be held.

In addition, we propose that data processing systems be improved as rapidly as possible to insure that accurate, up-to-date mailing addresses are used and to permit tenants in an area, as well as owners, to be notified. Studies of these data processing requirements should be pressed forward.

**Subscription Service
(Recommendation 18)**

To provide an orderly system for furnishing notification to interested individuals and organizations which might not otherwise receive notifications, we propose the Planning Department establish a subscription service. The Department should proceed with the task of setting up such a service:

**Commission and Board Appointments
(Recommendation 24)**

We consider it essential that people of the highest integrity, competence and civic interest be appointed to the Planning Commission and Board of Zoning Appeals. This requires the Mayor and City Council to give

continuing critical attention to their responsibilities in the selection and confirmation of appointees.

Orientation of Commission and Board Members
(Recommendation 25)

We recommend that new appointees to the City Planning Commission and the Board of Zoning Appeals be furnished a written manual covering the nature of the planning and zoning functions, the role of the Commission and Board, and the legal, policy and ethical limitations within which they operate. The Planning Department should proceed to prepare and assemble this information in a convenient form.

Policy Reviews
(Recommendation 26)

It is our understanding that the Planning Commission, Board of Zoning Adjustment and Planning Department staff occasionally conduct meetings to review overall operations and basic policies and procedures. We commend this practice and urge its continuance and strengthening on a regularly scheduled basis.

One important part of such discussions should be periodic explanations by the City Attorney of significant court decisions. In addition, information on new techniques in planning and zoning should be presented. Finally, an exchange of attitudes and ideas should take place among the agencies responsible for planning and zoning in Los Angeles. This exchange should be directed toward definition of their respective roles and effective coordination of the City's planning and zoning processes.

Public Information
(Recommendation 30)

We recommend strengthening of the City's public information efforts with respect to planning and zoning, including:

1. Making available simple, clear explanations of objectives, policies, plans, regulations and procedures.

2. Placing capable personnel in public contact positions.

3. Maintaining adequate records and staff at branch offices.

4. Providing simple and clear written explanations of public hearing procedures.

Implementation of this recommendation will require continuing efforts by the Planning Department together with appropriate budgetary support. We commend the Planning Committee of the City Council for promptly acting upon item 4 above by preparing an explanation of its hearing procedure.

Field Inspections by the Board of Zoning Appeals
(Recommendation 34)

Our Recommendation 22 and proposed Charter Section 99(3) provide for the Board to consider an appeal only upon the previously established record of the case. In keeping with this requirement, we recommend that field inspections not be undertaken by individual members of the Board but only by the Board as a whole. This procedure will insure that all members of the Board receive the same field information.

We urge the Board to adopt a rule governing field inspections in accordance with this recommendation.

Grand Juries
(Recommendation 36)

To provide a more adequate check on municipal planning and zoning affairs, we recommend that the State Legislature expand the powers of grand juries to permit investigation of municipal planning and zoning matters on their own initiative. We also support the recommendation for an additional grand jury in Los Angeles County.

To bring this matter to the attention of the State Legislature, we urge the Mayor and City Council to place this item in the City's State Legislative Program.

APPENDIX A
PROPOSED CHARTER AMENDMENT
RE: CITY PLANNING

Note: The text which follows constitutes the complete wording of Article VIII as proposed by the Citizens Committee, with the additions and deletions from the existing provisions indicated. Additions are in boldface type and deletions are shown by strikeout type.

ARTICLE VIII
~~DEPARTMENT OF~~ CITY PLANNING

Sec. 94. Department of City Planning

The Department of City Planning shall have and exercise all the powers and duties which are ~~now or may hereafter be provided in this Charter, and, in addition thereto, such other powers, including those granted to or imposed upon City Planning Commissions or Departments by State law, and, in addition thereto, such powers as are provided approved by ordinance, subject, however, to the provisions of Article VIII of this Charter.~~

~~Sec. 94 1/2.~~

Sec. 95. Director of Planning

(1) The general manager of the Department of City Planning shall be known as the Director of Planning. ~~The Director of Planning.~~ He shall be chosen on the basis of his administrative and technical qualifications, with special reference to his actual experience in and his knowledge of accepted practice in the field of city planning.

~~Sec. 95.~~

(2) The Director of Planning shall have the following powers and duties, subject to ~~supervision and direction~~ advice by the City Planning Commission as to matters of policy:

- (a) With the advice of the ~~Coordinating General Plan Advisory Board~~, he shall prepare ~~a master plan~~ the General Plan ~~for the physical development of the City, as such term is defined by State law, in so far as such definition is applicable to the City,~~ and from time to time extend and modify the same; and he shall prepare all maps, diagrams, charts and reports which may be necessary or advisable in the making of said ~~master plan~~ General Plan.
- (b) Subject to the approval of the City Planning Commission, he shall prepare all proposed zoning regulations and requirements, ~~establishing~~ including the necessary districts or zones in connection therewith, and he shall prepare all maps, charts and diagrams which may be necessary or advisable in the making of such zoning regulations.
- (c) He shall make investigations and report on the design and improvement of all proposed subdivisions of land and shall have such powers and perform such duties as are required by

the Subdivision Map Act of the State of California.

- (d) ~~In addition to the foregoing,~~ He shall have such additional powers and duties as may be imposed upon him by ordinance.

~~Sec. 95 1/2-~~

Sec. 95.5. General Plan Advisory Board

There is hereby created a Master-General Plan Advisory Board which shall be composed of the Director of Planning, the Mayor, a member of the Council designated by the President of the Council, the City Administrative Officer, the City Engineer, the Executive Director of the Housing Authority, the Executive Director of the Community Redevelopment Agency, and the general managers of each of the following departments; namely, Building and Safety, Fire, Police (or the bureaus thereof), Public Utilities and Transportation, Recreation and Parks, Traffic, Airports, Harbor, and Water and Power (or the bureaus thereof), together with ~~such other~~ not to exceed three additional officers of the City or heads of City agencies as the Mayor may designate from time to time designate.

Each member of the Board, except as hereinafter provided, may designate a representative to act as an alternate for such member provided that the representative so designated occupies a position of the highest managerial level in the office, or department or agency below that of the member making such designation. The Mayor may designate a representative to act as his alternate provided the representative so designated is a person occupying an executive position in the Office of Mayor. In the case of the member of the Council designated by the President of the Council, the designation of a representative to act as an alternate for such member shall be made by the President of the Council. In the case of officers of the City designated by the Mayor, the designation of the alternate shall be made by the Mayor. Only a member of the Council may be designated as an alternate by the President of the Council and only an officer of the City may be designated as

an alternate for those officers of the City designated by the Mayor to serve on said Board.

The Director of Planning shall be Chairman of said Board and shall be responsible for giving notice of its meetings and keeping the records thereof. Said Board shall meet at the call of either the Chairman, the Mayor, or the City Administrative Officer. When a meeting of the Board is called by the Mayor or the City Administrative Officer, such officer shall forthwith notify the Chairman of such call and the Chairman shall give notice of the meeting to be held pursuant to said call. Two-thirds of the members of the Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum be present.

The function and duty of the Board shall be to advise with and assist the Director of Planning in the preparation of the ~~master-plan~~ General Plan and of amendments or changes thereof thereto; and, for such purpose, the work of the Board may from time to time be assigned to committees thereof, appointed by the Chairman, for report and recommendation thereon to the Board. The Chairman, the Board and the committees thereof shall have the authority to obtain information and advice from any available source deemed suitable.

Sec. 96. City Planning Commission

The Board of City Planning Commissioners shall be known as the "City Planning Commission." It shall serve in an advisory capacity to the Mayor and Council on all matters related to the city planning function which involve legislation or determination of policy. It shall also serve in an advisory capacity to the Director of Planning on matters of policy pertaining to the development, adoption and amendment of the General Plan and specific plans, including the zoning ordinance. It may review the findings and recommendations of the Director of Planning on these and other matters related to the city planning function and submit its own findings and recommendations thereon.

~~Sec. 96 1/2. The City Planning Commission shall advise the Director of Planning in the preparation of the master plan, including the preparation of zoning, land subdivision and building line regulations, and other regulatory measures related to the master plan or the physical development of the City, and shall hold all public hearings which may be required by law for the adoption, extension or modification thereof. Upon adoption by the City Planning Commission of said master plan or any part thereof, or any regulatory measure referred to above, the same shall be presented to the City Council by the Director of Planning, with the recommendations of the City Planning Commission. Upon receipt of the master plan, or any part thereof, or any such regulatory measure so adopted by the City Planning Commission, the City Council shall consider the same and may adopt such plan, or any part thereof, or any such regulatory measure as it may deem advisable.~~

Sec. 96.5. General Plan

The General Plan shall be a comprehensive declaration of purposes, policies and programs for the development of the City, and shall include, where applicable, diagrams, maps and text setting forth objectives, principles, standards and other features.

(1) Purpose. The General Plan shall serve as a basic and continuous reference in (a) planning for the development of the City, (b) developing, correlating and coordinating official regulations, controls, programs and services, and (c) attaining coordination of planning and administration by all agencies of the City government, other governmental bodies and private organizations and individuals involved in the development of the City.

(2) Content. The General Plan shall include the following elements:

(a) A land use element which designates the proposed general distribution, location and extent of the uses of land, and includes a statement of the standards of population density and building intensity for the various areas covered by the General Plan.

(b) A circulation element indicating the general location and characteristics of existing and proposed freeways, major thoroughfares, transportation routes, terminals, and other facilities and features all correlated with the land use element of the General Plan.

(c) A service-systems element indicating the general location and characteristics of service-systems supplying the City with utilities and services.

The General Plan may include other elements including those enumerated by State Law which approved by the Planning Commission and the Council.

(3) Procedure. The Director of Planning, with the advice of the Planning Commission and the General Plan Advisory Board, shall prepare in the manner prescribed by this Charter and by ordinance, and the Planning Commission shall approve and the Council shall adopt by resolution, a comprehensive General Plan for the development of the City and of any land outside the boundaries of the City which bears relation to its planning.

Proceedings pertaining to preparation, consideration, hearings, time limits, approval and adoption of the General Plan, or any of its parts or amendments thereto, shall be as provided by ordinance, subject to the following limitations:

(a) The General Plan shall be so prepared that the Planning Commission may approve and the Council may adopt it only as follows: as a whole; by complete subject elements; by substantial geographical areas; or by substantial portions of subject elements; provided that any such area or portion has significant social, economic or physical identity.

(b) After public hearing by the Planning Commission, and upon its approval of said General Plan or any part thereof or amendment thereto, the same shall be presented to the Mayor and the Council by the Director of Planning.

- (c) After receipt of the General Plan or any part thereof or amendment thereto as approved by the Planning Commission; and upon receipt of the recommendations by the Mayor relative thereto, or the expiration of 30 days, whichever first occurs, the Council shall conduct a public hearing before acting thereon, and thereafter may adopt such Plan, or part thereof or amendments thereto provided the consideration of any such part or amendment conforms to the limitations set forth in Subsection (3) (a) hereof.
- (d) If the Council proposes any change from that which is approved by the Planning Commission, such proposed change must be referred to the Director of Planning, the Planning Commission and the Mayor for recommendation. The Planning Commission and the Mayor must act thereon within a period determined by ordinance, or such longer period as the Council may designate. Failure to act within such time shall be deemed to be an approval.
- (e) Upon conclusion of its public hearing if no changes are proposed by the Council, or after receipt of the Mayor's and Planning Commission's recommendations on any proposed change, or the expiration of their time to act thereon, final action by the Council shall be taken within a period determined by ordinance.
- (f) Adoption of the General Plan or any part thereof or amendment thereto shall be by majority vote of the entire Council if not contrary to the recommendations of either the Planning Commission or the Mayor. A two-thirds vote shall be required if contrary to the recommendations of either the Planning Commission or the Mayor, and a three-fourths vote shall be required if action of the

Council is contrary to the recommendations of both the Planning Commission and the Mayor.

(4) Implementation. The City Planning Commission shall make such reports and recommendations to the City Council and to other governmental officers or agencies as may be necessary to secure adherence to and systematic ~~execution~~ implementation of the ~~master plan~~ General Plan, and may publish and distribute reports relating to the ~~master plan~~ thereto. A copy of all adopted portions of the General Plan shall be available for inspection in the main and each branch office of the Department of City Planning.

(5) Compliance. When acting upon a specific plan or any other matter enumerated in Sections 97.1 through 97.7 of this Charter, the Planning Commission and the Council shall make specific findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan. If the Council does not adopt the Planning Commission's findings and recommendations, the Council shall then adopt its own specific findings.

Sec. 96.6. General Plan and Zoning Areas

For the purpose of reviewing or amending the General Plan and the zoning map, the Planning Commission shall recommend to the Council, and the Council shall adopt an ordinance providing for the division of the entire City into areas and providing a schedule for the consideration of such areas. The schedule shall be adhered to unless the Planning Commission determines there are special circumstances affecting the public interest as such may be defined by ordinance which necessitate a deviation therefrom. Any proposal or application for the adoption of or amendment to either the General Plan or the zoning map shall be considered only during the period scheduled for the area involved except that matters involving City-wide application need not be considered on an area by area basis.

Sec. 97.1. Specific Plans

A specific plan is a precise statement of policies, standards and regulations together

with a map or description defining the exact locations where such policies, standards and regulations are applicable.

(1) Purpose. The purpose of a specific plan shall be to provide, by ordinance, regulatory controls for the systematic execution of the General Plan and to provide for public needs, convenience and general welfare.

(2) Content. Such specific plans may include:

(a) Zoning: Regulation of the use of land and buildings, the height and bulk of buildings, and the open spaces about buildings.

(b) Public Projects: Regulations limiting the location of buildings and other improvements in relation to existing or planned rights-of-way or other types of public projects.

(c) Such other measures as may be required to insure the execution of the General Plan.

(3) Procedure. The Council may, by ordinance, provide regulations consistent with the provisions of this Charter, for the preparation, consideration, hearings, time limits, approval and adoption of specific plans and amendments thereto.

Sec. 97.2. Specific Plans—Zoning

(1) ~~(2)~~ No ordinance, order or resolution shall be adopted by the Council involving (i) the creation or change of any zones or districts for the purpose of regulating the use of land, density of population, the height, bulk, location or use of buildings or structures therein, or the size of yards, open spaces or setbacks adjacent to buildings or structures, or (ii) the authorization of location and regulation of uses of land which may be designated in the zoning ordinance as unclassifiable according to zones or districts, or (iii) the establishment, change or repeal of regulations applying within any of said zones, districts, yards, open spaces, or setbacks, unless and until it shall have first been submitted to the City Planning Commission for report and recommendation concerning the following:

(a) Its relation to and effect upon any ~~portion of the master plan of the City General Plan, specific plans and or any plans being prepared by the Department of City Planning, and~~

(b) Whether its adoption will be in conformity with public necessity, convenience, general welfare and good zoning practice.

(2) Proceedings for the creation or change of any of said zones or districts, or the authorization of an unclassifiable use, or the establishment, change or repeal of any regulations applying therein thereto, may be initiated by the filing of an application with the City Planning Commission as provided for by ordinance, or by the Council or the City Planning Commission.

~~When a proceeding involving any of the matters mentioned in subsection (2) hereof is initiated by the Council, it shall be the duty of the City Planning Commission to make and file its report and recommendations thereon with the Council within fifty (50) days of receiving same or within such additional time as the Council may specify. Should the Commission recommend approval of the matter involved, in whole or in part, or fail to make any recommendations within the time limit specified herein, an ordinance, order or resolution in conformity therewith shall be prepared and presented to the Council, which may adopt same by majority vote of the whole Council. Should the Commission recommend against the approval thereof, the Council may adopt an ordinance, order or resolution effectuating same only upon a two-thirds vote of the whole of the Council.~~

~~When an application involving any of the proceedings mentioned in subsection (2) hereof is filed with the City Planning Commission, it shall be the duty of the Commission to act thereon within fifty (50) days of the date of such filing. This period may be extended for an additional period of not to exceed twenty one (21) days by mutual consent of the applicant and the Commission. The Council may, by ordinance, prescribe time limits, conditions and procedures under which the Commission may withhold action~~

~~on any application for change of zone beyond the periods hereinabove specified when the application pertains to land located within an area in which the Commission is conducting a general survey or study. Should~~

(3) If the Commission recommends approval of the matter involved, in whole or in part, of any matter mentioned in Subsection (1) hereof, or fails to make any recommendations within the above-specified period time limits prescribed by ordinance, an ordinance, order or resolution in conformity therewith with the action of the Commission, or in conformity with the request to the Commission if the Commission has failed to act, shall be prepared and presented to the Council which may adopt same by majority vote of the whole Council. ~~Should~~ If the Commission recommends against the approval thereof of any matter mentioned in Subsection (1) hereof, in whole or in part, its action thereon shall be final except that an appeal may be taken to the Council within the time and in the manner prescribed by ordinance. Upon such appeal, the Council shall review the action of the Commission and may adopt an ordinance, order or resolution effectuating same granting such appeal, in whole or in part, only upon a two-thirds vote of the whole of the Council.

Sec. 97.3. Specific Plans—Building Lines

(1) No ordinance, order or resolution shall be adopted by the Council regulating the setback of buildings or other improvements adjacent to a street or highway unless it shall have first been submitted to the Planning Commission for report and recommendation concerning: its relation to and effect upon the General Plan, the applicable zoning regulations and any other specific plans, and any plans being prepared by the Department of City Planning; and its conformity with public necessity, convenience and general welfare.

(2) Proceedings for the establishment, change or repeal of any such building line regulations shall be subject to the same limitations set forth in Subsections (2) and (3) of Section 97.2 of this Charter.

Sec. 97.4. Specific Plans—Public Projects

(1) Purpose. Specific plans for public

projects may be adopted in order to establish regulations and protection against intrusions into land area required for physical public improvements such as streets, parks, public buildings or other functional public features.

(2) Content. A specific plan for a public project shall include a map, with or without descriptive text, showing the exact location, required land area, and dimensions of a proposed public project, and may include regulations limiting the location of buildings or other improvements both within and adjacent to the land area required for the project.

(3) Procedure. When a public project needs specific and controlling identification and protection, the Director of Planning with the assistance of the City Engineer or the technical head of any other department whose duties are reasonably related to such project shall prepare, in the manner prescribed by this Charter and by ordinance, a specific plan. Upon report and recommendation by the Planning Commission, such plan shall be transmitted to the Council. Adoption of any such plan shall be by ordinance.

The Council may, by ordinance, provide further regulations pertaining to the proceedings for the preparation, consideration, hearings, time limits, approval and adoption of such specific plans, or amendments thereto.

Sec. 97.6. Referrals—Public Uses.

(1) No ordinance, order or resolution shall be adopted by the Council authorizing, ordering or involving any of the following enumerated matters, unless ~~and until~~ such ordinance, order or resolution shall have first been submitted to the City Planning Commission for report and recommendation concerning the relation of the matter involved to and its effect upon ~~any portion of the master plan of the City~~ General Plan, any applicable specific plans and ~~or~~ any plans being prepared by ~~said department~~ the Department of City Planning:

- (a) The acquisition, establishing, opening, widening, narrowing, straightening, abandoning or vacating of any public street, road, highway, alley, square, park, playground, airport,

public building site, or other public way, ground or open space, but not including easements for local sanitary sewers, storm drains or slopes.

- (b) The location, appearance, and width of any bridge, viaduct, subway, tunnel or elevated roadway for the use of pedestrian or vehicular traffic, or the location and appearance of any public building.

~~(2) It shall be the duty of the City Planning Commission within fifty (50) days from~~ Upon the receipt of any such proposed ordinance, order or resolution, it shall be the duty of the Planning Commission to make and file its report and recommendation thereon with the Council within a time limit prescribed by ordinance, and should said Commission recommend against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole of said Council. Should the City Planning Commission recommend approval or fails to make any recommendation within the prescribed time mentioned herein limit, the said Council may adopt such ordinance, order or resolution by a majority vote of the whole Council. If the Commission recommends against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole Council.

Sec. 97.7. Referrals — Other Development Regulations

(1) No ordinance, order or resolution shall be adopted by the Council involving any of the following matters unless it shall have first been submitted to the Planning Commission for report and recommendation concerning the relationship of the matter involved to and its effect upon the General Plan, specific plans, and any other plans and regulations approved by the Commission or being prepared by the Department of City Planning:

- (a) Subdivision regulations.
- (b) Private street regulations.
- (c) Such other types of regulatory measures related to the General Plan or the development of the City as may be defined for this purpose by ordinance.

(2) Upon the receipt of any such proposed ordinance, order or resolution, it shall be the duty of the Planning Commission to make and file its report and recommendations thereon with the Council within a time limit prescribed by ordinance. If the Commission recommends approval or fails to make any recommendation within the prescribed time limit, the Council may adopt such ordinance, order or resolution by majority vote of the whole Council. If the Commission recommends against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole Council.

~~(4) Notwithstanding any of the provisions of this Charter to the contrary, any of the powers or duties conferred upon the City Planning Commission by subsections (1), (2) and (3) hereof, except those of reporting and recommending on the creation or change of zones or districts, or the regulations applying within said zones or districts, may be delegated to the Board of Zoning Adjustment by ordinance adopted by two-thirds vote of the whole of the Council, after report thereon by the City Planning Commission and the Board of Zoning Adjustment. All of the limitations and requirements hereinabove set forth in these subsections shall apply whether a matter is acted upon by the City Planning Commission or by the Board of Zoning Adjustment. In the performance of any of the duties so assigned to it, the Board of Zoning Adjustment shall hold such hearings as may be required by ordinance, and may conduct additional hearings, or may direct an examiner to conduct such hearings for it as prescribed by ordinance, and exercise such powers as prescribed in subsections (d), (e) and (f) of Section 89 of this Charter.~~

Sec. 97.8. Delegation of Authority

~~(5) The City Planning Commission may authorize the Director of Planning to approve or disapprove for the City Planning Commission or the Board of Zoning Adjustment, any ordinance, order or resolution which he finds is subject to the provisions of Sections 97.1 through 97.7 of this Charter. In exercising any such authority, the Director must find that his action conforms with the latest approved~~

all applicable portions of the ~~master plan,~~ General Plan and with all applicable specific plans or ~~which conforms to with the last latest~~ action of ~~said the Commission or Board,~~ on the same matter. An action of the Director under this authority shall be subject to the same ~~within the time limits and with~~ shall have the same effect as if ~~they the Commission~~ had acted directly thereon.

Sec. 97.9. Hearings and Investigations

~~(3)~~ In complying with the provisions of ~~this section Sections 97.1 through 97.7~~ of this Charter, the City Planning Commission shall hold such hearing or hearings as it may determine, or as may be required by ordinance, or may direct an examiner to conduct such hearings for it. The Director of Planning shall make such investigations relative to all matters ~~mentioned provided for in this section Sections 97.1 through 97.7~~ as the City Planning Commission may direct and shall file his reports thereon with the Commission.

Sec. 98. Office of Zoning Administration

(1) There is hereby created as a quasi-judicial agency the Office of Zoning Administration. The functions and duties of this office shall be performed by one or more Zoning Administrators as authorized by the Council, and who shall be appointed by the Director of Planning subject to the Civil Service provisions of this Charter. If more than one Zoning Administrator is authorized, a position of Chief Zoning Administrator shall be established, the appointment to which shall be made by the Director of Planning, and such others shall be Associate Zoning Administrators.

~~The Zoning Administrator, if he has held such position for six (6) months previous to the time this section becomes effective, shall continue in the position of Zoning Administrator hereunder, and if he further holds such office at such time as the position of Chief Zoning Administrator is established shall be deemed to have the qualifications for and shall be and become the Chief Zoning Administrator.~~

(2) Subject to such rules and regulations as the Council may prescribe by ordinance, the Chief Zoning Administrator and Associate

Zoning Administrators shall have the following powers and duties:

- (a) ~~(1)~~ To investigate and make a determination upon appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Department of Building and Safety in the enforcement or administration of the provisions of any ordinance adopted by the Council creating zoning districts or regulating the use of property in the City.
- (b) To investigate and make a determination upon all applications for conditional use permits (which uses generally require a special degree of control to assure their compatibility with other surrounding uses) or any similar administrative determination required by the zoning ordinance to be considered and acted upon under criteria, standards and limitations established by ordinance. The granting of a conditional use permit or similar administrative determination shall not adversely affect the various elements and objectives of the General Plan. A Zoning Administrator may impose restrictions and limitations beyond those specified in the zoning ordinance where, for reasons cited in his findings, such restrictions and limitations are necessary to assure compliance with the purposes, intent and provisions of the criteria, standards and limitations established by ordinance.
- (c) To investigate and make a determination upon applications for planned unit development projects (which are generally large-scale projects adhering to the policies and standards described in the General Plan and inherent in the requirements of the zoning ordinance, but allowing flexibility in design of open spaces, height and placement of buildings and incidental uses) by the same procedures provided for considering and approving conditional uses, subject to the

restrictions, requirements and limitations consistent herewith established for planned unit developments by the zoning ordinance. The planned unit development procedure may be utilized for residential, commercial, or industrial projects.

(d) ~~(2)~~ To investigate and make a determination upon all applications for variances from any of the regulations and requirements of the zoning ordinances. Before granting an application for a variance, a Zoning Administrator must find:

(i) ~~(a)~~ That the strict application of the provisions of the zoning regulations or requirements ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations;

(ii) ~~(b)~~ That there are exceptional special circumstances or conditions applicable to the subject property involved or to the intended use or development of the property such as size, shape, topography, location or surroundings that do not apply generally to other property or land use in the same zone or neighborhood and vicinity;

(iii) That such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances or unnecessary hardships, is denied to the property in question;

(iv) ~~(c)~~ That the granting of a such variance will not be materially detrimental to the public welfare or injurious to property or improvements in such the same zone or neighborhood vicinity in which the property is located; and

(v) ~~(d)~~ That the granting of a the variance will not be contrary to the objectives adversely affect any element of the master plan General Plan.

In granting a variance a Zoning Administrator may shall impose such conditions as will remedy disparity of privileges and which are necessary to protect the public health, safety or welfare, and to assure compliance with the objectives of the master plan, General Plan in accordance with and the purpose and intent of the zoning ordinance. A variance shall not be used to grant a special privilege inconsistent with the limitations upon other properties in the vicinity and same zone in which subject property is located, nor may it be used to grant relief from self-imposed hardships.

(e) To determine, pursuant to procedures and limitations provided in the zoning ordinance, the proper classification of those uses not specifically listed in such ordinance.

(f) Under standards, limitations and procedures established by ordinance, to grant slight modifications in yard and area requirements of the zoning ordinance when the size or shape of the property makes the literal application of the yard and area requirements impractical.

~~No written finding shall be required in granting variances authorizing slight modifications in individual cases from area requirements of the zoning regulations. Written findings shall be made in conjunction with all other determinations of a Zoning Administrator and all such cases may be appealed to the Board of Zoning Adjustment.~~

(3) Determinations by a Zoning Administrator shall be supported by written findings of fact based upon testimony and documents presented to him, together with the results of his investigations, except that no written findings shall be required for slight modifications in yard or area requirements.

A Zoning Administrator shall make his decision a determination on any matter under his jurisdiction as expeditiously as is possible and in any event within 50 days from the date the matter is filed, except that this time limit may be extended by mutual consent of the applicant and the Zoning Administrator then having jurisdiction of the matter. The City Council shall by ordinance provide time limits within which a Zoning Administrator must act for each type of case under his jurisdiction. If no determination is made by a Zoning Administrator within these the prescribed time limits, the applicant may request that the matter be transferred to the jurisdiction of the Board of Zoning Adjustment Appeals, for a transfer of jurisdiction to said Board and for a determination of the original application, in which case the Board of Zoning Adjustment shall assume jurisdiction and the Zoning Administrator shall lose jurisdiction, except that the matter may be remanded to the Zoning Administrator or the Board may accept applicant's request for withdrawal of such transfer of jurisdiction, in which case the Zoning Administrator shall regain jurisdiction for the time and purpose specified by the Board. If the Board does not remand the matter to the Zoning Administrator, it shall consider the matter in the same manner as provided for the consideration of appeals; however, the Office of Zoning Administration shall make such investigations and furnish such reports upon such matters as the Board may request.

Upon making a determination upon any matter under his jurisdiction, a Zoning Administrator shall forthwith place a copy of his findings and determination on file in the City Planning Department of City Planning and furnish a copy of the determination to the applicant, and the Board Department of Building and Safety Commissioners and the Director of Planning. Such determination shall be final, except that an appeal may be taken as hereinafter provided. No variance granted no determination by a Zoning Administrator, other than a slight modification from in yard or area requirements, shall become effective until the expiration of an elapsed period after mailing notice to the applicant, which period shall be specified by ordinance. During this

period an appeal from the determination of a Zoning Administrator may be taken to the Board of Zoning Adjustment by any person aggrieved, or by an officer, board, department or bureau of the city, as hereinafter provided in this chapter. An appeal shall stay all proceedings in furtherance of the action appealed from pending its determination disposition.

(4) The Office of Zoning Administration may adopt such rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All such rules and regulations shall be available for inspection in the Office of Zoning Administration.

~~Sec. 98 1/2~~

Sec. 99. Board of Zoning Appeals

(1) There is hereby created as a quasi-judicial body a Board of Zoning Adjustment Appeals consisting of five (5) members, who shall be appointed by the Mayor subject to confirmation of the Council, one of whom may be a member of the City Planning Commission. The terms of the members of said Board shall be for five (5) years, except that the terms of the present members of the Board of Zoning Appeals on the effective date of this section shall continue for the balance of the respective terms for which they were appointed. One such term shall expire on June 30 of each year, except that the initial terms shall be of the following duration: one shall expire on June 30, 1963, one shall expire on June 30, 1964, one shall expire on June 30, 1965, one shall expire on June 30, 1966, and one shall expire on June 30, 1967. In case of any vacancy, other than one resulting from the expiration of a term, a successor shall be appointed for the period of the unexpired term vacated. The members of the Board of Zoning Appeals Adjustment in office on the effective date of this amendment shall continue in office as members of the Board of Zoning Adjustment Appeals for their then unexpired terms.

Three members shall constitute a quorum of the Board of Zoning Appeals, and the concurring vote of at least three members shall

be necessary in the determination of any matter. The members of said the Board shall receive such compensation as the Council may from time to time fix and determine, by ordinance, and they shall be exempt from the Civil Service provisions of this Charter.

Sec. 99.

(2) The Board of Zoning Adjustment Appeals shall have and exercise only the following powers:

(a) ~~To Hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by a Zoning Administrator, either initially or in the determination of any appeal from the Department of Building and Safety as provided for in Section 98 of this Charter, in the enforcement of the provisions of any ordinance adopted by the Council creating zoning districts or regulating the use of property in the City.~~

(b) ~~To hear and determine appeals from the rulings, decisions and determinations of a Zoning Administrator granting or denying applications for variances from any rule, regulations, restriction or requirement of the zoning ordinance, or any section thereof. Hear and make determinations on any matter normally under the jurisdiction of a Zoning Administrator when such matter has been transferred to the jurisdiction of the Board pursuant to a request for transfer because a Zoning Administrator has failed to act within the time limits prescribed by ordinance.~~

(3) Appeals may be taken to the Board of Zoning Appeals by an applicant, any person aggrieved, the Director of Planning or the City Planning Commission. Such appeal shall set forth in writing wherein the appellant believes there was error or abuse of discretion on the part of a Zoning Administrator.

The Board of Zoning Appeals, when considering an appeal from an action by a Zoning

Administrator, shall base its determination only upon (a) the evidence and testimony introduced at the hearing, or hearings, if any, before the Zoning Administrator on the issue, (b) the record, findings and determination of the Zoning Administrator, and (c) the consideration of arguments, if any, presented to the Board orally or in writing. If an applicant or aggrieved person wishes to offer into the proceedings any new evidence including testimony in connection with the matter, a written summary of such evidence together with a statement as to why such evidence could not reasonably have been presented to the Zoning Administrator at the earlier hearing, all declared under penalty of perjury, shall be filed with the Board. If the Board determines that such evidence could not reasonably have been presented at the earlier hearing and is of such a nature as might reasonably have led to a different determination by the Zoning Administrator, the Board shall remand the matter to the Zoning Administrator who shall reopen the matter at a hearing limited to the receipt of evidence summarized to the Board together with evidence from other parties relative thereto, and, within such time as shall be prescribed by ordinance, make a new order, requirement, decision, interpretation or other determination in the matter. In considering appeals, the Board of Zoning Appeals shall be subject to the same limitations as are placed upon Zoning Administrators by this Charter and by ordinance.

~~Upon the hearing of such appeals said Board may affirm, change or modify the ruling, decision or determination appealed from, or in lieu thereof, make such other or additional determination as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrators by this Charter.~~

The Board may modify or reverse a determination of a Zoning Administrator only upon making written findings setting forth specifically wherein the determination of the Zoning Administrator was in error or constituted an abuse of discretion, and shall make specific written findings supporting any modification or reversal.

(4) The Board of Zoning Appeals, upon assuming jurisdiction of a matter after a transfer of jurisdiction from a Zoning Administrator, shall follow the same procedures and be subject to the same limitations applicable to a Zoning Administrator, and when the Board assumes jurisdiction the Zoning Administrator shall lose jurisdiction except that the matter may be remanded to the Zoning Administrator, or the Board may accept applicant's request for withdrawal of such transfer of jurisdiction, in which cases the Zoning Administrator shall regain jurisdiction for the time and purpose specified by the Board. If the Board retains jurisdiction the Office of Zoning Administration shall make investigations and furnish reports upon such matters as the Board may request. When a matter is requested to be transferred, the Zoning Administrator may file with the Board a statement of facts pertaining to the matter, and shall transmit to the Board the files in the case.

~~(c) Such additional powers as may be delegated to it under authority of Section 97 of this Charter.~~

~~Sec. 99 1/4.~~

(5) The Council, within the limitations established by this Charter, shall may prescribe

by ordinance rules and regulations providing for the time, manner, method and procedure for the hearing and determining of the matters under the jurisdiction of ~~said board~~; the Board of Zoning Appeals. ~~provided, however, that~~ The Board may adopt such ~~other and additional~~ rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All ~~said such~~ rules and regulations shall be ~~kept posted~~ available for inspection in the office of the Board and a ~~copy thereof~~ furnished to any applicant. ~~Three members shall constitute a quorum, and the concurring vote of at least three members shall be necessary in the determination of any matter.~~

~~Sec. 99 1/2. In the event of the adoption of a charter amendment creating a Board of Administrative Appeals all appeals which are to be taken to the Board of Zoning Appeals, as hereinabove provided, shall be taken to the said Board of Administrative Appeals, and wherever the term "Board of Zoning Appeals" is hereinabove used it shall be taken to mean "Board of Administrative Appeals," and Section 98 1/2, creating said Board of Zoning Appeals, shall be inoperative for any purpose.~~

APPENDIX B
SUGGESTED DRAFT OF CHARTER AMENDMENT
RE: CONDUCT IN OFFICE

Note: It is proposed to: (1) amend Section 5 of the Charter by adding to the list of officers; (2) repeal present Charter Section 28 and 28.1 concerning conflict of interest; and (3) add new provisions at the end of Article IV under a new heading "Conduct in Office." In the following text, the proposed additions are shown in boldface type.

Amend Section 5 as follows:

Sec. 5. The officers of the City shall be:

- A Mayor,
 - The Members of the Council,
 - A City Attorney,
 - A City Clerk,
 - A Controller,
 - A City Engineer,
 - A City Administrative Officer,
 - A Purchasing Agent,
 - A Secretary of the Board of Public Works,
 - A Treasurer,
 - The Members of the Board of Education,
 - A City School Superintendent,
 - The Members of the Boards of the Departments and the Chief Administrative Officer of each Department,
 - The Members of the Board of Referred Powers,
 - The Members of the Board of Zoning Appeals.
- Such other officers as shall be named by ordinance.

Repeal Sections 28 and 28.1 which read as follows:

Sec. 28. Members of the Council and other officers and employees of the City shall be prohibited from voting or acting upon any matter, contract, sale or transaction to which the City or the Council, or such other officers or employees may be a party, to the extent and in all instances as now or may hereafter be provided by applicable general laws of the State of California. The effect of any such matter, contract, sale or transaction made or handled in violation of this section and the penalty to be imposed on any member of the Council or other officer or employee of the City acting in violation of this section shall be as now or hereafter provided by applicable general laws of the State of California.

Sec. 28.1. In the event the City Attorney is requested by any board, or member thereof, officer, except a member of the Council, or employee, to render an opinion upon the question of such board's, board member's, officer's or employee's prohibited interest under

Section 28 of this Charter, the City Attorney shall render a written opinion upon such question. Such board, board member, officer or employee may likewise request an opinion from the City Attorney regarding any situation wherein it may not be in the public interest for such board, board member, officer or employee to act in a particular matter, contract, sale or transaction and the City Attorney shall render a written opinion thereon.

In the event that pursuant to such request the City Attorney determines, by written opinion, that such board or board member, officer or employee has a prohibited interest under Section 28 of this Charter, or that it is not in the public interest for such board, board member, officer or employee to act in the matter, contract, sale or transaction involved, the same shall be transferred for action thereon to the Board of Referred Powers, which is hereby created. Unless such transfer is prohibited by an applicable general law of the State of California, the Board of Referred Powers is vested with the same power to act upon any matter, contract, sale or transaction so transferred to it with the same force and effect as if acted upon by the board, officer or employee from whom the matter, contract, sale or transaction was transferred. The Council shall provide by ordinance for all matters relating to number of members, appointment and functioning of the Board of Referred Powers and the procedure applicable in referring matters to it for its determination.

* * *

Add the following new sections at the end of Article IV:

CONDUCT IN OFFICE

Sec. 64.1. Ethics

The Council shall establish a Code of Ethics for all officers and employees of the City, whether elected or appointed, paid or unpaid. The purpose of this Code shall be to establish ethical standards of conduct for

all such officers and employees and to define those acts and actions that are incompatible with the best interests of the City. Such Code may be supplemented by codes of ethics adopted by the various departments, boards and agencies of the City, providing such supplementary codes are not inconsistent with the Council adopted City-wide Code.

Sec. 64.2. Conflict of Interest

(1) Intent

No officer or employee of the City shall participate in or act upon or vote upon any matter in which there is or might reasonably appear to be a substantial conflict between his personal interest and the public interest.

(2) Definition of Conflict

A conflict of interest exists when there is any circumstance which leads an officer or employee of the City, when involved in an official action by or in behalf of the City, to make a decision or to exercise discretion or judgment other than in the public interest. Circumstances which may create a conflict of interest include situations where an action by the City may affect particular groups, persons or property substantially differently from other groups, persons or property and an officer or employee involved in such action by or in behalf of the City has, directly or indirectly, a personal interest in the matter. A personal interest will be presumed to exist by reason of:

- (a) Current or prospective ownership of property involving substantial interest or control.
- (b) Current or prospective financial transactions.
- (c) Current or prospective employment.
- (d) Participation in an organization in a position of leadership or control or involving an obligation to the organization.
- (e) Personal relationships, through friendship, family or other relationship, which involve a compelling

obligation to anyone having an interest as described in subsections (a), (b), (c) and (d) above.

(f) Any similar influence.

(3) Disclosure and Disqualification

- (a) An officer or employee who has a conflict of interest shall publicly disclose the general nature of the conflict prior to participating in or acting upon the matter involved on behalf of the City. If, after having participated in a matter but prior to final City action upon the matter, an officer or employee discovers that a conflict of interest exists, he shall immediately disclose that fact.
- (b) Any officer or employee, upon disclosure that a conflict of interest exists, may disqualify himself from further participation in or action upon the matter involved. Any officer or employee, other than the Mayor, Members of the Council and Members of the Board of Referred Powers, who has a substantial conflict of interest, as such term is defined in any ordinance adopted pursuant to this Section, shall disqualify himself from further participation in or action upon the matter.
- (c) When an officer or employee has a conflict of interest but does not disqualify himself, then a complete public disclosure of his personal interest in the matter shall be made at the time of initial disclosure.
- (d) An officer or employee who has a substantial conflict of interest shall not communicate in any way with other officers or employees of the City concerning such matter except for statements of disclosure and disqualification as required under this Section.

(4) Implementing Regulations

The Council, by ordinance, may provide specific regulations refining the definition of

substantial conflict of interest, requirements and procedures for disclosure and disqualification, and such other implementing regulations as are consistent with the provisions of this Section.

Sec. 64.3. Board of Referred Powers

There is hereby created the Board of Referred Powers which shall consist of five members, none of whom holds any other position as an officer or employee of the City. Said Board shall exercise the powers and perform the duties provided for in this Charter. The Council shall provide by ordinance for the appointment and functioning of the Board of Referred Powers.

Sec. 64.4. Transfer of Jurisdiction

In the event that disqualifications made under Section 64.2 of this Charter shall render any agency of the City, other than the Mayor or City Council, unable to act upon a matter as required by law, then the matter shall be transferred for action to the appellate agency for the type of matter involved. If there is no appellate agency, then the matter shall be transferred to the Board of Referred Powers. The appellate agency or the Board of Referred Powers, as the case may be, is hereby vested with the power to act upon any matter transferred to it in accordance with this Section with the same force and effect as if acted upon by the agency from which the matter was transferred, and is subject to the rules governing the agency having original jurisdiction.

Sec. 64.5. Contributions, Gifts and Gratuities

(1) The Council, by ordinance, shall regulate and may prohibit the offering to and the receipt by or in behalf of any candidate for office, officer or employee of the City any contribution, gift or gratuity, in whatever form, which would tend to create a conflict of interest.

(2) All candidates for office, officers and employees of the City shall be required to submit itemized reports of contributions, gifts and gratuities, listing donors and amounts received from each donor. Such reporting shall

include indirect contributions handled through campaign committees, campaign management firms or other individuals and organizations.

Sec. 64.6. Private Communications

The Council, by ordinance, shall regulate and may prohibit private communications between interested parties and officers or employees of the City concerning official matters which are or may be under consideration by such officers or employees.

Sec. 64.7. Misconduct in Office

(1) Violations

Any officer or employee of the City who in the performance of his powers and duties violates the requirements of Sections 64.1 through 64.6 of this Charter or any ordinances adopted pursuant thereto shall be guilty of misconduct in office.

(2) Discipline

- (a) Officers and employees subject to the civil service provisions of this Charter shall be subject to discipline and penalties for misconduct in office only under said civil service provisions.
- (b) Appointed officers and employees not subject to the civil service provisions of this Charter and found guilty of misconduct in office shall be subject to suspension or removal by the appointing authority.
- (c) Officers subject to the provisions of State law concerning misconduct in office shall also be subject to discipline and penalties in accordance with said provisions.

APPENDIX C

CROSS INDEX OF RECOMMENDATIONS OF THE CITIZENS COMMITTEE PRESENT CHARTER PROVISIONS AND PROPOSED CHARTER PROVISIONS

Subject	Citizens Committee Recommendation Number	Present Charter Section	Proposed Charter Section	Page Nos. in This Report
Department of City Planning Authorization of Powers and Duties		94	94	8
City Planning Commission				
Title		96	96	12
Functions		96½	96	12
Hearings and Investigations		97(3)	97.9	26
Director of Planning				
Title, Qualifications		94½	95(1)	10
Powers and Duties		95	95(2)	10
Delegation of Authority to		97(5)	97.8	26
Investigations for Commission		97(3)	97.9	26
General Plan				
Definition	1	95(a)	96.5	10, 13
Purpose	1	None	96.5(1)	13
Content	1	None	96.5(2)	14
Procedure	2	96½	96.5(3)	15
Review by Area	3	None	96.6	18
Implementation		96½	96.5(4)	17, 19
Compliance	4	None	96.5(5)	17
Advisory Board		95½	95.5	11
Specific Plans				
Definition, Purpose, Content, Procedure		None	97.1	19
Zoning				
Legislative Procedure		97(2)	97.2	20
Review by Area	6	97(2)	96.6	18
Conditional Uses	7	None	98(2)(b)	27
Unclassifiable Uses	8	None	97.2	20
Planned Developments	9	None	98(2)(c)	29
Variances	12	98(2)	98(2)(d)	29
Building Lines		None	97.3	22
Public Projects		None	97.4	22

Subject	Citizen Committee Recommendation Number	Present Charter Section	Proposed Charter Section	Page Nos. in This Report
Referrals				
Public Uses		97(1)	97.6	23
Development Regulations		None	97.7	24
Office of Zoning Administration				
Status	13	98	98(1)	27
Functions	14	98	98(1), (2)	27
Rules	16	None	98(4)	32
Findings, Determinations	21	98	98(3)	31
Board of Zoning Appeals/Adjustment				
Title, Appointment, Terms	15	98½	99(1)	33
Jurisdiction	15	99	99(1), (2)	33
Delegation of Authority to	15	97(4)	None	25
		99(c)	None	37
Rules	16	99½	99(5)	37
Findings	21	99(b)	99(3)	35
Appeals	22	98	98(3)	32
		99(a), (b)	99(2)(a)	34
			99(3)	35
Transfers of Jurisdiction	23	98	98(3)	32
			99(2)(b)	34
			99(4)	36
Board of Administrative Appeals		99½	None	37
Terms of Office on Commission and Board	27	73	73	64
Legislative Matters Identified	29	None	97.1(1) 97.4(3)	19 23
Conduct in Office				
Code of Ethics	31	None	64.1	55
Conflict of Interest	32	28, 28.1	64.2	55
Board of Referred Powers		28.1	64.3	56, 99
Transfer of Jurisdiction		28.1	64.4	56, 59
Private Communications	33	None	64.6	60
Campaign Contributions	35	None	64.5	60
Misconduct in Office		None	64.7	61

APPENDIX D

STATUS OF CITIZENS COMMITTEE RECOMMENDATIONS

The following is a summary of the significant actions which remain to be taken in order to implement each of the Citizens Committee recommendations as set forth in its July 1968 report.

Action Required	Action Agencies	Present Status
Recommendation 1: General Plan Charter and Code Amendments		
Amend Charter	Electorate	Proposed amendment on May 1969 ballot (Sec. 96.5)
Adopt General Plan Code	Planning Department Planning Commission City Council	Under preparation
Recommendation 2: General Plan Procedure		
Include in General Plan Code	Planning Department Planning Commission City Council	Under preparation
Recommendation 3: Regularly Scheduled Area-By-Area Consideration of General Plan		
Establish areas and schedule	Planning Department Planning Commission City Council	City Council has approved schedule for initial completion of community plans throughout the City
Include requirements in General Plan Code	Planning Department Planning Commission City Council	No action pending completion of City-wide General Plan
Recommendation 4: Relationship of Zoning to General Plan		
Amend Charter	Electorate	Proposed amendment on May 1969 ballot (Sec. 96.5(5))
Amend Zoning Code	Planning Department Planning Commission City Council	Under preparation
Recommendation 5: Complete Revision of the Zoning Code		
Prepare new Zoning Code	Planning Department Planning Commission City Council	In progress
Recommendation 6: Zoning Map Revisions by Area		
Amend Charter	City Council Electorate	City Council rejected proposed amendment (Sec. 96.6)
Determine areas and schedule, amend Zoning Code	Planning Department Planning Commission City Council	No action

Action Required	Action Agencies	Present Status
Recommendation 7: Conditional Use Permits		
Amend Charter	City Council Electorate	City Council rejected proposed amendment (Sec. 98(2))
Amend Zoning Code*	Planning Department Planning Commission City Council	No action
Recommendation 8: Unclassifiable Uses		
Amend Charter	Electorate	Proposed amendment on May 1969 ballot (Sec. 97.2)
Amend Zoning Code*	Planning Department Planning Commission City Council	No action
Recommendation 9: Planned Developments		
Amend Charter	City Council Electorate	City Council rejected proposed amendment (Sec. 98(2))
File the previously proposed ordinance regarding Planned Residential Developments	City Council	Referred to Planning Committee of the City Council for further study. (City Plan Case No. 17155, Council File No. 119,840)
Amend Zoning Code*	Planning Department Planning Commission City Council	No action
Recommendation 10: "Q"—Qualified Zone		
File the proposal	City Council	Planning Committee of the City Council has requested the City Attorney to prepare an ordinance in accordance with revised recommendations of the Planning Commission (City Plan Case No. 20414, Council File No. 132,669)
Recommendation 11: Zoning Enforcement		
Provide adequate staff	Building and Safety Department	No action pending recommendation on Council File No. 119,840, referred to Planning Committee of the City Council (City Plan Case No. 19333)
Recommendation 12: Variance Requirements		
Amend Charter	Electorate	Proposed amendment on May 1969 ballot (Sec. 98(2))
Amend Zoning Code	Planning Department Planning Commission City Council	Under preparation
Recommendation 13: Office of Zoning Administration Status		
Retain present Charter provision	Electorate	Provision retained in proposed Charter provisions on May 1969 ballot (Sec. 98(1))
Recommendation 14: Zoning Administrators' Authority		
Amend Charter	Electorate	Proposed amendment on May 1969 ballot (Sec. 98(1), (2))
Recommendation 15: Board of Zoning Appeals' Function		
Amend Charter	Electorate	Proposed amendment on May 1969 ballot (Sec. 99)
Amend Zoning and Planning Codes	Planning Department Planning Commission City Council	Under preparation

Action Required	Action Agencies	Present Status
Recommendation 16: Procedural Code		
Amend Zoning and Planning Codes	Planning Department Planning Commission City Council	Under study
Recommendation 17: Public Hearing Notification		
Improve land records system	City Administrative Officer Planning Department City Clerk Data Service Bureau	Program development is continuing
Recommendation 18: Notification Subscription Service		
Establish service	Planning Department Planning Commission	Under consideration
Recommendation 19: Testimony Under Oath		
Include in Procedural Code	Planning Department Planning Commission City Council	Planning Commission recommends no change from present practice (City Plan Case No. 20493)
Recommendation 20: Verbatim Record of Hearings		
Continue present policy	Planning Department	In effect
Recommendation 21: Written Findings		
Amend Charter	Electorate	Proposed amendments on May 1969 ballot (Sec. 98(3), 99(3))
Amend Zoning Code*	Planning Department Planning Commission City Council	Under preparation
Recommendation 22: Appeal Procedure		
Amend Charter	Electorate	Proposed amendment on May 1969 ballot (Sec. 99(3))
Include in Procedural Code*	Planning Department Planning Commission City Council	Under preparation with respect to Board of Zoning Appeals
Recommendation 23: Transfers of Jurisdiction		
Amend Charter	Electorate	Proposed amendment on May 1969 ballot (Sec. 99(4))
Include in Procedural Code*	Planning Department Planning Commission City Council	Under preparation with respect to Board of Zoning Appeals
Recommendation 24: Commission and Board Appointments		
Exercise care in selection and confirmation	Mayor City Council	To be considered in connection with each appointment
Recommendation 25: Orientation of Commission and Board Members		
Prepare written materials	Planning Department	Compendium of Commission policies completed
Recommendation 26: Policy Reviews		
Arrange periodic sessions	Planning Department Office of Zoning Administration Board of Zoning Appeals Planning Commission	Partially in effect

Action Required	Action Agencies	Present Status
Recommendation 27: Terms of Office		
Amend Charter	Electorate	Amendment approved at April 1969 election
Recommendation 28: City Council Action		
Include in Procedural Code	Planning Department Planning Commission City Council	No action
Recommendation 29: Mayor's Veto		
Amend Charter	Electorate	Proposed amendments on May 1969 ballot (Sec. 97.1, 97.2, 97.3, 97.4)
Amend Zoning and Planning Codes	Planning Department Planning Commission City Council	Under preparation
Recommendation 30: Public Information Program		
Achieve improvements in availability of information, staff capability, etc.	Planning Department	Handouts prepared on case procedures. Additional informational booklets under preparation. Speakers bureau in operation. Budget requests submitted for preparation of films and publications.
	Planning Committee of the City Council	Handout available explaining Committee procedure
Recommendation 31: Code of Ethics		
Amend Charter	City Council Electorate	Suggested amendment under study (Sec. 64.1)
Adopt City-wide code of ethics*	City Council	Under study
Recommendation 32: Conflict of Interest		
Amend Charter	City Council Electorate	Suggested amendment under study (Sec. 64.2, 64.3, 64.4)
Adopt ordinance	City Council	Under study
Recommendation 33: Private Communications		
Amend Charter	City Council Electorate	Suggested amendment under study (Sec. 64.5)
Adopt ordinance*	City Council	Under study
Recommendation 34: Field Inspections by Board of Zoning Appeals		
Adopt policy	Board of Zoning Adjustment	Under consideration
Recommendation 35: Campaign Contributions		
Amend Charter	City Council Electorate	Suggested amendment under study (Sec. 64.6)
Adopt ordinance*	City Council	Under study
Recommendation 36: Grand Juries		
Place item in City's State Legislative Program	Mayor City Council	No action

*These code amendments or ordinances do not require that related Charter amendments be adopted first.

Exhibit 6

DECLARATION OF DANIEL E. WRIGHT

I, DANIEL E. WRIGHT, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California, am of counsel for The Silverstein Law Firm, APC, and am one of the counsel AIDS Healthcare Foundation. If called as a witness to testify to those facts, I could and would do so competently.

2. In the 1998-1999 time period, I was employed as a Deputy Counsel to the Appointed Charter Reform Commission. I was one of three attorneys who were tasked with revising the City Charter in response to substantive changes considered and approved by the Commission. Concurrently, an Elected Charter Reform Commission also considered reform proposals and developed a draft charter.

3. In addition to drafting language to carry out substantive decisions of the Commission, the attorneys of the Appointed Charter Reform Commission were also tasked with researching our assigned sections of the Charter to identify provisions that were overruled by new state law. Also, we were instructed to look for every opportunity to simplify sentence structure and wording of Charter provisions so long as the same meaning was maintained.

4. During this process, the Chief Counsel and Executive Director circulated our redlined and clean versions among City Departments to obtain comment, input, and clarification of the history of various provisions.

5. While the Elected Charter Reform Commission's attorneys followed a similar process of only making changes authorized by vote of their Commission, as the reform process wound down, a decision was made to use the draft version of the Appointed Charter Reform Commission.

6. In order to seek a consensus, both Charter Reform Commissions began meeting together in an effort to forge what ultimately became known as the Unified Charter. The Unified Charter was our draft of the Charter and based upon the joint votes

1 of both Commissions, we revised the master draft into the Unified Charter that
2 represented the consensus of both Charter Reform Commissions.

3 7. As the Unified Charter went through final joint reviews, our staff was asked
4 to prepare a matrix document that listed each substantive change approved by the joint
5 votes of the two Charter Reform Commissions. Each attorney assigned to various parts of
6 the Charter wrote the summaries for their area of expertise and they were inserted into the
7 matrix document. If a section of the old and new charter is not listed on the matrix, then
8 that section was not modified with any intention to change the meaning of the original
9 provision.

10 8. I personally searched the City's archive and located the matrix document we
11 prepared in 1999 to help the Charter Reform Commissioners know where all the
12 substantive changes were made. Attached hereto is a true and accurate copy of the matrix
13 document we prepared with the exception that I could not locate page one of the
14 document among the files of the City archive. Other than the missing first page, this is the
15 document I helped prepare with respect to my assigned areas of expertise.

16 9. I was not assigned to review and revise the portions of the City Charter
17 involving the City Planning Department, including former City Charter Section 96.5,
18 which became Charter Section 555.

19 10. Based upon a review of pages 18 and 19 of the attached matrix, I refreshed
20 my memory that the Charter Reform Commissions never considered or approved any
21 substantive change to the Charter Section 96.5. Had there been a substantive change, such
22 as an intent to "grant the City more flexibility in the processing of general plan
23 amendments", those sections would have been listed in the matrix.

24 11. I also had the opportunity to view hand written notes in a copy of the
25 original City Charter related to former Section 96.5. Next to the provisions of former
26 section 96.5 regarding the geographical size of general plan amendments, there was a
27 bracketed notation "make parallel?" From this notation and the attached matrix, I
28

1 refreshed my memory that any edits to former Charter Section 96.5 were likely made for
2 the purpose of simplifying the sentence to have a more parallel structure, and not for the
3 purpose of changing the former meaning as a result of a vote of the joint Charter Reform
4 Commissions.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed
6 this 15th day of March, 2016 at Pasadena, California.

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8 _____
9 DANIEL E. WRIGHT

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THE SILVERSTEIN LAW FIRM, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>231(e) [page 21]</p>	<p>Changes the Mayor's power in removing general managers and commissioners.</p> <ul style="list-style-type: none"> • The Mayor can remove all general managers, except the Chief of Police, the Executive Officer of the City Ethics Commission, the Executive Director of the Employee Relations Board, the general managers of the Fire and Police Pensions and CERS, and the general managers of proprietary departments. A general manager may appeal to the Council, which may veto the Mayor's removal by two-thirds vote. [See Section 508(e) for details on general manager removals.] • The Mayor can unilaterally remove all commissioners, except for Ethics and Police. [See Section 502(d) for details on commissioner removals.] <p>Related Sections:</p> <ul style="list-style-type: none"> ✓ 502(d): Police Commissioners may be removed by the Mayor with an appeal to Council within 10 calendar days of the removal. Within 10 Council meeting days of the appeal, Council may veto the Mayor's decision. ✓ 700(e): Ethics Commission members may be removed by the Mayor, with Council confirmation by majority vote, or by a two-thirds Council vote for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of Ethics Commission Charter provisions, after written notice of the grounds on which removal is sought and an opportunity for a reply. 	<p>73</p> <p>79(c)</p> <p>79(d)</p> <p>600 E.</p>	<p>73: Gives the Mayor authority to remove commissioners with Council confirmation.</p> <p>79(c): Gives the Mayor authority to remove general managers with Council confirmation.</p> <p>79(d): The Mayor and Council must annually evaluate each general manager. Before the Mayor can initiate a removal, the general manager must be evaluated within one year prior to being notified of the proposed removal.</p> <p>600 E.: Ethics Commission members may be removed by the Mayor, Council confirmation by majority vote, or by a two-thirds vote of the Council for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of this article, after written notice of the grounds on which removal is sought and an opportunity for a reply.</p>
<p>231(h) [page 21]</p>	<p>Specifies the Mayor's control of intergovernmental relations. The Mayor represents the City in intergovernmental relations in accordance with City policy and supervises intergovernmental relations functions.</p>	<p style="text-align: center;">—</p>	<p>No equivalent section. As the governing body of the City in Section 22, Council is currently responsible for the intergovernmental relations function.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
231(i) [page 21]	Adds to the Charter the Mayor's role in emergency response and preparedness activities. The Mayor is responsible for declaring a local emergency and coordinating the City's emergency response and preparedness activities in accordance with procedures established by ordinance, and supervising emergency preparedness activities in the various departments and offices, including the Mayor's office, in a manner consistent with City policy.	—	No equivalent section. The Los Angeles Administrative Code places the Mayor in charge of these activities.
231(j) [page 21]	<p>Codifies the Mayor's authority to issue executive directives. The Mayor can establish procedures and implement policies (not inconsistent with the Charter or ordinance) to effectively manage and supervise the administration of the government responsibilities entrusted to the Mayor through executive directives, which, in the absence of conflicting provisions in the Charter or ordinance, and until revised or rescinded by the Mayor, are binding on all departments, commissions, appointed officers and employees of the City. Executive directives shall be filed with the City Clerk and be published in the manner described in Section 251. Executive directives shall take effect 15 days after publication.</p> <p>Related Section:</p> <ul style="list-style-type: none"> ✓ 251, Publication or Posting of Ordinances: All ordinances finally adopted under the provisions of the Charter shall be published in the English language at least once in some daily newspaper circulated in the City of Los Angeles, or publicized by some other method authorized by ordinance. No ordinance is valid or takes effect until publication or satisfaction of other method authorized by ordinance. 	—	No equivalent section.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>232 [page 22]</p>	<p>Creates an executive budget division in the Mayor's office, which may duplicate the function of the current City Administrative Officer. The executive budget division has the power and duty to:</p> <ol style="list-style-type: none"> 1. Assist the Mayor in the preparation and submission to Council of a proposed budget and executive summary in accordance with Article III; 2. Review and monitor departmental budgets and expenditures to ensure that departmental expenditures do not exceed budgeted appropriations for that department; and 3. The Mayor may request the assistance in these duties from other City departments and offices. <p>Related Sections:</p> <ul style="list-style-type: none"> ✓ 231(g): The Mayor has the power and duty to prepare and submit the Mayor's proposed annual budget to the Council for consideration in accordance with Article III of the Charter. ✓ 291(b): The Director of O.A.R.S. assists in the preparation of the annual budget in accordance with policies prescribed by the Mayor. 	<p>51(9)</p>	<p>Requires the City Administrative Officer to:</p> <ul style="list-style-type: none"> • Assist the Mayor and Council in the preparation of the annual budget and in the consideration of any appropriations thereafter; and • Throughout the year, conduct studies and investigations that will assist in the preparation of the budget.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
233 [page 22]	Reassigns power over temporary transfer of employees. The Mayor makes temporary transfers of employees, not to exceed 120 days in any calendar year, from one appointed office or department to another, except the proprietary departments, to relieve temporary shortages in personnel, or to meet temporary demands for additional employees caused by temporary or seasonal requirements in any office or department. The Mayor notifies the City Clerk when a transfer is made, and the Clerk notifies the Council President, the Director of O.A.R.S, and the Board of Civil Service Commissioners. The compensation of employees so transferred is charged to office or department to which the employees are transferred for the period of the transfer. If there is objection in writing to the transfer by any of the appointing authorities involved, the Mayor determines whether or not the transfer is made.	52	Assigns power over temporary transfer of employees to the City Administrative Officer. The CAO makes temporary transfers of employees, not to exceed 120 days in any calendar year, from one office or department to another, except the proprietary departments, to relieve temporary shortages in personnel, or to meet temporary demands for additional employees caused by temporary or seasonal requirements in any office or department. The compensation of personnel so transferred is charged to the office or department to which such personnel are transferred for the period of the transfer. If there is objection in writing to a transfer by any of the appointing authorities involved, the Mayor determines whether or not the transfer is made.
243(a) [page 25]	Changes rules governing temporary succession of the Mayor. The Council President acts as Mayor pending appointment and qualification of a successor, in case of unavailability due to sickness, absence from the state or disability.	23(b)	Provides that the Council President acts as Mayor pending appointment and qualification of a successor, in case of incapacity resulting from sickness, absence from the City or disability.
243(b) [page 25]	Changes rules governing temporary succession of the Council President. The Council President Pro Tempore acts as the Council President in case of unavailability due to sickness, absence from the state or disability.	23(c)	Provides that Council President Pro Tempore acts as the Council President in case of incapacity resulting from sickness, absence from the City or disability.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>245 [page 25]</p>	<p>Changes the Council's involvement in setting City policy through commission actions. Commission actions become final at the expiration of the next five meeting days of the Council during which the Council has convened in regular session, unless the Council acts within that time by two-thirds vote to bring the action before it or to waive review of the action. Council can veto a commission action by two-thirds vote, within 21 calendar days of voting to bring the matter before Council. Council may not amend or take any other action over:</p> <ol style="list-style-type: none"> 1. Actions of the Ethics Commission; 2. Actions of the Board of Fire and Police Pension Commissioners; 3. Actions of the Board of Administration for Los Angeles City Employees Retirement System; 4. Actions of the Board of Administration of Water and Power Employees Retirement Plan; 5. Quasi-judicial personnel decisions of the Board of Civil Service Commissioners; 6. Actions of a board organized under authority of the Meyers-Milias Brown Act for administration of employer-employee relations; 7. Individual personnel decisions of boards of commissioners other than the Board of Police Commissioners; and 8. Actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law. <p>Council has the same authority to act on a matter as that originally held by the City Planning Commission or Area Planning Commission.</p>	<p>32.3 (Prop. 5)</p>	<p>Allows Council, by two-thirds vote, to assert jurisdiction over all commission decisions. Commission actions become final at the expiration of the next 5 meeting days of the Council during which the Council has convened in regular session. By majority vote, Council can act with the same authority on the matter as that originally held by the commission, but it must then act and make a final decision on the matter before the expiration of the next 21 calendar days from voting to bring the matter before it, or the action of the commission becomes final.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
254 [page 29]	Gives the Mayor the power to veto Council legislative resolutions. The Council, by resolution, establishes the City's official position regarding legislation proposed to or pending before the state or federal government. The resolution is subject to Mayoral veto and Council two-thirds override. The Council, by ordinance, adopts procedures to implement the provisions of this section, including setting time periods for Council and Mayoral action.	—	No equivalent section.
261(c) [page 30]	Gives the Controller broad authority to review accounting practices in offices and departments. The Controller has the power and duty to regularly review accounting practices of offices and departments and upon finding serious failings in accounting practices, be empowered to take charge of the accounting function, and thereafter assist the office or department in implementing appropriate accounting standards and practices.	46 47(1)	46: Names the Controller as the auditor and general accountant of the City and exercises general supervision over the accounts of all officers, boards, and employees charged with the receipt, collection, or disbursement of money. 47(1): Requires the Controller to prescribe the method of installing, keeping, and rendering all accounts of all officers, boards, or employees; provided, however, that any change of the system of accounting shall first be authorized by the Council.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>261(k) [page 31]</p>	<p>Requires the Controller to conduct performance audits of all departments and may conduct performance audits of City programs, including suggesting plans for the improvement and management of the revenues and expenditures of the City. Nothing in this subsection shall preclude the Mayor or Council from conducting management studies or other review of departmental operations.</p> <p>Related Sections:</p> <ul style="list-style-type: none"> ✓ 232(b) and (c): The executive budget division in the Mayor's office has the power and duty to review and monitor departmental budgets and expenditures to ensure that departmental expenditures do not exceed budgeted appropriations for that department, and the Mayor may request assistance in these duties from other City departments and offices. ✓ 291(a): The Director of O.A.R.S. is required to keep the Mayor and Council advised of the condition, finances, and future needs of the City, and to make recommendations. ✓ 292: The Director of O.A.R.S. conducts research in administrative management for the improvement of the organization, policies and practices of all appointed offices, departments and other agencies of City government, including, proprietary departments, in order to evaluate programs and develop performance measures concerning the duties of the various positions, the methods and the standards of efficiency. The Director recommends to the Mayor, Council and the respective departments and agencies changes that will promote economy and efficiency in the conduct of City government. This continues the function of management audit in O.A.R.S. 	<p>53</p>	<p>Gives the City Administrative Officer power and duty to investigate the administration of departments and other agencies in order to recommend to the Mayor, Council, and to respective departments and agencies concerning their duties, the methods and standards of efficiency, and the CAO recommends changes to promote economy and efficiency.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
262(c) [page 32]	Changes the Controller's authority over departmental spending. The Controller shall withhold approval of any demand, in whole or in part, if there is a question as to whether it is improper, illegal, or unauthorized, and immediately file a report with the Mayor and Council stating the objections to the demand. The Council shall promptly consider the report and may overrule or sustain the objections of the Controller.	47(11)	Gives the Controller authority to withhold approval of any demand which, in his or her opinion, is not a legal demand.
266 [page 32]	Requires the Controller, the Mayor, and Council, jointly, to contract with an outside entity to conduct surveys of proprietary departments.	396	Requires the Mayor and Council to contract with an outside entity to conduct surveys of proprietary departments.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>272 [page 34]</p>	<p>Changes Council's control over litigation and establishes a new system for control of litigation. The civil client of the City Attorney is the municipal corporation, the City of Los Angeles. The City Attorney defends the City in litigation, and its officers and employees as provided by ordinance. The City Attorney can initiate civil litigation on behalf of the City or the People of the State of California, and shall initiate civil litigation for the City when requested by the authority having control over litigation as set forth below. The City Attorney manages all litigation, subject to client direction in accordance with this section, and subject to the City Attorney's duty to act in the best interests of the City and to conform to professional and ethical obligations. In the course of litigation, client decisions, including a decision to initiate litigation, is made by the Mayor, the Council, or boards of commissioners in accordance with this section. Decisions to settle litigation are made in accordance with Section 273.</p> <ol style="list-style-type: none"> 1. The Council or the Mayor independently make client decisions in litigation involving matters over which the Charter gives the Council or the Mayor responsibility. 2. The boards of the Proprietary Departments, Ethics Commission, Fire and Police Pension systems, CERS, and Water and Power Employees' Retirement System make client decisions in litigation exclusively involving policies and funds over which the Charter gives those boards control. 3. The City Attorney determines who is authorized to make client decisions on behalf of the City in accordance with the principles of this section and accepted principles of representation of municipal entities. 	<p>42(2)</p> <p>42(3)</p>	<p>42(2): Requires the City Attorney to prosecute and defend all actions for the City when directed so to do by the Council.</p> <p>42(3): Stipulates that the Council controls all litigation of the City, and may employ other attorneys to assist the City Attorney, with the City Attorney's approval in writing.</p> <p>Department of Water and Power and Harbor commissions, and any commission that controls a department operating a public utility, may, with the written approval of Council and City Attorney, employ legal assistance outside the City attorney's office.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p align="center">273 [page 35]</p>	<p>Establishes a new system for the settlement of litigation.</p> <ol style="list-style-type: none"> 1. The boards of the Proprietary Departments, Ethics Commission, Fire and Police Pension systems, CERS, and Water and Power Employees' Retirement System can approve or reject settlements exclusively involving policies and funds over which the Charter gives those boards control. 2. The Mayor approves or rejects settlements involving only the payment or receipt of money damages not exceeding an amount set by ordinance and shall make client decisions with respect to settlement of such litigation. The Mayor may delegate this authority to the City Attorney. 3. A claims board—comprised of the Mayor as chair, the Council President, and the City Attorney—approves or rejects settlements involving only the payment or receipt of money damages exceeding the amount that is within the Mayor's authority and below an amount set by ordinance. The claims board shall make client decisions with respect to settlement of such litigation. 4. The Council approves or rejects settlements involving only the payment or receipt of money damages exceeding the amount that is within the authority of the claims board subject to Mayoral veto and Council override by a two-thirds vote. The Council shall make client decisions with respect to settlement of such litigation. The claims board makes recommendations to Council concerning settlements within the scope of this subsection. 5. The Council also can approve or reject settlements not involving only payment or receipt of money, subject to Mayoral veto and Council override by a two-thirds vote. 	<p align="center">42(2)</p> <p align="center">42(3)</p>	<p>42(2): Requires the City Attorney to prosecute and defend all actions for the City when directed so to do by the Council.</p> <p>42(3): Stipulates that the Council controls all litigation of the City, and may employ other attorneys to assist the City Attorney, with the City Attorney's approval in writing.</p> <p>Department of Water and Power and Harbor commissions, and any commission that controls a department operating a public utility, may, with the written approval of Council and City Attorney, employ legal assistance outside the City attorney's office.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
275 [page 36]	Eliminates requirements for Council approval of hiring of outside legal counsel for proprietary departments, Ethics Commission, and retirement systems. The respective commissions give approval of hiring legal counsel.	42(3)	The Commissions of DWP and Harbor, or any commission controlling a department operating a public utility owned by the City, may, with the approval of Council and the City Attorney, employ other attorneys to assist the City Attorney in performing his duties in relation to any such department. The compensation for such extra legal services is paid from the special funds under the control of the department receiving services.
300 [page 40]	<p>Creates a Director of Finance and an Office of Finance. The Director of Finance:</p> <ol style="list-style-type: none"> 1. Develops and implements City revenue policy consistent with the Charter and ordinance, and develops guidelines for collection of outstanding receivables; 2. Collects revenues and issues licenses, permits, and tax registration certificates not issued by City offices or departments; and 3. Recommends, to the Mayor and Council, improvements concerning revenue collection functions performed by City offices and departments. 	44(10)	Names the City Clerk as the ex-officio tax collector. No other equivalent sections apply.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
342(a) [page 49]	<p>Gives the Mayor the power to transfer appropriated funds. General fund money may be transferred to the reserve fund or the unappropriated balance under the following conditions:</p> <ol style="list-style-type: none"> 1. For transfers not in excess of the amount established by ordinance, on the approval of the Mayor, provided that the Mayor gives notice of such transfer when made to the Clerk who notifies the Council President, the Controller, and the Director of O.A.R.S. 2. For transfers in excess of the amount established by ordinance, on the approval of the Mayor and a majority vote of the Council. 3. For transfers in excess of the amount established by ordinance, on the majority vote of the Council, subject to the approval of the Mayor, or passage by the Council over the Mayor's veto by a two-thirds vote. 	354.1	<p>Provides that general fund money may be transferred to the reserve fund or to the unappropriated balance under one of the following conditions:</p> <ul style="list-style-type: none"> • Upon recommendation of the CAO, approved by the Mayor and a majority Council vote; or • Upon a majority Council vote, subject to mayoral approval, or passage by the Council over the Mayor's veto by a two-thirds vote.
343(a) [page 49]	<p>Gives the Mayor authority over intra-departmental transfers. The head of any department not having control of its own funds may request in writing that the Mayor transfer an amount from one appropriated item to another within a department, or to a new item created after adoption of the annual budget. Requests for transfer that exceed \$35,000 or an amount established by ordinance require Council approval. The Council President may approve transfers within the Council's budget.</p>	355(1)	<p>Provides the CAO with authority over intra-departmental transfers. The head of any department not having control of its own funds may request in writing that the CAO transfer an amounts from one appropriated item to another within a department, or to a new item created subsequent to the adoption of the annual budget. Requests for transfers that exceed \$25,000 or an amount established by ordinance require approval by the Mayor and Council.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
502(d) [page 88]	<p>Permits the Mayor to remove commissioners without Council confirmation. Police Commissioners may appeal their removal in accordance with the removal procedures established for most general managers. Ethics Commissioners may be removed by the Mayor and majority of Council or two-thirds of the Council.</p> <p>Related Sections:</p> <ul style="list-style-type: none"> ✓ 502(d): Police Commissioners may be removed by the Mayor with an appeal to the Council within 10 calendar days of the removal. Within 10 Council meeting days of the appeal, Council may veto the Mayor's decision. ✓ 700(e): Ethics Commission members may be removed by the Mayor, with Council confirmation by majority vote, or by a two-thirds Council vote for substantial neglect of duty, gross misconduct in office, inability to discharge the powers and duties of office or violation of Ethics Commission Charter provisions, after written notice of the grounds on which removal is sought and an opportunity for a reply. 	73	<p>Provides that commissioners are appointed and removed by the Mayor, subject in both appointment and removal to confirmation of Council by a majority vote.</p>
508(b) [page 90]	<p>Eliminates the criteria used by the Mayor in the appointment of general managers. The Mayor may use the assistance of the Personnel Department in the recruitment and selection of candidates for appointment.</p>	79(g)	<p>Provides that Council adopt an ordinance creating procedures for the appointment, discipline, and removal of the general managers.</p>
508(d) [page 91]	<p>Gives the Mayor's merit pay authority for general managers. The Mayor evaluates general managers annually and sets or adjusts their compensation amounts within guidelines established by Council resolution. The Mayor sends the evaluation to the Council for its information.</p>	79(d)	<p>Provides that each general manager is evaluated annually by the Mayor and Council. No general manager can be removed without having been evaluated within one year prior to being notified of the proposed removal.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>514(a) [page 94]</p> <p>514(b) [page 94]</p>	<p>Changes the Mayor's role in transferring powers from one department to another. The Mayor proposes a transfer of powers, duties and functions from one department, office, or board created in the Charter to another department, office, or board created in the Charter or by ordinance. The transfer becomes effective if approved by ordinance adopted by two-thirds vote or if the Council fails to disapprove the matter within 45 days of the Mayor submitting the request. The Council may by ordinance, by a two-thirds vote, subject to Mayoral veto or by a three-fourths Council override, make any such transfer. The following entities are exempt from this section:</p> <ol style="list-style-type: none"> 1. Elected Offices; 2. Proprietary Departments; 3. Los Angeles City Employees' Retirement System; 4. Department of Fire and Police Pensions; 5. City Ethics Commission; 6. The disciplinary functions of the Fire Department and the Police Department as contained in Sections 1060 and 1070; and 7. The Police Department and the Fire Department, if the transfer or consolidation would significantly alter or affect the primary purpose or character of the departments. 	<p>32.1</p>	<p>The Mayor, subject to the approval of two-thirds Council vote, may transfer or consolidate any powers, duties, or functions from one department, board or bureau to another created by Charter or in a new department, board or bureau created by ordinance. Council, by two-thirds vote, subject to mayoral veto or by a three-fourths Council vote over the veto, may make any such transfer or consolidation. Reorganization power does not apply to proprietaries, CERS, Pensions, Fire and Police disciplinary and other functions (located in Sections 135 and 202), and Fire and Police Departments when the reorganization changes their primary purpose as stated in the Charter.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
514(c) [page 95]	<p>Changes the Council's role in transferring powers from one department to another. Powers, duties, and functions established by ordinance may be transferred or eliminated by an ordinance proposed by the Mayor or Council. If the Mayor proposes a transfer or elimination, the action is if approved by ordinance, adopted by a majority Council vote, or if Council fails to disapprove the matter within 45 days after submittal by the Mayor of all documents necessary to accomplish the transfer or elimination, including the proposed ordinance transferring powers, duties or functions, and any related ordinances or resolutions concerning personnel or funds affected by the transfer or elimination.</p>	32.3	<p>The Mayor, subject to the approval of two-thirds Council vote, may transfer or consolidate any powers, duties, or functions from one department, board or bureau to another created by Charter or in a new department, board or bureau created by ordinance. Council, by two-thirds vote, subject to mayoral veto or by a three-fourths Council vote over the veto, may make any such transfer or consolidation. Reorganization power does not apply to proprietaries, CERS, Pensions, Fire and Police disciplinary and other functions (located in Sections 135 and 202), and Fire and Police Departments when the reorganization changes their primary purpose as stated in the Charter.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>552 [page 100]</p>	<p>Creates a system of Area Planning Commissions. The Council, by ordinance, creates at least 5 Area Planning Commissions. The ordinance establishes boundaries of the area to be served by each Area Planning Commission, which shall be drawn so that all areas of the City are served by an Area Planning Commission. Each Area Planning Commission consist of 5 members. Members are appointed and removed in the same manner as members of the City Planning Commission, except that residency in the area served by the Area Planning Commission shall be a qualification for appointment. Except as provided in subsection (d), Area Planning Commissions are quasi-judicial agencies.</p> <p>Each Area Planning Commission, with respect to matters concerning property located in the area served by the Area Planning Commission, shall have and exercise the power to:</p> <ol style="list-style-type: none"> 1. Hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by a Zoning Administrator; 2. Hear and make determinations on any matter normally under the jurisdiction of a Zoning Administrator when that matter has been transferred to the jurisdiction of the Area Planning Commission because the Zoning Administrator has failed to act within the time limits prescribed by ordinance; 3. Hear and determine applications for, or appeals related to, conditional use permits and other similar quasi-judicial approvals, in accordance with procedures prescribed by ordinance; 4. Make recommendations with respect to zone changes or similar matters referred to it from the City Planning Commission pursuant to Section 562; and 5. Hear and determine other matters delegated to it by ordinance. 	<p align="center">—</p>	<p>No equivalent section.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>563(b)(2) [page 108]</p>	<p>Limits the number of appeals that may be filed regarding a conditional use permit or similar quasi-judicial matter. An aggrieved person may appeal a Zoning Administrator's decision regarding a conditional use permit or similar quasi-judicial approval to the Area Planning Commission. Decisions of an Area Planning Commission may be appealed to either the City Planning Commission or Council, as provided by ordinance. (Decisions by an Area Planning Commission on appeal from a decision of the Zoning Administrator are not subject to appeal.) The process for the approval of conditional use permits and similar quasi-judicial approvals may not include more than one level of appeal from the decision of a decision-making official or body. For purposes of this restriction, the following applies:</p> <ol style="list-style-type: none"> 1. The use of hearing examiners or other methods by which recommendations are made to a decision-making official or body does not preclude an appeal from the decision of the decision-making official or body. 2. If the Council is acting as the appellate body, the Council's action may be subject to Mayoral approval and Council override of Mayoral disapproval by a two-thirds vote of the Council, if so provided by ordinance. 3. Council review of an action under Charter Section 245 shall not be considered an appeal for purposes of this section. 4. The restrictions on appeals do not apply to any legislative actions. <p>Council may determine that the first step in an appeal is to the Area Planning Commission rather than the Zoning Administrator.</p>	<p>99(3)</p>	<p>The Board of Zoning Appeals (BZA) can modify or reverse a Zoning Administrator's (ZA) determination after making written findings as to why the ZA erred.</p> <p>A BZA determination granting or affirming land use variances is not effective until notices have been mailed to the applicant as specified by ordinance. During that time, the applicant, any aggrieved person, the Planning Director, or any board, department or bureau may appeal to Council. An appeal shall stay all proceedings in furtherance of the action appealed from pending its disposition. The Council, when considering an appeal from a BZA action, shall be subject to the same limitations as are placed on the BZA by the Charter and by ordinance. Council action must be by majority vote, and within 10 days of presentation, the Mayor can approve or disapprove the action. If the Mayor disapproves the Council action, Council, within 60 days after the matter has been presented to it, may override the Mayor's disapproval by a two-thirds vote. If the Mayor fails to return the matter within 10 days, the Council action becomes effective.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
582 [page 116]	<p>Creates a Director of Public Works appointed by the Mayor who acts as the Public Works general manager, who has the power and duty to:</p> <ol style="list-style-type: none"> 1. Enforce orders, rules, and regulations adopted by the board; 2. Administer contracts; 3. Supervise and manage construction and maintenance work authorized by the board; 4. Approve public works contracts within the authority delegated the Director by the board or by ordinance; 5. Grant street encroachment and other similar permits; 6. Make recommendations to the board about short and long-range public works plans and programs; 7. Oversee the functions of departmental accounting and management-employee services including any bureaus charged with performing those functions; and issue instructions to, appoint, discharge, suspend, and transfer the employees that perform those functions, subject to civil service provisions; 8. Recommend to the board prior to each fiscal year an annual department budget covering expected revenues and expenditures; and 9. File with the commission and the Mayor a written report on the department's work on a regular basis as requested by the Mayor or commission. <p>Related Sections:</p> <ul style="list-style-type: none"> ✓ 507: Each department and office established by the Charter or created by ordinance, and each of the Public Works bureaus of Contract Administration, Engineering, Sanitation, Street Lighting, and Street Services shall have a chief administrative officer. ✓ 1001(a)(4): Two positions in the class of Assistant Director in Contract Administration, Engineering, Sanitation, Street Lighting, and Street Services are exempt from civil service. 	—	No equivalent section.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
604(a) [page 124]	Changes the process of hiring and firing a general manager for proprietary departments. The Commission of each department appoints a general manager, subject to Mayor and Council confirmation. The Commission removes a general manager subject to Mayoral confirmation. A general manager may appeal to the Council who can veto the removal by two-thirds vote.	79(c)	Provides that general managers are appointed and removed by the Mayor, subject in both appointment and removal to confirmation of Council by a majority vote.
604(b) [page 124]	Changes proprietary commission's authority over general managers of proprietary departments. Proprietary commissions annually evaluate general managers and readjust salary levels according to Council-established range. The Director of O.A.R.S. makes recommendations on guidelines established by Council.	79(d)	Provides that each general manager is evaluated annually by the Mayor and Council. No general manager can be removed without having been evaluated within one year prior to being notified of the proposed removal.
636 [page 134]	Positions the Los Angeles Airport Police under the independent and autonomous control of the Department of Airports.	—	No equivalent section.
657 [page 139]	Requires the Los Angeles Port Police to provide security services for the Harbor District. This police force is exclusively controlled by the Harbor Department.	—	No equivalent section.
802(b) [page 157]	Establishes a redistricting commission for the Board of Education. Commission members are appointed in the following manner: one by each member of the Board of Education, four by the Council President, and four by the Mayor. The Commission advises the Council on drawing district lines per a set criteria.	255.1	Requires Council to redraw LAUSD boundaries. Process and procedures are discretionary with the Council, except for timing and general guidelines.
900 [page 159]	Creates an Department of Neighborhood Empowerment and a citywide system of neighborhood councils, to promote more citizen participation in government and make government more responsive to local needs. Neighborhood councils include representatives of diverse community interests and have an advisory role on issues of concern to the neighborhood.	—	No equivalent section.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>902 [page 160]</p>	<p>Establishes a Board of Neighborhood Commissioners.</p> <ol style="list-style-type: none"> 1. The Board of Neighborhood Commissioners consists of 7 commissioners, who are appointed by the Mayor, and shall be from diverse geographic areas, as further specified by ordinance. Appointment and removal of commissioners is in accordance with Section 502. 2. The Board of Neighborhood Commissioners is responsible for policy setting and policy oversight, including approving contracts and leases and promulgating rules and regulations, but is not responsible for day-to-day management. 3. The Board of Neighborhood Commissioners operates in accordance with Sections 503 through 508 and 510 of the Charter. 	<p>—</p>	<p>No equivalent section.</p>
<p>903 [page 160]</p>	<p>Establishes a general manager for the Department of Neighborhood Empowerment.</p> <ol style="list-style-type: none"> 1. The general manager of Department of Neighborhood Empowerment is appointed by the Mayor, subject to confirmation by the Council, and removed as provided in Section 508. 2. The general manager shall have those powers and duties set forth in Section 510. 3. The general manager appoints, discharges, and prescribes the duties of staff, consistent with the civil service provisions of the Charter. 	<p>—</p>	<p>No equivalent section.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
905 [page 161]	<p>Specifies implementation of neighborhood councils. Department of Neighborhood Empowerment shall develop and present to the Mayor and Council a plan for a system of neighborhood councils within 1 year of the establishment of the department and commission. The Council considers the regulations, and within 6 months after presentation of the plan to Council, may adopt ordinances to implement the regulations as proposed, or as modified by Council consistent with the Charter. If implementing ordinances are not adopted within this time period, they become effective, and to the extent not inconsistent with law, they are binding on all city departments and offices.</p>	—	No equivalent section.
907 [page 162]	<p>Establishes a neighborhood council early warning system, establishing procedures for receiving input from neighborhood councils prior to decisions by the City Council, City Council Committees and boards and commissions. The procedures include, but are not limited to, notice to neighborhood councils as soon as practical, and a reasonable opportunity to provide input before decisions are made. Notices to be provided include matters to be considered by Council, Council Committees, and City commissions.</p>	—	No equivalent section.
910 [page 162]	<p>Requires neighborhood councils to monitor the delivery of City services. Neighborhood councils shall monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments, subject to their reasonable availability.</p>	—	No equivalent section.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
911 [page 162]	Requires the Mayor and Council to allocate funding for neighborhood councils. The Mayor and Council must appropriate funds for Department of Neighborhood Empowerment and for the startup and functioning of neighborhood councils for the first 2 years after the effective date of this Article. Funds are appropriated into a special fund, established by ordinance. Thereafter, the Mayor and Council appropriate funds for Department of Neighborhood Empowerment and neighborhood councils at least 1 year in advance of each subsequent fiscal year.	—	No equivalent section.
1001(a)(4) [page 164]	Increases the number of positions specifically exempted in the Charter. Two positions in the class of Assistant General Manager or Deputy Director in each City office or department, and two positions in the class of Assistant Director in each of the Public Works Bureaus of Contract Administration, Engineering, Sanitation, Street Lighting and Street Services, and two positions in the class of Deputy Controller in the Office of Controller are exempt from civil services provisions.	111	Includes, among other positions, for exemption of all general managers and the directors of Public Works' Bureaus of Contract Administration, Engineering, Sanitation, Street Lighting, and Street Maintenance...and the chief deputy of the Controller.
1001(a)(5) [page 164]	Exempts all deputy chiefs of police.	—	No equivalent section.
1001(b) [page 165]	Adds to the number of exempt positions created in the Charter. In addition to those positions described in subsections 1001(a), 1001(c) and 1001(d) of this section, up to 150 persons to provide management services or to render professional, scientific, or expert services of an exceptional character to offices or departments including the proprietary departments are exempt from civil service provisions.	111	Allows for up to 150 persons—to be employed to provide management services or to render professional, scientific or expert services of an exceptional character—be exempt from civil service.

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
<p>1001(b)(1) [page 165]</p> <p>1001(c)(1) [page 166]</p>	<p>Restricts the number of days Council has to act on Mayoral recommendation for exempt position for non-Proprietary and Proprietary Departments. The Mayor recommends to the Council, setting forth the educational, experience and other professional requirements of the position and describes the circumstances presented by the department seeking the appointment that preclude filling the position through the civil service system. Within ten Council meeting days from receipt of the recommendation, the Council may by two-thirds vote disapprove the Mayor's recommendation for the exemption. If the Council fails to act, the recommendation becomes effective.</p>	<p align="center">111</p>	<p>Specifies that for each exempt position or group of positions to be filled, and prior to the initiation of the selection process for such person or persons, Council must approve a resolution by a two-thirds vote which sets the educational, experience, and other professional requirements. The resolution must describe the circumstances presented by the department seeking the appointment that preclude filling the position(s) through the civil service system. The exemption(s) for the individual(s) selected to fill the position(s) shall then be made by a separate resolution approved by a two-thirds vote of Council.</p>
<p>1001(b)(4) [page 166]</p>	<p>Enables the Council, by ordinance, to increase the maximum number of exempt positions to no more than 1% of the regular authorized positions in the City workforce, provided that if the maximum number of exempt positions is increased pursuant to this subsection, the number of positions created by subsections 1001(a)(4), 1001(a)(5) and 1001(c) of this section shall be counted toward the maximum allowable exemptions. If Council provides for a maximum number of exemptions based on a percentage of the workforce, and a reduction in the workforce results in more filled exempt positions than permissible, each incumbent shall retain the exemption, but when vacated, excess exemptions shall terminate.</p>	<p align="center">111</p>	<p>Allows for up to 150 persons—to be employed to provide management services or to render professional, scientific or expert services of an exceptional character—be exempt from civil service.</p>

Unified v. Current Charter

Section	Unified Charter Provision	Section	Current Charter Provision
1001(c) [page 166]	Allows for 15 exempt positions in the Department of Water and Power and 10 exempt positions allocated between Airports and Harbor in addition to the exempt positions in the proprietary departments created by subsections 1001(a), 1001(b)(1), 1001(b)(2), 1001(b)(3), and 1001(d) of this section. A request for each exempt position must set forth the educational, experience and other professional requirements of the position and describes the circumstances that preclude filling the position through the civil service system. The Mayor forwards to the Council a recommendation for the exempt position. Within 10 Council meeting days from receipt of the recommendation, the Council may, by two-thirds vote, disapprove the Mayor's recommendation for the exemption. If the Council does not act on the recommendation within the specified time period, the recommendation shall be deemed approved.	111	Allows up to 15 exempt positions in the Department of Water and Power for employment of persons to provide management services or to render professional, scientific or expert services of an exceptional character. For each exemption, Council must adopt an ordinance by two-thirds vote, setting the educational, experience and other professional requirements of the position(s). The ordinance must describe the circumstances presented by DWP that preclude filling the position(s) through the civil service system.
1008 [page 169]	Allows for the life of an eligible list to be extended. The Civil Service Commission may extend the life of an eligible list and may delegate to the general manager the same authority for entry-level positions in accord with civil service rules.	—	No equivalent section.

Exhibit 7



Executive Office



City Hall • 200 N. Spring Street, Room • Los Angeles, CA 90012

April 8, 2015

TO: All Concerned Consultants, Developers, Engineers, Surveyors and Applicants

FROM: Michael LoGrande, Director of Planning *MLG*

SUBJECT: **GENERAL PLAN AMENDMENT INITIATIONS, REQUESTS TO THE DIRECTOR OF PLANNING**

The City consists of 35 community plans which implement our land use policies throughout the City. A major function of the Department of City Planning (Department) is the periodic updating of these community plans to reflect changes desired by the community. On occasion, applicants and private property owners have requested an amendment to a community plan in order to facilitate consideration of a proposed project. However, it is important to note that all General Plan Amendments, including those limited to a specific property or properties, must be initiated by the City of Los Angeles. Specifically, Plan Amendments can only be initiated by the City Council, the City Planning Commission or the Director of Planning (LAMC 11.5.6 B).

In order to provide early feedback to an applicant considering such a request, the Department's management team, comprised of both policy planning and project planning staff, will convene an internal meeting to review the General Plan Amendment request prior to the actual filing of the application at the Development Services Center. If the Director of Planning determines the request is worth consideration and has the potential of meeting the findings for a General Plan Amendment, the applicant will be directed to proceed with the application. A clearance sheet will be provided for inclusion in the application filing package. Initiating an applicant's request does not imply an approval, but rather that the Department will review and prepare a recommendation to the appropriate decision-making body. If the Director of Planning declines to initiate the applicant's request for a General Plan Amendment, the applicant may meet with staff to discuss other options.

In order to start the process, the applicant is asked to submit some basic information regarding the development proposal including: the project description; the existing conditions and uses of the proposed project site; the requested entitlement package, including information pertaining to the General Plan Amendment request and any zoning modifications; and a description of neighboring land uses and the character of the area. There is no fee or environmental clearance associated with this management-level review and the turnaround time for feedback is generally one to two weeks. This management review is intended to provide early guidance and set clear expectations for applicants prior to formal submission of the application, thus avoiding unnecessary time delays, costs and major surprises later in the process.

Memorandum - General Plan Amendment Initiations
April 8, 2015
Page 2 of 2

Please submit the following materials:

1. A brief 1-2 page cover letter describing the development proposal, the existing land use designation and zoning, the proposed General Plan Amendment request, other requested entitlements, existing site conditions, and the surrounding uses and neighborhood character.
2. 8 1/2 x 11 color maps indicating the existing and proposed land use designations and zoning.
3. Any additional exhibits including site plans, renderings or photographs that will assist the Department's Management Team in their initial review of your proposal.

These materials can be hand delivered, mailed or sent electronically to the following Los Angeles Department of City Planning staff.

Lisa Webber, Deputy Director of Planning
Department of City Planning – Executive Office
City Hall, Room 525
lisa.webber@lacity.org

Bob Duenas, Senior City Planner
Valley Neighborhood Projects
6262 Van Nuys Blvd., Room 430
bob.duenas@lacity.org

Conni Pallini-Tipton, Senior City Planner
Community Planning
City Hall, Room 667
conni.pallini@lacity.org

Shana Bonstin, Senior City Planner
Metro Neighborhood Projects
City Hall, Room 621
shana.bonstin@lacity.org

Patricia Diefenderfer, Senior City Planner
Community Planning
City Hall, Room 667
patricia.diefenderfer@lacity.org

Simon Pastucha, Senior City Planner
West-South LA Neighborhood Projects
City Hall, Room 621
simon.pastucha@lacity.org

Luciralia Ibarra, Senior City Planner
Major Projects Section
City Hall, Room 750
luciralia.ibarra@lacity.org

Exhibit 8



Executive Office

City Hall • 200 N. Spring Street, Room 525 • Los Angeles, CA 90012

REQUEST FOR INITIATION OF AN AMENDMENT TO THE CITY'S GENERAL PLAN

I hereby request that the Director of Planning initiate a General Plan Amendment from

to _____

on property located at _____

within the _____

District/Community Plan _____

(Signed) Applicant/Representative

Date

STAFF USE ONLY: CPC CASE NO. _____

To insure a comprehensive review of the request and to avoid the introduction of any "spot" planned land use, staff recommends that the Director of Planning consider initiating additional properties (ADDED AREAS) within the immediate area for a similar change of the plan from _____
to _____

Location _____

Pursuant to the City Charter and the Los Angeles Municipal Code, I hereby initiate the plan amendment(s) as requested by the Applicant/Representative and the "Added Areas" as recommended by staff.

Michael J. LoGrande
DIRECTOR OF PLANNING

Date

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING

INITIATION REQUEST
AND TIME EXTENSION AUTHORIZATION

Initiation. By law only the City may initiate a Plan Amendment. Your application is technically for a Zone Change only. Therefore you must request that the City initiate the corresponding Plan Amendment by checking the box below:

I hereby request that the City Planning Commission initiate a Plan Amendment consistent with my requested zone change.

Time extensions. The City Planning Commission will hear General Plan Amendment cases in a timely manner. The maximum authorized processing time for General Plan Amendment cases, from the Fee Payment date to Commission action date, is 180 days. By authorizing the maximum allowable processing time and the extension, you may avoid having your case delayed or denied due to lack of time to resolve controversial issues. You should therefore check the following boxes, agreeing to the potential extensions:

I hereby consent to the maximum 180-day time limitations pursuant to LAMC Section 12.32 C 6.

(Signed) _____
Applicant or Representative

(Date) _____

SCREEN FORM (Continued)

(1) CRITERIA (2) ANSWER YES OR NO:

Please refer to the maps on file in Counter N to determine Hillside areas, CRA areas, Specific Plan areas, Open Space areas.

Any YES answer requires consultation with the Geographic Section head prior to filing. A complete plan restudy or other type of planning approval may be required.

IS (DOES) THE PROJECT:

Project area in acres	200 acres or more	_____
New dwelling units in project	1,000 units or more	_____
New non-residential square footage	1,000,000 sq.ft. or more	_____
Acreage within "hillside" areas (shown on CP-6112)	50 acres or more	_____
Acreage for projects located in whole or in part in a CRA area	50 acres or more	_____
Mixed use combining residential and commercial uses	500,000 sq. ft. or more	_____
Specific Plans	In a Specific Plan area	_____
Highway Designation	Require change to Hwy. Desig.	_____
Change Plan text and/or legend	Require change to text/legend	_____
Open Space Designation	In an Open Space Area	_____

Exhibit 9

L.A. WEEKLY

CITY HALL'S "DENSITY HAWKS" ARE CHANGING L.A.'S DNA

BY STEVEN LEIGH MORRIS

WEDNESDAY, FEBRUARY 27, 2008 | 8 YEARS AGO

Soon after taking the job of director of the Los Angeles Department of City Planning in 2006, Gail Goldberg made a declaration that let slip how City Hall is allowing developers to pursue a building frenzy straight out of the storied tale *Chinatown*.

Said Goldberg, newly arrived here from a similar post in San Diego:

"In every city in this country, the zone on the land establishes the value of the land. In Los Angeles, that's not true.

"The value of the land is not based on what the zone says ... It's based on what [the] developer believes he can change the zone to.

"This is disastrous for the city.

"Disastrous.

"Zoning has to mean something in this city."

Goldberg probably wishes she hadn't said that, not necessarily because she got reprimanded by L.A.'s famously vindictive Mayor Antonio Villaraigosa, but because Los Angeles County Supervisor Zev Yaroslavsky has repeated her words in public, over and over. Yaroslavsky, who represented the city's affluent Westside District 5 as a councilman until 1994, has been staging a one-man campaign to slow City Hall's feverish promotion of density – a quiet war on the large swaths of suburbia and few hunks of countryside remaining inside the city limits. With little debate, a trio of new "density enabling" ordinances (a real mouthful, known as the Downtown Ordinance, the Parking Reduction Ordinance and the Senate Bill 1818 Implementation Ordinance) has rolled through Goldberg's Planning Department and ended up in the ornate council chambers on City Hall's second floor.

The first two were easily approved, and the SB 1818 Implementation Ordinance passed on February 20, with only council members Dennis Zine, Janice Hahn, Bill Rosendahl and Tom LaBonge opposed. On paper, the three ordinances will let developers bypass the city's fundamental zoning protections – and profoundly alter the livability, look and essence of L.A.

This is no small thing. The rules for how Angelenos wanted to fashion their city were arduously, sometimes bitterly, negotiated among homeowners, developers, environmentalists and politicians in the mid-'80s, led by then city councilmen Joel Wachs, Marvin Braude and Yaroslavsky. Those core rules today hold tremendous power, creating a blueprint that dictates which Los Angeles neighborhoods should be preserved – and which should be dramatically built up.

Yet in contrast to the boisterous civic debate launched by city and community leaders in the 1980s, the Villaraigosa administration has grown accustomed to only tepid public interference and awareness. Through aide Gil Duran, the mayor has for five months ducked *L.A. Weekly's* routine questions about his agenda's potential consequences citywide – much taller and fatter residential buildings than zoning law allows, significantly less green space, obliteration of residential parking in some complexes and removal of older, less expensive housing. (Hours before the *Weekly* went to press, Deputy Mayor Helmi Hisserich finally responded, lashing out at "heads in the sand" sentiments and warning that "the city is not going to stop growing.")

On the City Council itself, the likes of Wachs and Braude are long gone, replaced by avidly prodensity council members such as Jan Perry, Council President Eric Garcetti and Wendy Gruel, who rarely say no to grand construction plans and work in tandem with obscure regional planning commissions that routinely override zoning rules in favor of developers and property owners.

Yaroslavsky, silent for the first two years of Villaraigosa's reign, now snaps, "These density hawks at City Hall are trying to undo 20 years of our work."

The constant overriding of zoning protections has indeed been relentless – a binge of "zoning variances" and "zone changes" granted by longtime Zoning Administrator Michael LoGrande, a little-known official who is the rear admiral of a prodensity flotilla inside City Hall that long predates Villaraigosa's administration.

The variances and zone changes – quite simply, permissions to skirt existing rules – are granted on a case-by-case basis, and LoGrande hands them out like candy. LoGrande did not return numerous phone calls from the *Weekly*. Four biweekly Planning Department reports, randomly selected by the *Weekly* from March, June, September and December 2007, show that requests to increase housing density or square footage rolled in at about 260 annually, slowing only as the mortgage crisis hit. Retired Zoning Administrator Jon Perica explains that while the sought-after density increases are subjected to design, environmental and compatibility review, "the Planning Department historically approves about 90 percent."

For anyone paying attention, and very few people are, LoGrande's decisions – buttressed by the rulings of seven area planning commissions populated with Villaraigosa's appointees – are why some corners of the city are taller and more congested than 10 years ago, even neighborhoods whose legally binding zoning plans were supposed to achieve the opposite.

In the 1960s, a city growth cap of 4.2 million was established as the peak load for Los Angeles' infrastructure and services. This allowed for urban centers like Century City, Warner Center and downtown, while protecting single-family neighborhoods. Three years ago, Perica warned, "growth beyond 4.2 million people would require that existing single-family neighborhoods and lower-density residential areas would have to be 'up-zoned' in the future for more intense multistory density." He added pointedly, "Residents didn't want Los Angeles to look like other higher-density Eastern cities, like Chicago and New York."

Nonetheless, the agendas of builders, land speculators, the chambers of commerce, the Planning Department and elected leaders have produced a virtually nondebated tectonic shift since the residential real estate turnaround of 2002, much increased under Villaraigosa. The shift is pushing L.A. from its suburban model of single-family homes with gardens or pools – the reason many come here – toward an urban template of shrinking green patches and multistory buildings of mostly renters.

To be sure, not everyone sees this in the negative light that people such as *The New Geography* author and social critic Joel Kotkin ("We remain an increasingly suburban nation") and Yaroslavsky do. Downtown developer Tom Gilmore scoffs that Kotkin and other defenders of suburbia and single-family dwellings "take that notion of urbanism and say, 'Oh my god, they're going to do that to your neighborhood too! They're going to make everything a "heat island!"'"

To Gilmore, the attitude in Ventura County and cities such as Santa Barbara, Rohnert Park, Sonoma, Healdsburg, Tracy and Dublin, all of which have enacted residential-growth limits to stop urbanization, denies the inevitable.

Rena Kosnett

(Click to enlarge)

"Oh my god, they're going to do that to your neighborhood!" --Developer Tom Gilmore, mocking those who are worried

"Growth is not an option," says Gilmore. "We can grow with care, with thought and creativity, or we can grow the way we've grown for 150 years. I don't think the Planning Department has got it all right, but I'm happy they've got a template we can argue about."

But his notion of a grand civic debate under way is a façade. The public have little idea what is being allowed even in their immediate area. Downtown insiders such as Ed Reyes – a city councilman and chairman of the powerful Planning and Land Use Management Committee – working with Villaraigosa's handpicked department heads like Goldberg and mayoral appointees like former Councilman Mike Woo (on the Planning Commission) aren't engaging Angelenos in any serious discussion of their "template." And the mayor is assiduously avoiding a public debate in which he might be forced to justify his vision.

Their template could force urbanism onto all but the most protected enclaves of Los Angeles. The truly protected spots are "RI-zoned" – or single-family-residential only – 318,602 of the city's roughly 1.4 million housing units. The other 75-plus percent of housing units in Los Angeles – including thousands of homes in single-family neighborhoods that residents assume are RI when they are not – could potentially be "up-zoned" for apartment towers and condos. Some of the most vulnerable areas are the eastern and western ends of the San Fernando Valley – the last quadrants containing some open space.

Of 16,874 housing units built the year after Villaraigosa was elected, 86 percent were multifamily – the vast majority of those rentals. Established homeowner neighborhoods – the glue that historian and former California State Librarian Kevin Starr once noted helped hold L.A. together, even in bad times – are an afterthought; the Brookings Institute reports that L.A. is suffering a middle-class decline more pronounced than in any other urban area in America.

To be fair, some of the mayor's focus has been on truly "underutilized" areas – nearly 100 developments of 100,000 square feet or larger are proposed or approved on sites like the old Sears warehouse in Boyle Heights, land in Marlton Square in South Los Angeles, and the aging Valley Plaza in North Hollywood. Councilwoman Gruel and Council President Garcetti tout this "proactive lead from the mayor."

But there's another side: Around Vanowen and Balboa in the San Fernando Valley over the past decade, ranch homes on spacious lots have made way for apartments, condos or McMansions. Hillsides from Hollywood to Mount Washington are so overbuilt that cars are ordered off the streets on "red-flag days." Along Miracle Mile, beautiful Spanish Colonial duplexes that since the 1920s have housed middle-class families sit unprotected from the urbanization steamroller.

Zev Yaroslavsky is a shrewd, politically left-of-center politician and a "slow growth" advocate with two adult children. Now 59, he's been married to health-care and child-care activist Barbara Yaroslavsky for 36 years. Born in Boyle Heights, then home to Jewish immigrants, Yaroslavsky grew up in the Fairfax District, ran track at Fairfax High, and put himself through UCLA (he has a master's in British imperial history) by teaching Hebrew in Long Beach — and playing professional poker.

He knew the gambling had to stop when he was elected to the City Council in 1975. Before he was sworn in, he paid a last visit to his favorite Gardena casino, the Normandie, sidling up to a group of Jewish matrons who said, "Zev, we know you're going to be an honest politician because you never bluff." He remembers thinking, "No, I just look like I never bluff."

Today, he says Los Angeles desperately needs a subway to the sea. But 23 years ago, he and others raised safety concerns about tunneling under the Westside after a 1985 explosion of naturally occurring methane gas ripped through the Ross Dress for Less near Fairfax. Although Yaroslavsky is sometimes blamed for halting federal funds for the line, he called for further safety studies, while Westside Congressman Henry Waxman led the fight to stop federal funds.*

For his part, Yaroslavsky in 1998 led a successful ballot effort that stopped local sales taxes from being used on the increasingly pricey subway being built under Hollywood. He instead pushed to use those funds for non-subway transit projects.*

Longtime Westsiders remember it was Yaroslavsky who ushered through the huge expansion of the Westside Pavilion in 1986, despite community outrage over gridlock. Developer Gilmore is one of many pro-growthers who blame "Zev" for so disrupting the old mass-transit scheme that today the Westside is "incredibly dense" and has "the worst traffic in the city," but Yaroslavsky tires of getting blamed for inevitable development pressures in his former Council District 5.

It is, after all, some of the city's priciest and most sought-after housing real estate, running from Palms to Encino and including Westwood and UCLA. It's something of a City Hall tradition to blame Yaroslavsky: Even back in 1987, Mayor Tom Bradley's spokesman Fred MacFarlane, in *The New York Times*, blamed the congestion on him. In the same story, an L.A. businessman noted, "Right now, any slow-growth candidate who does not get arrested for molesting children can get elected." But how times have changed.

Yaroslavsky counters today's dominant voice of pro-growthers in City Hall by saying that had he not halted the \$300-million-per-mile subway, Los Angeles could never have afforded to create the popular Orange Line bus lanes in the Valley or the Gold Line light rail from downtown to Pasadena. Sounding like the old Yaroslavsky, he tells the *Weekly*, "In all corners of the city, a revolution is brewing against the pack mentality at City Hall."

One of the issues that most sticks in his craw is the aforementioned SB 1818 Implementation Ordinance. Not exactly a household phrase, the ordinance lets developers build new apartment buildings 35 percent larger than the protective local zoning allows – if developers agree to include some below-market "affordable" units in these buildings.

But does it actually produce cheaper housing – its main aim? Yaroslavsky points to a development on Sepulveda in Westwood where a developer wiped out 31 apartments rented mostly to UCLA students for \$1,500, erecting 59 condos with mortgages of about \$3,000 a month. He recalls scornfully, "The developer says to me, 'Those [\$1,500-a-month] units weren't affordable anyway.'" Yaroslavsky retorted, "How many of those students can afford your condos after they graduate?" And the trend is spreading. In Miracle Mile, he says, "On Ridgeley and Sixth, there's four parcels of rent-controlled units. One day I'm jogging there, and they're gone!"

Under the SB 1818 Implementation Ordinance, the now-destroyed lower-cost apartments on Ridgeley and Sixth can be replaced with a luxury tower that ignores low-growth zoning – as long as the owner agrees to rent 10 to 20 percent of the apartments at "affordable" prices. The developer can now charge the current market rate (of about \$2,300 a month for a two-bedroom apartment) for the rest of the units he builds at Ridgeley and Sixth – far higher than the rents in the now-destroyed building, and enough for a mortgage in most cities.

Fumes Yaroslavsky of this "affordable" housing, "The whole thing's a fraud. It's a wolf in sheep's clothing."

Yaroslavsky's passion dates from the mid-'80s, when homeowners associations howled at a wave of construction from Hauser Boulevard to La Brea Avenue on both sides of Sixth Street in Miracle Mile that destroyed beloved, picturesque Spanish Colonial rentals boasting wrought-iron staircases, cozy alcoves and tile work from the 1920s.

The Bradley administration's urbanization frenzy ushered in shoddy, higher-density, four- and five-story apartment blocks with quickly decaying stucco veneers that looked like they'd been airlifted from Beirut. Indignation generated a wave of grassroots activism. Groups such as the Detroit Street Coalition and Not Yet New York pressured avidly pro-growth City Council President John Ferraro, and Bradley, to protect neighborhoods.

Angry citizens won a huge victory with approval of 35 legally binding land-use plans citywide, now known as "Community Plans." Largely shaped by residents, Community Plans made it harder for developers to roll through medium-density neighborhoods such as Miracle Mile. Community Plans protected the suburban character of low-density areas being eyed by developers near big streets like Florence, Reseda, Vanowen, La Brea and South Broadway.

But here's the clincher: SB 1818 trumps restrictions built into the Community Plans because it's state law. Each Community Plan is slowly being revisited by the Planning Department in negotiations among homeowners, renters, business owners and city planners, so that neighborhoods conform to projected growth. Right now, 12 city planners (plus support staff) are redoing a big batch of Community Plans including Boyle Heights, Central City, Granada Hills, Hollywood, San Pedro, South Central (redubbed Southeast), South L.A., Sunland-Tujunga, Sylmar, West Adams, West L.A. and Westlake.

In this top-down process, the Planning Department contacts each affected neighborhood council (after notifying the City Council member who oversees that neighborhood) that changes are in the wind – usually to densify the neighborhood.

Some areas face unusually dramatic growth, not because their Community Plan calls for it, but because city planners got \$1 million from the prodevelopment Southern California Association of Governments, combined with Proposition A transportation funds and property taxes, to research and plan extremely dense new neighborhoods near train stations in mostly poor areas along Exposition Boulevard in South Los Angeles, along Soto and Indiana streets on the Eastside, and near Gold Line stations in Chinatown, Lincoln Heights and Cypress Park.

Wes Joe, of the Silver Lake Neighborhood Council, says that his Community Plan was rewritten in 2004, just before Goldberg got here from San Diego, so Silver Lake won't be up for review for some time. Joe says city officials contacted one in five Silver Lake households that year to help redo the Community Plan, and those meetings drew the "usual array of Anglo homeowners" in a neighborhood that's also heavily Latino. Steve Leffert, the president of Lake Balboa Neighborhood Council in the Valley, says that Lake Balboa's two adjacent Community Plans were rewritten in 1993 and 1994, and he's heard nothing from the Planning Department – yet.

The ostensible purpose of Community Plans is to manage the growth that is now officially capped at 4.2 million before city services – like sewerage and local roads – are strained beyond capacity. Perica points out that the current population of 3.9 million doesn't include the 300,000 to 400,000 undocumented residents who make up 10 percent of the city, some living in 50,000 to 70,000 illegally adapted garages and storage spaces, according to the Department of Building and Safety. "Keep that in mind the next time you're stuck in traffic," Perica says. And the planning that exists for that shadow population doesn't begin to address the scale of the problem.

Some residents are stunned by the way the city is trying to circumvent the intent of the Yaroslavsky-sponsored slow-growth measure known as Proposition U, embraced in a landslide vote in 1986, which cut in half the size of buildings allowed on commercial strips adjacent to residential areas.

Voters ushered in Prop. U after then Mayor Bradley, Council President Ferraro and prodeveloper council members like Pat Russell embraced wildly inappropriate projects. Westwood Village was targeted for massive growth, and a huge trash-burning facility, Lancer, was pushed in South L.A. One flash point came with the \$43 million, six-story Encino Terrace Center office tower, which now looms over an attractive Encino neighborhood, wiping out privacy below and casting a permanent shadow.

Prop. U aside, North Hollywood and Hollywood are now targeted for 20-to-35-story skyscrapers that include a mix of residential on the upper floors and commercial on the bottom. The 35-story Columbia Square building will tower over Sunset Boulevard at Gower Street. Such skyscrapers represent dramatic – and virtually undebated – departures for Hollywood and the Valley. Neither skyscraper site is protected by Prop. U, which doesn't apply to Hollywood, downtown or the Metro Rail site in North Hollywood.

Beyond what's in store for Hollywood and the Valley, Yaroslavsky also believes that the SB 1818 Implementation Ordinance places treasured, low-slung neighborhoods such as the Fairfax District's historic rental corridor at risk. But since the mayor is ducking public discussion, Yaroslavsky, a powerful elected official, finds himself instead debating two little-known, if influential, city employees who serve at Villaraigosa's pleasure – Goldberg and Senior City Planner Jane Blumenfeld.

"This is where Gail Goldberg is missing the boat," Yaroslavsky explains of the threats to established, steady neighborhoods. For example, in the Fairfax District, where SB 1818's incentives allow developers to blow past existing zoning, "You've just increased the chance of demolition and redevelopment from impossible to probable."

Though Goldberg counters that the new law doesn't threaten the Fairfax District, in a moment of candor she agrees that SB 1818 is an unavoidable state law that's "a terrible fit for Los Angeles." Blumenfeld, too, concedes that it's "draconian ... but we're trying to make it work."

But Yaroslavsky says it was Blumenfeld, not the state, who pushed the new densities well beyond the state requirements to "35 percent more density," and Blumenfeld then "laid out all the 'findings' to approve it."

Villaraigosa isn't part of this growing rancor. His own views are unknown, aside from his repetitive claim that the "construction crane is the official bird" for Los Angeles.

Meet Jane Blumenfeld, the object of Yaroslavsky's scorn and senior planner for the city of Los Angeles. After receiving her bachelor's in history from the University of Wisconsin, and then a master's in city planning from the University of Pennsylvania, she came here in 1978, working as a planning adviser for Mayor Bradley, just as young Councilman Yaroslavsky was ushering through Prop. U to halt commercial high-rises near homes.

After spending some years in the real estate business, Blumenfeld worked as chief of staff to former Councilman Mike Feuer, then rejoined the Planning Department in 2001. A small woman with a quick wit propelled by spurts of sarcasm, Blumenfeld appears a bit stunned by the charges Yaroslavsky lodges against her, like an elf reacting to the roar of a bear.

"All right ... all right," she says calmly. "Let's just take a look at *his* work."

Blumenfeld leads me through a maze of hallways in City Hall, to an inner office where she points to a color-coded map. "See that?" she says, pointing out that 83 percent of the commercial parcels in the city are marked – indicating Prop. U is in force. "It's not physically possible to build growth there, because Zev has blocked it with Proposition U."

But that's not true. In 2002, under Mayor James Hahn and with virtually no public scrutiny, the City Council watered down Prop. U, creating a new land zone confusingly dubbed "Residential Accessory Services." In such zones, projects can be doubled in size if the developer merely agrees to mix housing units with businesses. In another nod to developers, and calling it "smart growth," the council decided that projects with "affordable" housing can be one-third bigger than permitted if they are within 1,500 feet of a bus stop. Together with SB 1818, much of L.A. is now open to multistory construction. (Click here to download PDF of the map.)

To Blumenfeld, those neighborhoods are underutilized "transit corridors." She also denies Yaroslavsky's charge that Fairfax – as well as other stable villages that make up L.A. – is threatened by SB 1818. Developers still find that "land is expensive, lumber is expensive. The [state] law's been in effect for almost three years, but we've not seen any projects on Fairfax."

"So why write these incentives into the new law?" Yaroslavsky retorts. "The city can't keep talking out of both sides of its mouth."

City leaders first learned of plans to mandate denser California cities in a 1996 memo from the State Department of Housing and Community Development. But Yaroslavsky insists he didn't hear about SB 1818 until last summer, when a mole from the city's Planning Department leaked him a draft of the plan for apartment buildings 35 percent bigger than allowed.

"We were appalled," Yaroslavsky says. So the county supervisor again became the town crier. Pro-density groups begrudgingly credit him for pressuring the council to ban these higher buildings next to or across alleys from R1 (single family) homes. But other neighborhood protections, such as a lengthy appeals process, were stripped away.

"This all comes from the stupidity of doing these things behind closed doors," Yaroslavsky says. "Now everybody's weighing in. They didn't know what was going on. Now the Silver Lake Neighborhood Council is picking this all apart, and rightly so."

On hearing Yaroslavsky's version, Blumenfeld rolls her eyes.

"There's really no secret plans here," she says. "We don't do anything in this department that's not superpublic and transparent, and nobody knows better than Zev the steps we go through to adopt an ordinance. There were many, many public hearings."

She cites a series of committee meetings, describing them as poorly attended: "'Wow! A plan to implement SB 1818! Let me give up my Saturday to go to this!'"

In fact, Angelenos don't have a clue what's been happening, or what's coming. In the 32 months since Villaraigosa was elected, for example, the *Los Angeles Times* and the *Daily News* have written only four stories about a plan to allow apartments without parking in order to squeeze in more units. The phrase "SB 1818" has appeared in just 14 articles. The mayor's czar of zoning variances, Michael LoGrande, is virtually unknown – mentioned just six times in Los Angeles print media in the past two years. And the "superpublic" hearings cited by Blumenfeld were attended almost exclusively by lobbyists, a few activists and the occasional curious neighbor.

"There should be a debate!" Yaroslavsky wheezes, a victim of allergies, dabbing his nose with a handkerchief.

"The proponents of the density hawks, including the director of the Planning Department, and the real estate industry, and the L.A. Area Chamber of Commerce – they had the audacity to say that they negotiated the plan [with homeowners]. Not true, there wasn't one neighborhood group that knew about it!"

Now meet Gail Goldberg, Blumenfeld's boss and philosophical cousin, and the other object of Yaroslavsky's discontent. On a Friday at 8:20 a.m., I step out of a City Hall elevator on the fifth floor, walking down an imposing corridor. There stand the double doors to the offices of the director of the Planning Department, Goldberg.

More than 30 feet back from the unattended public counter sits Goldberg's assistant, Lily Quan, the only person in the vast reception area at that hour. She looks up. "May I help you?"

"I'm with the *L.A. Weekly*, and I just got stood up by the planning director for an 8 a.m. meeting at Starbucks."

Quan offers an expression of withering condescension. "I think you're confused," she says slowly, as if to a mentally impaired person. "Your meeting is scheduled for next Friday."

"I have a copy of the e-mail, sent by you, confirming the meeting for this morning."

Quan consults her computer, tapping buttons.

"Looks like we made a mistake," she concedes. "Sorry ... She's got a 9 a.m. appointment, so you'd only have half an hour."

"That," I say, "would be a good start," pondering how the Planning Department could have so much trouble planning a cup of coffee.

At 8:35, Quan ushers me down a small hallway. Goldberg graciously rises from the seat behind her desk to apologize, greeting me in a manner that is both warm and – since we are in City Hall – imperious.

"So what have I read of yours lately?" she asks.

"You would probably have a better idea of that than me."

"What I mean is, what have you written that might have annoyed me?"

In fact, I had recently authored a piece on the city's "Parking Reduction Ordinance," which lets developers of apartments and condos near train stations and bus stops get a waiver from the city's minimum parking-space requirements. In a radical departure, the city could allow big apartments to be constructed without parking spaces. The developer need only prove he is providing a vaguely imagined "alternative means" of transportation – potentially, anything from carpool programs to bicycle racks to walking canes and foot balm – that a local city-zoning administrator feels is a "viable alternative" to driving.

The "public-transit promoting" Parking Reduction Ordinance is not going over well with some of the very few Los Angeles residents who have heard of it.

The Silver Lake Neighborhood Council says that, among other things, the reduced-parking ordinance will eventually punish the working poor (who actually use public transit), helping to prod them out of neighborhoods where hipster, "transit-oriented" projects lacking parking would almost inevitably be paired with luxury rentals.

Developer Gilmore insists the parking-reduction waiver isn't aimed at "what's happening in Silver Lake today, but what it will look like in 20 to 30 years." Yaroslavsky responds, "I don't think Gail [Goldberg] has a clue as to the impact of what these 'incentives' will be."

When residents of Los Angeles hammered out 35 Community Plans to direct what should happen in the city's loosely connected villages, those plans did not include luxury apartments without parking or skyscraper apartments looming over neighborhoods.

"Good planning has to lead, not follow," Goldberg explains, of City Hall's quiet push to amend those Community Plans, a process she insists will emphasize the need to work together. "We need to get in front of the process with Community Plans, which we're creating right now."

Twenty years ago, Robin Kramer, then chief of staff to Eastside City Councilman Richard Alatorre, told *The New York Times*, in an almost identical comment, that the key question was how City Hall could "best manage the growth and lead it." Now Kramer is back, again as a chief of staff – but this time to Villaraigosa.

At 9 a.m., as Goldberg is preparing to greet members of the Downtown Planning Commission, she advises me of my civic responsibility as a journalist regarding the density debate:

"All I ask is that you don't scare people into paralysis."

The apartment-construction binge began in 2002 but dates to 1993, when the Planning Department, under newly elected Mayor Richard Riordan, rolled out the new-housing component of its General Plan. Although dozens of Community Plans attempted to mute its more dire effects, the General Plan claimed that two-thirds of the city – already the fourth most densely populated in the nation – was "underutilized."

Many found the General Plan laughable and unlikely to ever unfold. But then demographers from California's State Department of Finance and the Southern California Association of Governments (SCAG) prophesied that an inevitable county population increase of 2.5 million people by 2025 had to be met in Los Angeles by the building of far more housing.

That's when city planners started redesigning the very DNA of Los Angeles.

Goldberg says that SCAG bureaucrats want to see 16,000 new housing units per year – in a city many residents view as already overbuilt and grossly congested. (City Hall listens to SCAG, but some cities are sick of SCAG's density drumbeat. Irvine is involved in a bitter lawsuit against SCAG; Palmdale and La Mirada tried to stop SCAG and lost in court.)

SCAG "population projections" of massive, inevitable growth in L.A. are notoriously unreliable, says demographer James Allen, professor emeritus of geography at California State University Northridge.

"I personally don't put any stake in the accuracy of projections from SCAG or anyone else," Allen says. In his college classes, Allen assigns his students to make such projections – showing them how easy it is to manipulate theoretical circumstances to get whatever "population growth" results they desire.

It's a game, Allen explains, with outcomes "all based on assumptions that can't be known." A crash in the local economy, the subprime mortgage debacle, a flood or earthquake, major job growth in the U.S. South – all can send hundreds of thousands of people to other regions.

"But let's say they're accurate," Yaroslavsky conjectures. "Are we being told that we need to rebuild the entire city to facilitate another 2.5 million people in the next 17 years? Good luck. It's not going to happen – economically or politically ... It's preposterous. The deal is that there are a number of developers who see an opportunity here to make a killing."

The actual growth statistics fly in the face of the luxury-apartment future envisioned by the Villaraigosa administration. The U.S. Census says that between 1990 and 2000, 400,000 more residents fled Los Angeles County than moved in from other states and California counties. And significantly, the people who moved here earn an average of \$3,000 less per year than the 400,000 who fled.

Yet the population is expanding, and the two key causes are illegal immigration and the high birth rate among the poor and working poor. Local Latino birth rates are driving it, and in Los Angeles, that means families with a median annual income circling \$25,000.

Who is going to snap up thousands of luxury apartments on the drawing boards, at \$2,500 a month? A few foreign nationals from Stuttgart and London, Dubai and Moscow? Even if Villaraigosa's team comes up with 16,000 new units per year in order to please land speculators, developers and bureaucrats at SCAG, it's highly unlikely that L.A.'s new residents – not hipsters but low-income families – could afford them.

"There's never been the market to support what they've been building," says Joel Kotkin, who notes that L.A. planners mistakenly believe they are creating the next New York or Chicago, when, Kotkin believes, it's more likely they are erecting a dense new Third World city.

There are, to be sure, arguments supporting high-density cities. Peter Gleick, director of Pacific Institute, an ecology-research foundation in San Francisco, says, "In single-family suburban homes, more than half the tap-water supply is spent on lawns and gardens. ... With the expected radical decline in the Sierra Nevada snowpacks, cities like Los Angeles and Las Vegas cannot continue to grow in the 21st century the way they did in the 20th."

But density also breeds much more crime – something "density hawks" never mention. A report by the National Center for Policy Analysis says crime rates in dense cities outpace by up to 20 percent the crime in more sprawling, spacious cities. So-called "smart growth" Portland and Seattle lead the pack in property crime.

These colliding issues – of water usage, crime peaks, birth rates, developer greed (or hardship, according to Gilmore), statistical manipulation and City Hall transparency – could and should be the subject of public debate in Los Angeles.

But they're not.

Think of the current process as the urban-planning equivalent of termites gnawing away at the city's crossbeams. Each time a zoning-change application is considered, it must be heard in public in front of a volunteer committee of a regional Planning Commission – all political appointees of Villaraigosa.

The Planning Department is supposed to send notifications to the relevant "certified neighborhood council," and to all neighbors within 500 feet of the property at issue, or to post a notice in any local newspaper. And in addition, the agenda for all such hearings is posted at www.cityplanning.lacity.org.

That's how the Planning Department claims to be engaging the public. But a wall of silence between the public and the city is built into the incremental nature of the process.

Few residents know what to make of the strangely worded notifications they suddenly receive in the mail – just 10 days before a hearing. (Some notices, as in the Lake Balboa district in the Valley, arrived after a key hearing had occurred.) There's very rarely media interest, and in a city where few residents know the name of their city-council member (Los Angeles City Council districts contain about 280,000 people, the largest such districts – and many say the least responsive – in the U.S.), fighting City Hall is daunting.

Planning Commission hearings are held during business hours, handy for developers but not for residents. When no residents appear to oppose a developer's plan, the regional commissioners – often local residents, theoretically more invested in the area's welfare than downtown planners – usually go along with the developer. Usually, after the developer completes an environmental report and addresses a few problems, the zoning change or variance is granted.

The Woodland Hills-Warner Neighborhood Council's chairperson, Joyce Pearson, wrote this warning in a recent newsletter to her Valley area: "The public often waits until it's too late to do anything to enhance major developments or to impact any potential problems that may be caused."

Yet the public isn't "waiting," as Pearson puts it. The public is out of the loop – often until the demolition fence is already up.

That seems fine with City Hall. With a few pockets of 1980s-style activism developing at the feistier monthly neighborhood-council meetings in Los Angeles, City Hall has begun responding – by attacking the locals.

For example, the often-clamoring North Hills West Neighborhood Council, in a far-flung Valley area that was a hotbed of secession-movement sentiment, is so distrustful of City Hall that its members attend city Planning Commission hearings en masse. The North Hills group has defeated a series of high-density housing proposals on its rustic fields and meadows.

For their trouble, City Hall came down hard on these citizens. According to homeowner Peggy Burgess, the Neighborhood Council was subjected to an official barrage of blistering, trumped-up charges – even including racism – that originated from a cadre of pro-growthers. The accusers were allowed to file complaints anonymously with the city's somewhat ironically named Department of Neighborhood Empowerment (DONE).

Burgess says that, during a vitriolic December meeting, Manuel Durazo, a city project coordinator for DONE, conceded that he simply forwarded the ugly charges to the Board of Neighborhood Commissioners, and official "decertification" proceedings of the Neighborhood Council got under way – with no city official bothering to investigate the accusations, or allowing the neighborhood council to refute them.

Durazo finally admitted the charges were unsubstantiated. He sent out a letter congratulating the Neighborhood Council on its victory – adding that he'd requested that the city transfer him to a different district.

Since 2005, Villaraigosa has been tirelessly cheerleading for a taller city. He has often pointed to the frenzied construction of mixed-use buildings (apartments, shops and offices) as proof that he is probusiness.

In fact, some counter that L.A. is antibusiness, a city that drives big and small companies to neighboring Pasadena, Calabasas, Glendale, Culver City and elsewhere, earning itself special attention each year in the Kosmont Report on urban areas with backward business policies.

Villaraigosa appears to believe that edifices equate with business, and that the buildings themselves will lure in an educated work force and quality companies. "If we're not creating wealth, if we're not bringing in investment, if the official bird of Los Angeles isn't the crane, then we won't be able to do all the good things we would like to do for our people," Villaraigosa told the *Los Angeles Business Journal* in 2006.

His narrow emphasis on high-density housing construction might cost L.A. if a recession has really arrived. "The burst housing bubble has hit us pretty hard," says Joseph Linton, policy associate for Livable Spaces, a nonprofit developer that's completed mixed-income, transit-oriented residences in Long Beach and Lincoln Heights. The affordable units are selling, "but our market-rate units are going very slowly." Adds Gary Toebben, president of the L.A. Area Chamber of Commerce, "New market-rate housing is just not moving."

Nonetheless, Blumenfeld imagines dense urban villages built around subway stations, populated by the young and old, neighbors who shop on the ground floor and use rail or buses to get about.

Gail Goldberg looks out across the city and imagines residents and developers working side by side, with her department's firm leadership dedicated to the integrity of neighborhoods.

But from his County Hall of Administration office just a few blocks away, Yaroslavsky, his voice rumbling in a basso profundo, waves off Blumenfeld's and Goldberg's utopian plans: "I watched the demolition derby in this town 20 years ago ... I have a platform. I have some credibility. I have something to say. [But] I shouldn't be the one to say it."

Also read Julia Cooke's article on urban similarities between L.A. and Mexico City.

And What's Smart About Smart Growth? by David Zahniser

*Editor's Note: This story incorrectly stated that Los Angeles County Supervisor Zev Yaroslavsky fought federal funding for subways after a methane explosion in 1985. In fact, Yaroslavsky called for more study of methane gas dangers while Congressman Henry Waxman championed the federal ban. Later, Yaroslavsky led a ballot effort that prevented local sales taxes from being used on the subway being tunneled under Hollywood, allowing that tax money to go to other transit projects. This story was corrected Feb. 29.

Contact: Steven Leigh Morris Follow: LA Weekly LA Weekly

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Exhibit 10



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 5 - 0 3 1 7
SEP 1 2 2005

REPORT RE:

**AN ORDINANCE AMENDING THE LOS ANGELES ADMINISTRATIVE
AND MUNICIPAL CODES TO MAKE VARIOUS TECHNICAL AND
CLARIFYING CHANGES**

The Honorable Los Angeles City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File Nos. 01-0760 and 99-1800
CPC Case No. 99-0435 - not transmitted

Honorable Members:

We are transmitting to you for your action, approved as to form and legality, a final draft Ordinance to amend the Los Angeles Administrative and Municipal Codes to make various technical and clarifying changes.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this draft of ordinance on behalf of the City Planning Commission and recommended that the City Council adopt it. Should the City Council adopt this ordinance, it may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in his report dated August 23, 2005, or by making its own findings.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Department of Planning determined that the proposed ordinance is exempt from CEQA, pursuant to Article II, Section 2, Subsection (m) of the City's CEQA Guidelines

Honorable Los Angeles City Council
of the City of Los Angeles
Page 2

because enactment of this ordinance constitutes enabling legislation and will have no impact on the physical environment. If the City Council concurs, it must make this finding prior to or concurrent with its action on the ordinance.

Summary of Ordinance Provisions

The draft of ordinance amends various provisions of the Los Angeles Administrative and Municipal Codes to correct typographical errors, and to make clarifying and technical changes.

Council Rule 38 Referral

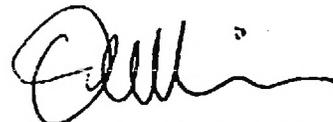
A copy of the final draft ordinance was sent, pursuant to Council Rule 38, to the Departments of Building and Safety and Housing. The Departments have indicated that they have no objections to the draft ordinance.

If you have any questions, feel free to contact Assistant City Attorney Sharon Siedorf Cardenas at (213) 978-8235. She or another member of this staff will be available to answer any questions you may have when you consider this matter.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM/SSC:pj(114872)
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 4.91 and 4.111.1 and repealing Section 4.111.3 of the Los Angeles Administrative Code and repealing Section 11.5.8, adding Sections 11.5.9 and amending Sections 11.00, 11.5.6, 11.5.7, 12.03, 12.04, 12.09, 12.16, 12.21, 12.21.3, 12.21.5, 12.22, 12.24, 12.26, 12.27, 12.32, 12.36, 13.01, 13.02, 13.10, 14.00, 16.05, 16.50, 17.03, 17.06, 17.50, 17.52, 17.54, 41.50, 91.6218.2, Table 62-C of Division 62 of Article 1 of Chapter IX, 91.6305, 91.8607, 97.0201, 151.09, and 152.06 of the Los Angeles Municipal Code to make various technical and clarifying changes.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (f) of Section 4.91 of the Los Angeles Administrative Code is amended to read:

(f) Retroactive Salary Adjustments. Step adjustments will be recomputed, if necessary, pursuant to the provisions for any retroactive salary ordinance (for non-represented employees) or Council-approved MOU (for represented employees).

Sec. 2. Section 4.111.1 of the Los Angeles Administrative Code is amended by adding a second unnumbered paragraph to read:

A court of competent jurisdiction is defined as a court within the county in which the employee resides. If the place of appearance is outside the county of residence, it must be within 150 miles of the employees residence.

Sec. 3. Section 4.111.3 of the Los Angeles Administrative Code is repealed.

Sec. 4. The first paragraph of Subsection (l) of Section 11.00 of the Los Angeles Municipal Code is amended to read:

(l) In addition to any other remedy or penalty provided by this Code, any violation of any provision of this Code is declared to be a public nuisance and may be abated by the City or by the City Attorney on behalf of the people of the State of California as a nuisance by means of a restraining order, injunction or any other order or judgment in law or equity issued by a court of competent jurisdiction. The City or the City Attorney, on behalf of the people of the State of California, may seek injunctive relief to enjoin violations of, or to compel compliance with, the provisions of this Code or seek any other relief or remedy available at law or equity.

Sec. 5. The second and third unnumbered paragraphs of Subsection E of Section 11.5.6 of the Los Angeles Municipal Code are amended to read:

After the close of the public hearing, the Council may do either of the following:

1. Approve or disapprove the Plan amendment in whole or in part in accordance with Charter Section 555(e); or
2. Propose changes to the Plan amendment.

The Council shall take either of these actions within 75 days after receiving the recommendation of the Mayor, or within 75 days after the expiration of the Mayor's time to act if the Mayor has not made a timely recommendation. The failure of the Council to act within that 75-day period shall constitute a disapproval of the Plan amendment.

Sec. 6. Paragraph (a) of Subdivision 2 of Subsection C of Section 11.5.7 of the Los Angeles Municipal Code is amended to read:

(a) That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan; and

Sec. 7. Section 11.5.8 of the Los Angeles Municipal Code is repealed.

Sec. 8. Article 1.5 of Chapter 1 of the Los Angeles Municipal Code is amended by adding a new Section 11.5.9 to read:

Sec. 11.5.9. WITHDRAWAL OF APPLICATION.

A. Procedures. At any time before the initial decision-maker or appellate body on appeal makes a final decision on an application pursuant to the Code sections listed in Subsection C below, the applicant may withdraw the application.

B. Limitations. The withdrawal of the application must be in writing and does not require the decision-maker to concur. The withdrawal of the application shall be permanent and any associated authorization shall be void.

C. Code Sections. This section applies to applications filed pursuant to Sections 11.5.6, 11.5.7, 12.20.2, 12.20.3, 12.21, 12.22, 12.23, 12.24, 12.25, 12.26, 12.27, 12.28, 12.30, 12.32, 12.36, 12.39, 12.50, 13.01 H, 14.00, 14.5.0, 16.01, 16.02, 16.04, 16.05, 16.50 and Articles 7 and 8 of Chapter 1 of this Code.

Sec. 9. Lettered paragraphs (a) and (f) of the definition of Accessory Use in Section 12.03 of the Los Angeles Municipal Code are amended to read:

(a) all the historic vehicles and parts maintained in outdoor storage, whether currently licensed or unlicensed, or whether operable or inoperable constitute an Historic Vehicle Collection;

(f) plans for the maintenance of the Historic Vehicle Collection have been submitted to and approved by the Zoning Administrator in accordance with the procedures in Section 12.28 C 1, 2 and 3 and subject to the same fees as in Section 19.01 E for relief from fence height limitation.

Sec. 10. The fourth unnumbered paragraph of the definition of Accessory Use in Section 12.03 of the Los Angeles Municipal Code is amended to read:

An approval of an Historic Vehicle Collection and any use allowed by this Code shall be subject to conditions not in conflict with this Code which the Zoning Administrator may deem necessary or advisable to impose in order to protect the peace and quiet of occupants of contiguous property.

Sec. 11. Subsection C of Section 12.04 of the Los Angeles Municipal Code is amended to read:

C. In order to regulate more adequately and restrict the height and floor area of buildings and structures, each lot shall include a height district designation. Height district designations shall be numbered from 1 to 4, CRA 1 to 4, EZ 1 to 4, and CSA 1 to 4 and shall regulate the height or floor area of buildings and structures as provided in Sections 12.21.1, 12.21.2, 12.21.3, 12.21.4 and 12.21.5. The height districts and their boundaries are shown on the Zoning Map by a combination of zone symbols and height district number markings, e.g., R2-1, C2-2, M1-3, C1-CRA1, M2-EZ2, C2-CSA3, etc. Where a lot is located in more than one height district, the applicable zone symbol designations shall be separated by a slash mark, e.g., R2-CRA/CSA, C2-EZ1/CRA2, etc. The symbol "HD" preceding height district number markings, when shown on the Zoning Map or used in a zoning ordinance, is an abbreviation for the words "height district" and refers to height districts. The height districts for the "CW" Zone are the height districts shown in Section 6 of the Central City West Specific Plan. The height districts for the "ADP" Zone are height districts shown in Section 7 of the Alameda District Specific Plan. The height districts for the "WC" Zone are height districts shown in Section 7 of the Warner Center Specific Plan. The height districts for the "LASED" Zone are the height districts shown on Section 10 of the Los Angeles Sports and Entertainment District Specific Plan.

Sec. 12. Subdivision 4 of Subsection C of Section 12.09 of the Los Angeles Municipal Code is amended to read:

4. Lot Area – Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet. The minimum lot area per dwelling unit shall be 2,500 square feet, except for apartment houses, boarding or rooming houses, and multiple dwellings on lots having a side lot line adjoining a lot in a commercial or industrial zone as provided for in Subsection A of this section, which uses shall comply with the lot area per dwelling unit and guest room regulations of the RD1.5 Zone.

Provided, that where a lot has a width of less than 50 feet or an area of less than 5,000 square feet and was held under separate ownership or was of record at the time this article became effective, the lot may be occupied by any use permitted in this section, except those uses requiring more than 5,000 square feet of lot area. In no case, however, shall a two-family dwelling or two-family dwellings be allowed on a lot with an area of less than 4,000 square feet.

Exceptions to area regulations are provided for in Section 12.22 C of this Code.

Sec. 13. Paragraph (a) of Subdivision 2 of Subsection A of Section 12.16 of the Los Angeles Municipal Code is amended to read:

(a) The following amusement enterprises:

- (1) boxing arena;
- (2) games of skill and science;
- (3) merry-go-round, ferris wheel or carousel;
- (4) penny arcade;
- (5) shooting gallery;
- (6) skating rink;
- (7) Strip tease show. This use shall include an adult cabaret, as defined in Section 12.70 B of this Code;
- (8) billiard or pool hall;

(9) bowling alley;

(10) indoor swap meets, unless authorized pursuant to the provisions of Section 12.24 W 42; and

(11) other similar uses, but not including the conducting of any game of bingo authorized pursuant to the provisions of Article 4.5 of Chapter IV of this Code.

Sec. 14. Paragraph (p) of Subdivision 2 of Subsection A of Section 12.16 of the Los Angeles Municipal Code is amended to read:

(p) Gymnasiums, health clubs and other similar uses.

Sec. 15. Subdivision 2 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

2. Other Use and Yard Determinations by the Zoning Administrator.

The Zoning Administrator shall have authority to determine other uses, in addition to those specifically listed in this article, which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed.

The Zoning Administrator shall also have authority to interpret zoning regulations when the meaning of the regulation is not clear, either in general or as it applies to a specific property or situation.

Anyone aggrieved by the Zoning Administrator's determination may file an appeal within 15 days from the issuance of the written decision.

The City Planning Commission shall hear appeals on Zoning Administrator Interpretations where there is no site specific issue. The Area Planning Commission shall hear appeals on site specific Zoning Administrator Interpretations. In no instance, however, shall the Zoning Administrator determine, nor shall these regulations be so interpreted, that a use may be permitted in a zone when that use is specifically listed as first permissible in a less restrictive zone; e.g., a use listed in the C2 Zone shall not be permitted in the C1 Zone, or in a more restricted designation associated with a Pedestrian Oriented District or Specific Plan.

The Zoning Administrator shall also have authority to adopt general interpretations determining the proper application of the yard regulations to groups of lots located in hillside districts or affected by common problems.

Sec. 16. Paragraph (c) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(c) For Commercial and Industrial Buildings. Except as otherwise provided in Subparagraphs (1) through and including (7) below, there shall be at least one automobile parking space for each 500 square feet of combined floor area contained within all the office, business, commercial, research and development buildings, and manufacturing or industrial buildings on any lot.

Sec. 17. Sub-subparagraphs 3 and 6 of Subparagraph (3) of Paragraph (x) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code are amended to read:

3. Wilshire Center/Koreatown Recovery Redevelopment Project Area, delineated by Ordinance No. 170806;

6. Any Enterprise Zone as that term is defined in Section 12.21.4 of this Code.

Sec. 18. Sub-subparagraphs 7, 8, 9 and 10 of Subparagraph (3) of Paragraph (x) of Subdivision 4 of Subsection A of Section 12.21 of the Los Angeles Municipal Code are repealed.

Sec. 19. The Exception of Subparagraph (k) of Subdivision 5 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

EXCEPTION:

Lights in compliance with Sections 91.6305 and 91.8607 of the Code.

All parking areas and garages provided for three or more dwelling units or guest rooms shall have an average surface illumination of not less than 0.2 footcandles (2.15 lx).

Sec. 20. Subdivision 11 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

11. Tennis or Paddle Tennis Courts. A tennis or paddle tennis court, constructed as an accessory use to the primary residential use on the same lot in the A or R Zones, shall comply with specific construction and operation standards as may be established by the Zoning Administrator pursuant to Subsection C 4 of this section and shall be located as required in Subsection C 5 of this section.

Sec. 21. Paragraph (i) of Subdivision 16 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(i) Showers and lockers shall be provided as required by Section 91.6307 of this Code.

Sec. 22. Subparagraph (2) of Paragraph (b) of Subdivision 17 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(2) For any main building on a lot in the RA, RE, RS, R1, and RD Zones, the above required side yard or the side yard required by the zone in which the lot is located, whichever requirement is greater, shall be increased one foot for each increment of ten feet or fraction thereof above the first 18 feet of height of the main building.

Sec. 23. Sub-Subparagraph (ii) of Subparagraph (6) of Paragraph (a) of Subdivision 20 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(ii) Pursuant to Section 12.24 W 49 of this Code, the decision-maker may allow use of an alternate detailed plan and specifications for landscaping and screening, including plantings, fences, walls, sign and structural applications, manufactured devices and other features designed to screen, camouflage and buffer antennas, poles and accessory uses. The antenna and supporting structure or monopole shall be of a design and treated with an architectural material so that it is camouflaged to resemble a tree with a single trunk and branches on its upper part, or shall be designed using other similar stealth techniques.

Sec. 24. The Maps in Section 12.21.3 of the Los Angeles Municipal Code are deleted.

Sec. 25. The first unnumbered paragraph of Section 12.21.5 of the Los Angeles Municipal Code is amended to read:

Within the boundaries of the Centers Study areas designated on Maps numbered 1 through 3 and 5 through 28 in Council File Nos. 86-0958, 86-0957, 85-0193 and 84-1554, the height district limitations set forth below in Subsections A through F shall apply.

Sec. 26. The Maps in Section 12.21.5 of the Los Angeles Municipal Code are deleted.

Sec. 27. Sub-subparagraph (i) of Subparagraph (10) of Paragraph (a) of Subdivision 23 of Subsection A of Section 12.22 of the Los Angeles Municipal Code is amended to read:

(l) Landscaping - Setback. A landscaped, planted area having a minimum inside width of five feet shall be required along all street frontages of the lot and on the perimeters of all parking areas of the lot or lots which abut a residential zone or use.

Notwithstanding the above, in the Downtown Business District as defined in Section 12.21 A 4 (i) of this Code, a landscape (planted) area having a minimum inside width of five feet shall be required on the perimeters of all parking areas of the lot which abut a residential zone or use.

Sec. 28. Subdivision 10 of Subsection C of Section 12.22 of the Los Angeles Municipal code is amended to read:

10. Rear Yard - Includes One-Half Alley. Except in the RS, R1, RU, RZ, RMP, and R2 Zones, in computing the depth of a rear yard where the rear yard opens onto an alley or in the RW Zone onto a court of not more than 30 feet in width, one-half the width of the alley or court may be assumed to be a portion of the required rear yard.

Sec. 29. The first unnumbered paragraph of Paragraph (b) of Subdivision 16 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(b) Procedures. An application pursuant to this subdivision involving a nonconforming use shall follow the procedures for variances set forth in Section 12.27 C of this Code, except to the extent an additional appeal is permitted to City Council. The Zoning Administrator may waive the public hearing if the applicant has secured the approval for the reconstruction from the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. If that approval is obtained from the surrounding property owners, the Zoning Administrator may waive the public hearing if the administrator makes the following written findings:

Sec. 30. The first sentence of Paragraph (a) of Subdivision 1 of Subsection E of Section 12.26 is amended by breaking it into two sentences to read:

(a) A certificate of occupancy for a new building or the enlargement or alteration of an existing building shall be applied for coincident with the application for a building permit. The certificate of occupancy shall be issued after the request for it has been made in writing to the Superintendent of Building

after the erection, enlargement or alteration of the building or part of the building has been completed in conformity with the provisions of these regulations.

Sec. 31. Subsection J of Section 12.27 of the Los Angeles Municipal Code is amended to read:

J. Time for Appellate Decision. The Area Planning Commission shall make its decision within 75 days after the expiration of the appeal period. The 75 day time limit to act on an appeal may be extended by mutual written consent of the applicant and the Area Planning Commission. If the Area Planning Commission fails to act within this time limit, the action of the Zoning Administrator on the matter shall be final, except as provided in Subsection N below.

Sec. 32. The first sentence of Subsection S of Section 12.27 of the Los Angeles Municipal Code is amended to read:

If the use authorized by any variance granted by ordinance, or by decision of the Zoning Administrator, the Area Planning Commission, City Planning Commission or the City Council is or has been abandoned or discontinued for a period of six months, or the conditions of the variance have not been complied with, the Director, upon knowledge of this fact, may give notice to the record owner or lessee of the real property affected to appear at a time and place fixed by the Director and show cause why the ordinance or decision granting the variance should not be repealed or rescinded, as the case may be.

Sec. 33. Paragraph (e) of Subdivision 2 of Subsection G of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(e) Certificate of Occupancy. Property shall remain in a temporary (Q) Qualified classification for the period of time provided in Paragraph (f) of this subsection or until a Certificate of Occupancy is issued by the Superintendent of Building for one or more of the uses first permitted by the Qualified zone ordinance. The Superintendent of Building shall notify the Director of the issuance of the Certificate of Occupancy. Once the Certificate of Occupancy is issued: (i) the (Q) Qualified classification shall no longer be considered temporary; (ii) the parentheses shall be removed from the designation; and (iii) the new zone designation shall become finally effective and shall be placed on the appropriate City records with the symbol "Q" being a permanent part of the symbol designation; for example QR3-1. All applicable limitations and/or standards within the Qualified classification ordinance shall thereafter be considered to apply permanently to the specific uses. The temporary Qualified classification and the accompanying conditions that have become permanent and are shown with brackets shall have the same status as those that have become permanent, but shown with neither parenthesis nor brackets.

Sec. 34. Subparagraph (2) of Paragraph (a) of Subdivision 3 of Subsection Q of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(2) Conditional Approval or Denial. Notwithstanding Subdivision 2 (a) of this subsection, a vesting zone change may be conditioned or denied if the City Planning Commission or the City Council determines:

Sec. 35. Subdivision 1 of Subsection C of Section 12.36 of the Los Angeles Municipal Code is amended to read:

1. Except as provided in Subdivision 2 below, if a project requires at least one quasi-judicial approval and at least one legislative approval, all of the applications shall be considered by the City Planning Commission. The procedures used for consideration of initial decisions and any appeals of all of the required approvals will be those set forth in Section 12.32 B through D. However, if the Commission fails to act on a quasi-judicial application or appeal, which is a part of a multiple approval, then the quasi-judicial action shall be transferred to the City Council without a recommendation for a decision. If a project requires a plan amendment, notwithstanding the time limits set forth in Section 12.32 B through D, the time limit in which the Council must act on all applications shall run from the time the Council receives the Mayor's recommendation or the time for the mayor to act expires.

Sec. 36. The first sentence of Subsection D of Section 12.36 of the Los Angeles Municipal Code is amended to read:

If a project subject to Subsections B or C of this section also requires a tract map or parcel map approval by the Advisory Agency, that subdivision approval and any appeals shall be decided and governed by the rules applicable to subdivision approvals as set forth in Article 7 of this chapter.

Sec. 37. Subsection E of Section 12.36 of the Los Angeles Municipal Code is amended to read:

E. Projects Requiring Multiple Approvals, Including Director Approval. If a project requires more than one approval by the Zoning Administrator and the Area Planning Commission or the City Planning Commission and also requires an approval by the Director, all the applications shall be decided by either the Area Planning Commission or the City Planning Commission, whichever Commission has jurisdiction over at least one of the approvals, as provided in Subsections B, C or D of this section. The procedure used for consideration of initial decisions and any appeals of the required approvals shall be those set forth in Subsections B, C or D of this section. However, if a public benefit approval is combined with a quasi-judicial approval, but neither a legislative nor a subdivision approval is also required, then the initial decision-

maker shall be the City Planning Commission and the appellate body shall be the City Council.

Sec. 38. The definition of "Los Angeles City Oil Field Area" in Subsection B of Section 13.01 of the Los Angeles Municipal Code is amended to read:

"Los Angeles City Oil Field Area" shall mean all land in the City within the areas identified on the maps in Ordinance No. 156,166 located in Council File No. 80-3951 and shall include all oil producing zones beneath those areas but no deeper than the third zone beneath the surface of the earth.

Sec. 39. The Maps in Subdivision 4 of Subsection D of Section 13.01 of the Los Angeles Municipal Code are deleted.

Sec. 40. Subsection D of Section 13.02 of the Los Angeles Municipal Code is amended to read:

D. Other Districts. In addition to the districts established by Subsection C of this section, other districts within which animal slaughtering is permitted and the conditions applying thereto shall be subject to the approval of development plans by the Administrator.

Sec. 41. Subdivision 1 of Subsection D of Section 13.02 of the Los Angeles Municipal Code is deleted.

Sec. 42. Subsection B of Section 13.10 of the Los Angeles Municipal Code is amended to read:

B. Establishment of Districts. The procedures set forth in Section 12.32 S shall be followed except that each Fence Height District (FH) shall include only lots which are in residential zones, and shall not include lots which are in Hillside Areas, in the Coastal Zone, in Historic Preservation Overlay Zones, or in Specific Plan Areas.

Sec. 43. Subparagraph (13) of Paragraph (a) of Subdivision 2 of Subsection A of Section 14.00 of the Los Angeles Municipal Code is amended to read:

(13) A solid, decorative, masonry or wrought iron wall or fence at least six feet in height, or the maximum height permitted by the zone, whichever is less. The wall or fence encircles the periphery of the property and does not extend into the required front yard setback; and

Sec. 44. Subdivision 2 of Subsection D of Section 16.05 of the Los Angeles Municipal Code is amended to read:

2. Any development project with a still-valid discretionary approval, including but not limited to those listed in Subsection B 2 of this section, shall be exempt from site plan review only if the applicable decision-making body determines in writing that the prior discretionary approval, and the required environmental review, considered significant aspects of the approved project's design (such as, but not limited to, building location, height, density, use, parking, access) and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the present permit in light of the conditions specified in Section 21166 of the California Public Resources Code. The Department of City Planning may require supplements to the environmental documentation to maintain its currentness. The Director is authorized to establish procedures to process determinations required under this subdivision.

Sec. 45. The second unnumbered paragraph of Subdivision 5 of Subsection E of Section 16.50 of the Los Angeles Municipal Code is amended to read:

An applicant requesting approval of a proposed modification to a project shall do so in writing. The request shall include an illustrated description of the proposed modification and a narrative justification. Written proof that a modification is required by a public agency shall be submitted with the request. Copies of all materials submitted in connection with the request shall be transmitted to the design review board for its information at the time the request is submitted to the Planning Department. There shall be no fee for a review of a modification required by a public agency. An applicant may also request a minor modification which is not required by a public agency. In that case, a fee shall be paid pursuant to Subdivision 2 (e) of this subsection.

Sec. 46. The sixth unnumbered paragraph of Subsection A of Section 17.03 of the Los Angeles Municipal Code is amended to read:

If the final decision-maker imposes a condition as part of an action on a related application that differs from a condition of approval on a tentative tract map, then the Advisory Agency shall have the authority to make the tract map conditions consistent with the final decision-maker's action.

Sec. 47. Subdivisions 3, 4 and 5 of Subsection A of Section 17.06 of the Los Angeles Municipal Code are amended to read:

3. Appeal to the Appeal Board. The subdivider, the Mayor, any member of the City Council, or any other interested person adversely affected by the proposed subdivision may appeal any action of the Advisory Agency with respect to the tentative map or the kind, nature or extent of the improvement required to the Appeal Board.

Appeals to the Appeal Board shall be filed in duplicate, in a public office of the Department of City Planning on forms provided for that purpose within ten days of the date of mailing of the written decision of the Advisory Agency and shall be accompanied by the fee required in Section 19.02 of this Code. No appeal shall be considered filed until the form has been properly completed and all information required by it has been submitted. The completed appeal form and file shall then immediately be transmitted to the Appeal Board Secretary for a public hearing before the Appeal Board.

The Appeal Board, upon notice to the subdivider, the appellant and the Advisory Agency, shall hear the appeal within 30 days after it is filed, unless the subdivider consents to an extension of time pursuant to Subdivision 5 of this subsection. At the time established for the hearing, the Appeal Board shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The Appeal Board may also hear the testimony of other competent persons with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the Appeal Board may desire to inquire.

Upon conclusion of the hearing, the Appeal Board shall within ten days render its decision on the appeal based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or ruling of the Advisory Agency, and shall make findings consistent with the provisions of this article and the Subdivision Map Act.

Failure to Act. If at the end of the time limit specified in this subsection or at the end of any extension of time pursuant to subdivision 5 of this subsection, the Appeal Board fails to act, the appeal shall be deemed denied; the decision from which the appeal was taken shall be deemed affirmed and an appeal may be filed and taken to the City Council pursuant to Subdivision 4 below.

4. Appeal to Council. The subdivider, the Mayor, any member of the City Council, the Advisory Agency, or any other interested person adversely affected by the proposed subdivision may appeal any action of the Appeal Board with respect to the tentative map or the kinds, nature or extent of the improvements required by the Appeal Board to the City Council.

Appeals to the City Council shall be filed in duplicate, in a public office of the Department of City Planning on the forms provided for that purpose within ten days of the date of mailing of the written decision of the Appeal Board and shall be accompanied by the fee required in Section 19.02 of this Code. No appeal shall be considered filed until the form has been properly completed and all information required by it has been submitted. The completed appeal form

and file shall then immediately be transmitted to the City Clerk for a public hearing before the City Council.

The City Council shall hear the appeal within 30 days after it is filed, unless the subdivider consents to an extension of time pursuant to Subdivision 5 of this subsection. The Council shall give notice of the hearing to the subdivider, the appellant, the Appeal Board and the Advisory Agency. At the time established for the hearing, the Council or its Committee shall hear the testimony of the subdivider, the appellant, the Advisory Agency and any witnesses on their behalf. The City Council may also hear the testimony of other competent persons with respect to the character of the neighborhood in which the subdivision is to be located, the kind, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other phase of the matter into which the City Council may desire to inquire.

Upon conclusion of the hearing, the City Council shall within ten days render its decision on the appeal based upon the testimony and documents produced before it. The City Council may sustain, modify, reject or overrule any recommendations or rulings of the Appeal Board and shall make findings consistent with the provisions of this article and the Subdivision Map Act.

If at the end of the time limit specified in this subsection, or at the end of any extension of time pursuant to Subdivision 5 of this subsection, the City Council fails to act, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed affirmed. It shall be the duty of the City Clerk to issue the decision.

5. Extension of Time. Any of the time limits specified in this section may be extended by mutual consent of the subdivider and the Advisory Agency, the Appeal Board or the City Council, as the case may be.

Sec. 48. Subsection F of Section 17.52 of the Los Angeles Municipal Code is deleted.

Sec. 49. Subsection A of Section 17.54 of the Los Angeles Municipal Code is amended to read:

A. Procedure.

Appeal to Appeal Board. An applicant or any other person claiming to be aggrieved by an action or determination of the Advisory Agency with respect to a preliminary Parcel Map, certificate or conditional certificate of compliance pursuant to California Government Code Section 66499.35 or an exemption from the Parcel Map regulations pursuant to Section 17.50 B 3 (c) of this Code may, within a period of 15

days after the date of mailing of the decision of the Advisory Agency, appeal to the Appeal Board for a public hearing. Appeals to the Appeal Board shall be filed in duplicate in a public office of the Department of City Planning on forms provided for that purpose and shall be accompanied by the fees required in Section 19.02 of this Code. The appeal shall not be considered as having been filed unless and until the form has been properly completed and all information required by it has been submitted. The complete appeal form and file shall then immediately be transmitted to the Appeal Board Secretary for hearing before the Appeal Board.

The Appeal Board, upon notice to the applicant, the person claiming to be aggrieved, if any, and the Advisory Agency, shall hear the appeal within 30 days after the expiration of the 15-day appeal period unless the applicant consents to an extension of time pursuant to Subsection B of this section. At the time established for the hearing, the Appeal Board shall hear the testimony of the applicant and witnesses in his/her behalf, the testimony of any aggrieved persons, if there are any, and the testimony of the Advisory Agency and any witnesses on its behalf. The Appeal Board may also hear the testimony of other competent persons respecting the character of the neighborhood in which the division of land is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted or any other relevant phase of the matter into which the Appeal Board may desire to inquire.

Upon conclusion of the hearing, the Appeal Board shall within 14 days declare findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendation or ruling of the Advisory Agency and may make findings consistent with applicable provisions of this article.

Failure to Act. If at the end of the time limit specified in this subsection or at the end of any extension of time pursuant to Subsection B of this section, the Appeal Board fails to act, the appeal shall be deemed denied and the decision from which the appeal was taken shall be deemed affirmed.

Sec. 50. Subsection A of Section 41.50 of the Los Angeles Municipal Code is amended by deleting the numbering of paragraphs within this subsection.

Sec. 51. Subsection 2 of Section 91.6218.2 of the Los Angeles Municipal Code is amended to read:

2. No portion of an off-site sign or sign support structure shall be located in that half of a lot located farthest from the street frontage when residentially zoned property is located to the rear of that street frontage.

Sec. 52. Table 62-C of Division 62 of Article 1 of Chapter IX of the City of Los Angeles Municipal Code is amended by changing the heading in the second "Proposed Sign" column from "80 sq. ft. to 330 sq. ft." to read "80 sq. ft. to 300 sq. ft."

Sec. 53. Section 91.6305.1 of the Los Angeles Municipal Code is amended to read:

91.6305.1. Light. All parking garages serving dwelling units or guest rooms shall be provided with an incandescent light bulb (minimum of 60 watts) or other artificial light at a maximum height of eight feet (2438 mm) and shall provide a minimum average surface illumination of 0.2 footcandles (2.15 lx) at floor level. Where, in any specific case, different sections of the Los Angeles Municipal Code specify different requirements, the most restrictive shall govern.

Sec. 54. The second sentence of the first unnumbered paragraph of Section 91.8607 of the Los Angeles Municipal Code is amended to read:

Owners of all lots developed with an apartment house shall provide lights and locks or metal bars or grilles that comply with the provisions of Sections 12.21 A 5 (k), 91.6304.2, 91.6305 and Division 67 of this Code in any of the following circumstances:

Sec. 55. Section 97.0201 of the Los Angeles Municipal Code is amended by adding a second "Exception" to read:

Exception: No license shall be required to operate any Mobile crane with a boom length of 25 feet or more or a maximum rated load capacity of 15,000 pounds or more.

Sec. 56. The second unnumbered paragraph of Subdivision 4 of Subsection C of Section 151.09 of the Los Angeles Municipal Code is amended to read:

Therefore, notwithstanding any provision of this chapter to the contrary, if the termination of tenancy is based on the ground set forth in Subdivision 10 of Subsection A of this section, then the following provisions apply:

Sec. 57. Subsection I of Section 151.09 of the Los Angeles Municipal Code is amended in its entirety to read:

I. If the termination of tenancy was based on the grounds set forth in Subdivisions 8 or 10 of Subsection A of this section, the landlord shall file with the Department a declaration on a form prescribed by the Department within ten calendar days of the re-rental of the rental unit. This declaration shall indicate the address of the rental unit, the date of the re-rental, the amount of rent being charged to the current tenant, the name of the current tenant and such further information as requested by the Department.

Sec. 58. Subsection K of Section 151.09 of the Los Angeles Municipal Code is repealed.

Sec. 59. Subsection E of Section 152.06 of the Los Angeles Municipal Code is amended to read:

E. A landlord may choose to place a tenant's rent and any other required payments in an escrow account. All costs of opening and maintaining the escrow account shall be borne by the landlord. Monies deposited into the escrow account shall be distributed in accordance with guidelines or regulations established by the Commission. The cost of opening an escrow account is not recoverable under Section 151.07 A 1 d of this Code.

(111211)

Sec. 60. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board at the Main Street entrance to Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

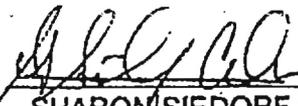
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

Rockard J. Delgadillo, City Attorney

By 
SHARON SIEDORF CARDENAS
Assistant City Attorney

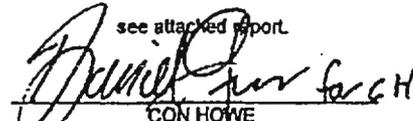
Date AUG 24 2005

File No. CF 99-1800 & 01-0760; CPC 99-0435

Pursuant to Charter Section 56B, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted

August 23, 2005

see attached report.


CON HOWE
Director of Planning

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

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August 23, 2005

Council File Nos. 01-0760; 99-1800
City Plan Case No. 99-0435

The Honorable Rockard J. Delgadillo
City Attorney
Room 700, City Hall East

Stop 140

Attention: Sharon Siedorf Cardenas
Assistant City Attorney

AN ORDINANCE AMENDING THE LOS ANGELES ADMINISTRATIVE CODE AND MUNICIPAL CODES TO MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES

On May 26, 2005, your office transmitted a letter and draft ordinance making various technical and clarifying changes to the Administrative and Municipal Codes in conformance with the Council's previous actions stemming from the Charter and incorporating additional technical changes. These additional technical and clarifying changes have been incorporated in to this ordinance to meet the intent of the original City Planning Commission and City Council reports to provide internal consistency. Subsequently, the City Attorney has prepared a revised draft ordinance stemming from the Charter and incorporating additional technical corrections.

Environmental Impact

The subject ordinance was determined to be exempt from the California Environmental Quality Act (CEQA) under Article II, Section 2, Subsection (m) of the Los Angeles City California Environmental Quality Act Guidelines, the adoption this ordinance is enabling legislation and will have no impact on the physical environment.

Findings

1. In accordance with Charter Section 556, that the subject ordinance is in substantial conformance with the purposes, intent and provisions of the City's General Plan. The proposed ordinance makes technical and clarifying changes to the Administrative and Municipal Code provisions. The technical corrections clarifies language or correct errors in order to continue to implement the Charter by creating clear and consistent rules for processing of applications and is an effective means of implementing the City's General Plan and zoning regulations; and

2. In accordance with Charter Section 558 (b) (2) the subject ordinance makes technical and clarifying changes to the Administrative and Municipal Code will have no adverse effect upon the General Plan, specific plans or any other plans being prepared by the Department of City Planning. The subject ordinance does not change the general plan, specific plans or any other plans, rather the ordinance clarifies procedures relating to the applications for entitlements and other matters processed through the Department of City Planning.

Further, the subject ordinance implements the City Wide General Plan Framework Element Economic Development Objective 7.4 "to improve the provision of governmental services, expedite the administrative processing of development applications" in order to "develop and maintain a streamlined development review process to assure the City's competitiveness with the... region" (policy 7.4.1) and objective 7.8, "maintain and improve municipal service levels throughout the city to support current residents quality of life and enable Los Angeles to be competitive when attracting new development"; and

3. In accordance with Charter Section 558 (b) (2), that the subject ordinance is in substantial conformance with the public necessity, convenience, general welfare and good zoning practice in that its provisions, which recognize current development constraints and practices makes and amends the Municipal Code to be more in conformity with them, making it easier for everyone to understand and utilize the provisions of the Code. Further, the ordinance clarifies apparent internal discrepancies and provides consistency within the Municipal Code; and
4. That the ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) and City guidelines for the implementation thereof, pursuant to Article II, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines, that enactment of this ordinance constitutes enabling legislation and will have no impact on the physical environment.

Charter Section 559

For the foregoing reasons and as provided under the authority of Charter Section 559 and City Plan Case No. 13505-A, I find that my action conforms with all applicable portions of the General Plan and with the January 27, 2000 action of the City Planning Commission implementing the provisions of the enacted City Charter, and I, therefore, approve this ordinance (attached) and recommend that it be adopted by the City Council.

CON HOWE
Director of Planning

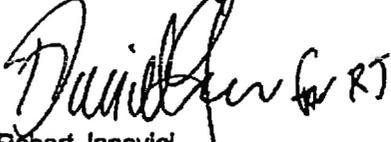

Robert Janovici
Chief Zoning Administrator

Exhibit 11

West Valley Property Owners' Association

P.O. Box 170

Canoga Park, California

A Non-profit Corporation

February 11, 1969

Mr. L.E. Timberlake
President, City Council
Room M-45
City Hall
Los Angeles, Calif.

BY *[Signature]* DEPUTY

PAUL E. LAYTON
CITY CLERK

Ref: Citizens Committee on Zoning Practices and Procedures
Council File #132,460, dated January 21, 1969

Gentlemen:

It is respectfully requested that the following statement be read into the record of the deliberations presently being conducted by the City Council on the abovementioned Council File item.

In 1966 a mandate was delivered by the Grand Jury to enact proper zoning practice reforms to prevent a re-occurrence of the shocking scandals surrounding certain zoning cases. Since that time, we have seen several public officials brought to trial and convicted on various charges. One case, still before the courts, involves a member of the Los Angeles City Council.

The Citizens Committee on Zoning Practices and Procedures has proposed a number of recommendations, which we as homeowners feel constitutes a "Bill of Rights" that would go a long way toward guaranteeing us reasonable assurance that the Master or General Plan in each area will be upheld.

We have recently conducted a survey of homeowners in the West San Fernando Valley on a number of subjects. Among the results of this survey, one fact stands out: the confidence on the part of the public in their elected officials has been severely shaken. Homeowners are becoming increasingly critical of the local government that enacts legislation and zoning decisions that adversely effects their property.

The homeowners in the West Valley feel that the Citizens Committee recommendations be placed on the ballot intact, allowing the voters to decide who should have the final authority on zoning matters. We feel that it should be a judicial matter, rather than a legislative decision. It is our considered opinion that the City Council has a moral obligation to the public to allow this matter to be presented to the electorate in the form in which it was written, rather than having it emasculated through the elimination of the recommendations on the procedures covering conditional use.

RECEIVED

FEB 13 1969

L. E. TIMBERLAKE

Sincerely,

[Signature]
Byron Slater, President

FILE

Exhibit 12

FROM THE DESK OF JON PERICA
10338 ETIWANDA AVE, NORTHRIDGE, CA 91326

November 5, 2015

Before the City Planning Commission

**Comments re Lack of Environmental Review of General Plan Amendments for the
Palladium Residences Project, CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR**

My name is Jon Perica and I worked in the Los Angeles Planning Department for 35 years, including working as a Zoning Administrator for 20 years issuing legal decisions on over 2,500 cases. My decisions were based on the required legal findings and a fair and impartial evaluation of each case irrespective of the applicant and political popularity of the case. None of my cases were ever overturned by a Superior Court action.

I was asked to review the applicant's land use entitlement requests and the land use impact analysis in the Draft and Final EIR for the Palladium Residences project. I have also reviewed the objection letter filed by The Silverstein Law Firm on August 17, 2015, in particular the analysis concerning City Charter Section 555 and implementing LAMC Section 11.5.6 barring the initiation and approval of a general plan amendment for geographical areas related to a single project due to lack of significant social, economic or physical identity.

After reading The Silverstein Law Firm objections, I noted that the Draft and Final EIR failed to set forth Charter Section 555 or LAMC 11.5.6's limitations on General Plan Amendments. As a Zoning Administrator who reviewed thousands of City of Los Angeles projects and accompanying environmental documentation, I would expect any request for a general plan amendment to be fully disclosed and analyzed so that the public might know the basis for why the City contends that a general plan amendment is appropriate for a single parcel of land whose use as a parking lot cannot fairly be characterized as having "significant social, economic, or physical identity."

The failure to disclose this City Charter-imposed test and to analyze it in the Draft EIR has deprived the public of critical information they were entitled to know and comment on before the City could proceed to consider the Project's EIR sufficient in meeting the substantive public participation rights of the California Environmental Quality Act.

If I had faced this particular revelation in the course of my review of a similar project request during my tenure as a Zoning Administrator for the City of Los Angeles, I would have considered the EIR's land use analysis deficient.

I am also aware that other projects in the Hollywood Redevelopment Plan Area have received increases in approved density that are above the density originally analyzed in the 1988 Hollywood Community Plan and its EIR. In my review of the Palladium's Draft and Final EIR,

I observed no analysis of the individual and cumulative impacts of the City's greatly increased development under a series of equally improper general plan amendments granted to projects such as the nearby Sunset Gordon, Columbia Square, and other redevelopment area projects. In my opinion, analysis of the significant impacts from individual and cumulative increased density allowed by implementation of the requested general plan amendment in this case would have been required for the public and decision makers to have understood the true impact of the Project's requested general plan amendment on the environment. The failure to disclose and quantify the density increase permitted for the proposed Palladium Residences individually, and when combined cumulatively with the impacts of increased density in the vicinity, is another analysis missing from the Draft and Final EIR in this case.

Because of this additional deficiency, I believe a proper review of the Project would require returning the file to the Planning Department for consideration of Project alternatives that were compliant with the current General Plan and zoning, unless or until a proper analysis of density increases, their significant impacts, and disclosure and implementation of mitigation measures was performed.

For the foregoing reasons, the current Draft and Final EIR Land Use analysis has deprived the public and decision makers of critical information they would need to make an informed decision about the Palladium Project.

Sincerely,



Jon Perica

Exhibit 13

City of Los Angeles

Zoning Code

Manual and Commentary

Fourth Edition

The City of Los Angeles Department of Building and Safety (LADBS) is pleased to announce the publication of the newly updated fourth edition of the **Zoning Code Manual and Commentary**. This manual will assist in providing consistent and uniform interpretations of the Zoning Code.

The Zoning Code Manual and Commentary provides a cumulative summary of more than 230 written policies and interpretations made by the Department of Building and Safety, the Department of City Planning, and the Office of the City Attorney pertaining to the interpretation and administration of specific sections of the City of Los Angeles Planning and Zoning Code. Many of the original versions of these policies and interpretations were decades old, not easily located and consequently, not consistently applied. The obsolete policies and interpretations were not included in this manual.

Each topic has been presented in this manual in a Question and Answer format with illustrated examples and a simplified explanation of the underlying concept intended to facilitate the user's understanding of the code and provide an easy reference to the various interpretations. Ten new interpretations related to zoning issues contained in the previously released collection of LADBS Information Bulletins have been included in this manual and the corresponding updated Bulletins have been made a part of the appendices for reference purposes.

This manual is a commentary that should be used as a supplement to the Code and not as a substitute for it. A final decision regarding a particular zoning issue will be made only after due consideration has been given to all other applicable Zoning Code provisions.

As a part of our continuing effort to enhance customer service and assist the development industry, the Zoning Code Manual and Commentary has been made available on LADBS' Internet site at www.ladbs.org under the heading "Zoning."

We will continue to update this Zoning Code Manual and Commentary on the Department's website and will include new Zoning Code issues and commentaries to facilitate the efficient distribution of information to the public. Your comments and suggestions for improving this document are requested and welcome.

Section 12.22A18(a) Application of Lot Area (Density) Requirements for Developments Combining Residential and Commercial Uses

Q - Section 12.22A18(a) allows "... any combination of R5 uses and the uses permitted in the underlying commercial zone..." in the CR, C1, C1.5, C2, C4, and C5 Zones within the area specified in this section. Does the phrase "R5 uses" as used therein refer to the lot area requirements (density) of the R5 zone or the underlying C zone?

A - Generally, the lot area requirements for the C zones, as mentioned in the section, refer to the lot area requirements of R4 or R3 Zones. However, this section for developments combining residential and commercial uses specifically allows R5 uses. One question related to density that arises is whether to apply R5 lot area requirements or R3 / R4 lot area requirements as referenced in the lot area requirements of C zones.

In the enforcement of this section, the Zoning Administrator has determined that the lot area requirements of the R5 zone are to be applied to projects subject to this section. Although it is not explicitly stated in the section, the last sentence of the section implies applying area requirements of R5 zone, not R3 or R4 zone. This interpretation has been confirmed by the Office of Zoning Administrator who reviewed the original staff report for the ordinance.

(ZA / ZE joint memo 5-18-2000)

Exhibit 14

CITY OF LOS ANGELES
CALIFORNIA

JUNE LAGMAY
City Clerk

HOLLY L. WOLCOTT
Executive Officer



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

SHANNON HOPPES
Council and Public Services
Division

www.cityclerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No.

December 19, 2012

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 11-0086-S4, at its meeting held December 12, 2012.

City Clerk
lv

Mayor's Time Stamp
OFFICE OF THE MAYOR
RECEIVED
2012 DEC 14 PM 2:17
CITY OF LOS ANGELES

FORTHWITH

City Clerk's Time Stamp
CITY CLERK
2012 DEC 14 PM 2:02
CITY CLERK
BY _____ DEPUTY

SUBJECT TO THE MAYOR'S APPROVAL

COUNCIL FILE NO. 11-0086-S4

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE DECEMBER 12, 2012

RE: THE TRANSFER OF LAND-USE FUNCTIONS PREVIOUSLY MANAGED BY THE FORMER
COMMUNITY REDEVELOPMENT AGENCY TO THE DEPARTMENT OF CITY PLANNING

LAST DAY FOR MAYOR TO ACT DEC 24 2012
(10 Day Charter requirement as per Charter Section 341)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED

✓

*DISAPPROVED

*Transmit objections in writing
pursuant to Charter Section 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL DEC 19 2012

[Signature]
MAYOR

CITY CLERK
2012 DEC 19 AM 11:42
BY _____
CITY CLERK
DEPUTY

#26

12/12/12

File No. 11-0086-S4

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PERSONNEL AND ANIMAL WELFARE
and
BUDGET AND FINANCE

Committees

report as follows:

PERSONNEL AND ANIMAL WELFARE and BUDGET AND FINANCE COMMITTEES' REPORT relative to the transfer of land-use functions previously managed by the former Community Redevelopment Agency (CRA) to the Department of City Planning (DCP).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. APPROVE the addition of resolution authorities through the end of this fiscal year for one Senior City Planner, one City Planner, two City Planning Associates, one Architectural Associate III and one GIS Information Systems Supervisor I, subject to review and approval by the Personnel Department as to classification, the City Administrative Officer (CAO) Employee Relations Division as to pay grade determination, and the Managed Hiring Committee.
2. PROVIDE seven months of interim funding in the amount of \$465,176 for the requested resolution authorities and direct the Controller to appropriate the funds from the Unappropriated Balance Fund 100/58, Account 000137 Layoff Avoidance, to the Planning Department, Fund 100/68, Account 001010 Salaries General.
3. CONSIDER the formal request in Council file 12-0014-S4 to transfer the CRA land-use functions to the City once the staff has been hired.
4. DIRECT the DCP to:
 - a. Work with the CAO to evaluate the staffing levels and work program for the CRA land-use responsibilities to determine if and when it is necessary to request additional staff.
 - b. Conduct a fee study to determine whether or not fees could support the new employees.
 - c. Provide a timeline that details tasks required to implement the transition.
 - d. Identify costs for the transition, such as space requirements, moving costs and computers.

Fiscal Impact Statement: The CAO reports that if the above recommendations are adopted, there is a potential additional impact to the General Fund of at least \$465,176 for 2012-13 and possibly \$1,425,073 annually thereafter for salaries and related costs for new positions. Funding for the positions was not included in the 2012-13 Adopted Budget. The recommendations in this report do not comply with City Financial Policies in that one-time funding is being used to fund ongoing expenditures. Funding to continue the work program beyond the current fiscal year will depend on

the possibility of imposing new fees and the priorities and funding sources identified by Council and the Mayor for the 2013-14 Budget.

Community Impact Statement: None submitted.

(Planning and Land Use Management Committee report to be submitted in Council. If public hearing is not held in Committee, an opportunity for public comment will be provided.)

Summary:

On November 6, 2012, the Personnel and Animal Welfare (PAW) Committee considered reports from the CAO and the DCP relative to the transfer of land-use functions previously managed by the former CRA to the DCP. The reports, attached to the Council file, provide details on this issue. During the discussion of this item, representatives from the CAO and the DCP provided a thorough overview of the reports and responded to numerous related questions from the PAW Committee. A representative from Councilmember Alarcón's office then addressed the Committee to read a statement from the Councilmember stating that he agrees with the CAO recommendations and urging the Committee to discuss how to hire the proposed staff and to consider adding a recommendation to exempt the positions in order to allow former CRA employees to compete for these positions, to widen the pool of qualified candidates, and to give the DCP the maximum flexibility to hire the best qualified candidates.

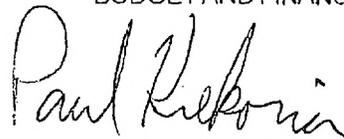
After a lengthy discussion regarding long-term funding options and the feasibility of exempting the proposed positions, and offering the opportunity for public comment, the Committee recommended that the Council approve the CAO recommendations as reflected above. On November 19, 2012, the Budget and Finance Committee concurred with the recommendations of the PAW Committee. This matter is now submitted to Council for its consideration.

Respectfully submitted,

PERSONNEL AND ANIMAL WELFARE
COMMITTEE



BUDGET AND FINANCE COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
KORETZ	YES
ALARCON	ABSENT
ZINE	YES

<u>MEMBER</u>	<u>VOTE</u>
KREKORIAN	YES
ROSENDAHL	YES
KORETZ	YES
ENGLANDER	ABSENT
CARDENAS	ABSENT

MLE
11-0086-S4_rpt_p aw_11-7-12

- Not Official Until Council Acts -

ADOPTED

DEC 12 2012

LOS ANGELES CITY COUNCIL

TO THE MAYOR FORTHWITH

MAYOR WITH FILE

#26

12/12/12

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

FILE NO. 11-0086-S4

Your **PLANNING AND LAND USE MANAGEMENT** **Committee**

reports as follows:

PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to staffing and funding associated with the transition of land use authority previously managed by the former Community Redevelopment Agency (CRA) to the Department of City Planning (DCP).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. CONCUR with the Personnel and Animal Welfare Committee action of November 6, 2012 and the Budget and Finance Committee action of November 19, 2012.
2. INSTRUCT the Personnel Department to allow former and current CRA employees to be eligible for the six positions recommended in the City Administrative Officer (CAO) report dated October 15, 2012 by filling the positions on an open and promotional basis.
3. DIRECT the DCP to report back to the Planning and Land Use Management Committee in 90 days on the progress of the hiring of the six positions.

Fiscal Impact Statement: The CAO reports that there is a potential additional impact to the General Fund of at least \$465,176 for Fiscal Year 2012-13 and possibly \$1,425,073 annually thereafter for salaries and related costs for new positions. Funding for the positions was not included in the 2012-13 Adopted Budget. The recommendations in the CAO report do not comply with City Financial Policies in that one-time funding is being used to fund ongoing expenditures. Funding to continue the work program beyond the current fiscal year will depend on the possibility of imposing new fees and the priorities and funding sources identified by Council and the Mayor for the 2013-14 Budget.

Community Impact Statement: None submitted.

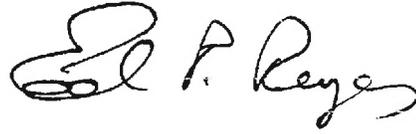
Summary:

At a public hearing held on December 11, 2012, the Planning and Land Use Management Committee considered reports from the DCP and CAO relative to staffing and funding associated with the transition of land use authority previously managed by the former Community Redevelopment Agency to the DCP. Representatives from the DCP and the CAO gave the Committee background information on the matter.

After an opportunity for public comment, the Committee concurred with the Personnel and Animal Welfare Committee action of November 6, 2012 and the Budget and Finance Committee action of November 19, 2012, instructed the Personnel Department to fill the six positions recommended in the CAO report on an open and promotional basis, and directed the DCP to report back to the Committee in 90 days with a status report on the hiring of the positions. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
REYES:	YES
HUIZAR:	YES
ENGLANDER:	YES

SG
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- Not Official Until Council Acts -

ADOPTED

DEC 12 2012

LOS ANGELES CITY COUNCIL

TO THE MAYOR ~~PORTH~~ WITH

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: October 15, 2012

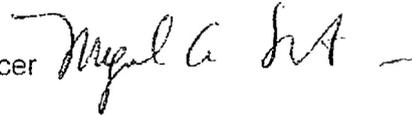
CAO File No. 0220-04729-0000

Council File No. 12-0014-S4

Council District:

To: The Council

From: Miguel A. Santana, City Administrative Officer



Reference: Council Motion (C.F. No. 12-0014-S4, Huizar-Reyes) dated June 29, 2012; referred to the Housing, Community & Economic Development and Planning & Land Use Management Committees

Subject: **REQUEST TO TRANSITION REDEVELOPMENT LAND-USE AUTHORITY TO THE PLANNING DEPARTMENT**

SUMMARY

Assembly Bill (AB) 1x26 dissolved all redevelopment agencies in California as of February 1, 2012. Consequently, Council (C.F. 11-0086, Amending Motion 57D) instructed the Planning Department (DCP) to prepare an Ordinance that would transfer and preserve the land-use powers of the Community Redevelopment Agency (CRA/LA) through a policy adopted by the City.

In response to the Council's direction, DCP transmitted a report (C.F. 11-0086-S4) to the Planning and Land Use Management Committee (PLUM) dated February 21, 2012, subsequently revised on March 30, 2012, containing transition scenarios about how, if directed to do so, DCP could absorb responsibilities for the planning, land-use and zoning activities then managed by the CRA/LA. The reports were heard in PLUM and then referred to the Budget and Finance (B&F) and Personnel Committees. The PLUM Committee also requested the Office of the City Administrative Officer (CAO) to prepare a report on the fiscal impact of the transfer of the CRA/LA land-use authority to DCP.

This report includes recommendations for staffing and funding for the Planning Department. The report also addresses questions resulting from prior reports, Council discussions about the proposal to transition the CRA/LA land-use positions and authorities to DCP, and the Motions in C.F. 12-0014-S4 and 12-0600-S75, especially regarding the fiscal impact of the proposed transfer of responsibilities.

It is in the best interest of the City to move forward with the transfer of the CRA/LA land-use authority to ensure that City economic development goals can be achieved. The City is preparing a new model for economic development that may include the creation of a new department and nonprofit entity. For economic development to be successful, it is important for the City to control land-use responsibilities for the entire City.

If the City does not act to transfer the CRA/LA land-use authority to DCP, then the Designated Local Authority (DLA) will retain oversight of the CRA/LA planning and land-use functions. The Planning Department states that the City may be at risk economically and legally without the authority and resources to manage the CRA/LA land-use activities. Jobs, tax revenues and development could be affected if the DLA retains oversight of the CRA/LA land-use powers.

Funding

Funding for the positions requested by DCP was not provided in the 2012-13 Adopted Budget. In addition, the anticipated CRA/LA Tax Increment has been incorporated as general revenue in the Budget. Given the City's limited resources, the CAO recommends using the Unappropriated Balance, Layoff Avoidance line item, to pay for new positions in DCP. As an alternative to the General Fund, Council could use their current year AB 1290 funds for this purpose with ongoing funding to be identified during the 2013-14 budget process.

The Planning Department states that it would be willing to explore the support of the CRA/LA land-use functions through new fees. To determine whether or not the fees are legal and to estimate the fee rate, Planning would need to complete a fee study, which would take about three months and cost approximately \$25,000. If found to be legal and feasible, the new fees would most likely be phased in during 2012-13 and would not be immediately available to support the new staff positions. Therefore, funds would need to be found to supplement the staff through 2012-13. The fee study could be funded by DCP through its Contractual Services Account.

If funding is needed for moving expenses, furniture or computers, DCP should also identify those costs and include them as part of the budget for this project.

Staffing

In the February 21 and March 30, 2012 reports, DCP identified three options to transition land-use authority from the CRA/LA to Planning. Planning recommended the scenario that included the addition of 11 positions to perform the anticipated increase in workload. It is not clear how many CRA/LA planners were assigned to support land-use functions, although some estimates show approximately 15 employees performing those services. As listed in the table below, the cost of the 11 new Planning positions would be approximately \$1.4 million annually including related costs. This amount does not take into account funding that may be needed for computers, furniture or supplies.

Proposed Additional Planning Staff for CRA/LA Planning and Land-use Responsibilities

	Number	Annual Salary	Subtotal	Related Costs	Total
Senior City Planner	1	\$122,607	\$122,607	\$42,033	\$164,640
City Planner	2	103,750	207,500	74,397	281,897
City Planning Associate	6	88,406	530,436	199,586	730,022
Architectural Associate III	1	91,000	91,000	33,929	124,929
GIS Information Systems Supervisor I	1	89,930	89,930	33,655	123,585
Total	11		\$1,041,473	\$383,600	\$1,425,073

Under this staffing proposal, DCP would create a new group to manage CRA/LA activities with the Senior City Planner overseeing the work of the two City Planners, who would, in turn, supervise three City Planning Associates each. The Architectural Associate III and GIS Information Systems Supervisor I would be assigned to support the Planners. The staff would review and approve applications, projects and permits for consistency with the Redevelopment Area plans, the Zoning Code and other applicable regulations. They would also prepare the necessary supporting materials, including recommendations, environmental clearances, Negative Declarations, Mitigated Negative Declarations, appeals, and maps, and would present reports to the Director of Planning, City Planning Commission or Council.

In a June 25, 2012 report, DCP recommended hiring six positions first and the remaining five positions at a later date. The CAO concurs with this phased-in approach to staffing, which would include hiring one Senior City Planner, one City Planner, two City Planning Associates, one Architectural Associate III and one GIS Information Systems Supervisor I by December 2012. The cost of the positions for seven months would be \$465,176, including related costs. The Personnel Department and the CAO's Employee Relations Division will provide input regarding the classifications and pay grades. The Planning Department, with assistance from the CAO, would evaluate the employment levels and work program and then determine when to request the additional staff, if needed. In the future, as the Redevelopment Areas expire, DCP will be expected to examine and justify the allocation of the staff for this work program as part of the annual budget process.

Recommended Additional Planning Staff for CRA/LA Planning and Land-use Responsibilities

	Number	Annual Salary	Annual Subtotal	Annual Related Costs	Annual Total	Seven Month Total
Senior City Planner	1	\$122,607	\$122,607	\$42,033	\$164,640	\$96,041
City Planner	1	103,750	103,750	37,199	140,949	82,220
City Planning Associate	2	88,406	176,812	66,529	243,341	141,949
Architectural Associate III	1	91,000	91,000	33,929	124,929	72,875
GIS Information Systems Supervisor I	1	89,930	89,930	33,655	123,585	72,091
Total	6		\$584,099	\$213,345	\$797,444	\$465,176

The possibility of transferring CRA/LA staff to City departments has been raised during discussions about the dissolution of the CRA/LA. As previously reported by the CAO on January 31, 2012 (C.F. 12-0049), "Consistent with advice from the City Attorney, it is clear that the language in the Retention of Existing Benefits Article in the CRA/LA MOUs does not require that any employees be included when a function is transferred from the CRA/LA. The City is free to employ or not employ CRA/LA employees, but that freedom is constrained by the City's Charter, Administrative Code and labor contracts." It should be noted that union representation, where applicable, will be under existing City bargaining unit representation. In addition, the Personnel Department is notifying the CRA/LA whenever a City civil service exam opens that some of their employees are likely to qualify

for. Recent examples include Senior Housing Inspector, Real Estate Officer, Housing Investigator, and Senior Housing Investigator.

Redevelopment Areas

The former CRA/LA oversaw 32 Redevelopment Areas which were created as a result of a process to assess whether or not an area was in need of revitalization. The process included CRA/LA staff, residents and businesses which would identify the changes that would benefit the affected community. After the review by staff and stakeholders, the CRA/LA Board would present a proposed Redevelopment Area to the Council, who had final approval authority. Once adopted, the Redevelopment Areas were to remain active as long as there were economic conditions that warranted their existence. The specific timeframe for individual Redevelopment Areas would depend on which laws were in effect at the time it was adopted, but the typical timeframe would be 30 to 40 years from the adoption date. Redevelopment Areas cease to exist on their expiration date.

The Central Business Redevelopment District project area expired in 2010. The next six Redevelopment Areas are due to expire in 2013 followed by seven more through 2018. The remaining 18 Redevelopment Areas will expire between 2021 and 2033. A list of the 31 current CRA/LA Redevelopment Areas is included in Attachment A.

Ordinances

The Los Angeles Municipal Code (LAMC) contains hundreds of references to the CRA/LA and also refers to Redevelopment Plan boundaries. To effectuate the transition, Code Studies staff in the Planning Department has been working on two draft ordinances. One of the ordinances clarifies or removes references to the Community Redevelopment Agency, Redevelopment Agency Board, Redevelopment Plans or the Redevelopment Project Areas throughout the LAMC. A draft ordinance removing the references to the CRA/LA has been prepared in collaboration with the City Attorney and will be submitted to the City Planning Commission once DCP received direction regarding the proposed staffing request. The second ordinance enables adoption of a new overlay zoning district for the Redevelopment Project Areas, and according to DCP, its adoption is entirely dependent on the availability of the requested new staff.

Transfer of Authority

The Governor approved Assembly Bill 1484 on June 27, 2012, which includes the following language:

SEC. 7. Section 34173 of the Health and Safety Code is amended to read:

i) At the request of the city, county, or city and county, notwithstanding Section 33205, all land use related plans and functions of the former redevelopment agency are hereby transferred to the city, county, or city and county that authorized the creation of a redevelopment agency; provided, however, that the city, county, or city and county shall not create a new project area, add territory to, or expand

or change the boundaries of a project area, or take any action that would increase the amount of obligated property tax (formerly tax increment) necessary to fulfill any existing enforceable obligation beyond what was authorized as of June 27, 2011.

This section of AB 1484 states that the CRA/LA land-use functions may be transferred to DCP "at the request of the city." In C.F. 12-0014-S4, Councilmembers Huizar and Reyes have asked the City Council to request that all of the CRA/LA land-use plans and functions be transferred to the City of Los Angeles. If the Council adopts this part of the Motion, then according to AB 1484, the City would become responsible for the CRA/LA land-use activities, regardless of the resources available to support those activities. The Planning Department states that it will not be able to perform the CRA/LA work without the new staff. The DCP and the CAO request that the Council and Mayor confirm the funding and that the Planning Department is able to hire the staff before the Council makes the formal request to transfer the CRA/LA land-use functions to the Planning Department. Due to the language in Assembly Bill 1484, if the Council acts before the staff is hired, the City will be authorized and obligated to provide CRA/LA services immediately but without adequate resources.

Transition Plan

If the Council approves the transfer of CRA/LA land-use functions to the City, DCP will need to develop a plan to relocate any paper files, maps, records of decisions, electronic records, GIS data, and other systems or equipment. In addition, DCP will need to decide how to integrate these records into existing manual and electronic systems and processes.

RECOMMENDATIONS

That the Council, with the approval of the Mayor, take the following actions:

1. Approve the addition of resolution authorities through the end of this fiscal year for one Senior City Planner, one City Planner, two City Planning Associates, one Architectural Associate III and one GIS Information Systems Supervisor I, subject to review and approval by the Personnel Department as to classification, the CAO Employee Relations Division as to pay grade determination, and the Managed Hiring Committee;
2. Provide seven months of interim funding in the amount of \$465,176 for the requested resolution authorities and direct the Controller to appropriate the funds from the Unappropriated Balance Fund 100/58, Account 000137 Layoff Avoidance, to the Planning Department, Fund 100/68, Account 001010 Salaries General;
3. Consider the formal request in C.F. 12-0014-S4 to transfer the CRA/LA land-use functions to the City once the staff has been hired; and,
4. Direct the Planning Department to:

- a. Work with the CAO to evaluate the staffing levels and work program for the CRA/LA land-use responsibilities to determine if and when it is necessary to request additional staff;
- b. Conduct a fee study to determine whether or not fees could support the new employees;
- c. Provide a timeline that details tasks required to implement the transition; and,
- d. Identify costs for the transition, such as space requirements, moving costs and computers.

FISCAL IMPACT STATEMENT

If the Recommendations in this report are adopted, there is a potential additional impact to the General Fund of at least \$465,176 for 2012-13 and possibly \$1,425,073 annually thereafter for salaries and related costs for new positions. Funding for the positions was not included in the 2012-13 Adopted Budget. The recommendations in this report do not comply with City Financial Policies in that one-time funding is being used to fund ongoing expenditures. Funding to continue the work program beyond the current fiscal year will depend on the possibility of imposing new fees and the priorities and funding sources identified by Council and the Mayor for the 2013-14 Budget.

MAS:MMR:02130027C

Attachment

Attachment A

Community Redevelopment Agency Project Areas

By Project Area Name	By Expiration Date
Adelante Eastside: March 2031 Bunker Hill: January 2013 Broadway Manchester: December 2026 Beacon Street: April 2013 Chinatown: January 2022 Central Industrial: November 2033 Crenshaw Amended: December 2026 Crenshaw Slauson: October 2027 City Center: May 2033 Council District Nine Corridors: December 2027 East Hollywood/Beverly-Normandie: December 2012 Hollywood: May 2028 Exposition/University Park: Portions expire in 2013, 2027 and 2030 Laurel Canyon: December 2028 Los Angeles Harbor Industrial: July 2018 Little Tokyo: February 2014 Mid-City Corridors: May 2028 Monterey Hills: July 2015 North Hollywood: February 2021 Normandie 5: October 2013 Pacific Corridor: May 2033 Pacoima/Panorama City: December 2015 Pico Union: February 2014 Pico Union 2: November 2017 Reseda/Canoga Park: December 2015 Vermont Manchester: May 2028 Watts: January 2013 Westlake/MacArthur Park: May 2030 Watts Corridors: November 2027 Wilshire Center/Koreatown: December 2025 Western Slauson: May 2028	East Hollywood/Beverly-Normandie: December 2012 Bunker Hill: January 2013 Watts: January 2013 Beacon Street: April 2013 Normandie 5: October 2013 Exposition/University Park: Portions expire in 2013, 2027 and 2030 Little Tokyo: February 2014 Pico Union: February 2014 Monterey Hills: July 2015 Reseda/Canoga Park: December 2015 Pacoima/Panorama City: December 2015 Pico Union 2: November 2017 Los Angeles Harbor Industrial: July 2018 North Hollywood: February 2021 Chinatown: January 2022 Wilshire Center/Koreatown: December 2025 Broadway Manchester: December 2026 Crenshaw Amended: December 2026 Crenshaw Slauson: October 2027 Watts Corridors: November 2027 Council District Nine Corridors: December 2027 Hollywood: May 2028 Mid-City Corridors: May 2028 Vermont Manchester: May 2028 Western Slauson: May 2028 Laurel Canyon: December 2028 Westlake/MacArthur Park: May 2030 Adelante Eastside: March 2031 City Center: May 2033 Pacific Corridor: May 2033 Central Industrial: November 2033

Exhibit 15



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December 7, 2014

**Re: Palladium Residences Draft
City Case No. ENV-2013-1938-EIR**

Dear Planner Ibarra:

Hollywood Heritage has a keen interest in the preservation of historic structures, and is responding to your Draft EIR with detailed comments --with the goal of strengthening the applicant's stated intent to preserve the landmark Hollywood Palladium.

We find the DEIR clear in stating the Palladium's national and local level historic significance, and truly appreciate that preservation of this landmark is a starting point and a central tenet of the developer's project. We have met with the developer and are encouraged with their willingness to upgrade their project design to better showcase the Palladium.. We are in the midst of ongoing discussions, and hope the result will be a win-win as it was with Columbia Square.

However, in Hollywood, landmarks have been torn down after being used as the justification in an DEIR for great increases in entitlements. This flaw must be avoided here. Hollywood Heritage finds that the Project is asking for highly significant FUTURE City approvals, some of which are linked to preservation. We understand that the commitment is genuine, but do not see it in the paperwork.

The Land Use section of the DEIR is inadequate (unless there is an Appendix not uploaded on the website). CEQA does not allow using future city land use applications (ZC, GPA, CUP, Q, etc) to diminish disclosing CURRENT environmental effect of the project as proposed. Significant disclosures, facts, and Mitigation Measures should be added for the FEIR. Hollywood Heritage looks forward to seeing this in the FEIR. The entitlements requests which will implement and secure future preservation and use of the Palladium Building must be clear, trackable, and implementable:

- **CHM:** The DEIR states that the Palladium will be preserved, citing a future Cultural Heritage Monument listing. The DEIR does not disclose that CHM listing does not guarantee preservation—just a 1 year stay of demolition. Hollywood Heritage looks forward to the presentation of the additional techniques—a preservation/conservation easement, or a prohibition of demolition included in the CHM case filing, or a “Q” condition—which will guarantee long term preservation.
- **CHM:** The DEIR states that the Palladium will be preserved, but points to a FUTURE land use request (ZC, CUP, Q, Development Agreement) that has not yet been filed with the City or approved. The DEIR is silent on how City Planning must specifically follow through to make the statement true.
- **Zoning violations: 10.5:1 actual project FAR:** The DEIR omits the fact that the actual FAR proposed for Parcel 1 is 10.5:1. (864,000 SF proposed on Parcel 1 with a size of 81,467 Sf.). The DEIR omits the fact that 439,026 SF of development hoped for by the applicant must move from the Palladium (Parcel 2) over to the new construction site (adjacent Parcel 1).
- The DEIR fails to disclose how and when the development rights will be transferred OFF of the Palladium building and site. The DEIR makes a mention of a Conditional Use permit to achieve “averaging”, but omits all back up and does not disclose what this is. The FEIR should include a complete description, disclosure, and method to transfer development rights away from the Palladium land, and should mandate a Mitigation Measure to achieve this. Hollywood Heritage believes that this is a critical step in accuracy and makes transparent how the long term preservation of the Hollywood Palladium will be achieved.
- **Palladium site altered:** The DEIR fails to include the Parcel Map Exemption (PMEX 3533) obtained by this developer in May of 2013, which separated the Palladium building from its adjoining land. Thus the historic building was separated from its parking . This has created a Zoning Violation (LAMC 12.21 A 4 g and m); eliminated vehicle access to the historic drive- up entrance; and altered the setting of the historic building. Although this action was taken separately from the current project, under CEQA this must be evaluated as a part of the current Project. The FEIR must evaluate this effect as significant, add Mitigation Measures, and chart the developer’s necessary land use filings to reinstate the features of the Palladium..
- **Redevelopment planning authority not yet transferred:** The DEIR omits the discussion of the specific findings required for doubling the project size (from 402,286 SF to 927,354 SF). Using language from the Redevelopment Plan, the DEIR implies that City Planning has assumed authority to approve the increase

based on Redevelopment Plan language. Authority has not transferred from the Redevelopment Agency. Even if it did, the specific findings required by Redevelopment Plan would still be in effect. The specific findings required must be disclosed and the method of meeting them explicit in the FEIR.

- **Inadequate discussion of clearing “D” condition:** The site also currently has a “D” condition; the FEIR must accurately state the findings the Redevelopment Agency must make in order to clear that condition. This issue is critical to Hollywood Heritage. The preservation of the Hollywood Palladium may turn out to be the developer's justification for increasing allowable development.
- **Zoning non-conformance requires mitigation:** The DEIR fails to tabulate or show anywhere that the proposed 864,000 SF of new construction is 2X the amount permitted by zoning on the combined Parcel 1 and 2 site, inclusive of the Palladium building. The conclusion of no Land Use effect is inaccurate. This non-conformance must be disclosed. CEQA does not allow a future land use application to the City to justify failing to disclose non-conformance with current planning regulations. See above.

Add Items to Table ES I

We believe that EIR must be clear on potential adverse effects, and then state Mitigation Measures for those effects. Additionally, if the EIR concludes “no effect” because of a stated intent for the project's FUTURE design, then somehow the FUTURE implementation of that intent must be made mandatory. Customarily this is done in an EIR with Project Design Features—a checklist of required features-- that clearly provide the conditions of FUTURE project approval during the FUTURE entitlements process.

That checklist is **Table ES I:** “Summary of Project Impacts, Project Design Features, and Mitigation Measures.” Many items are missing.

Cultural Resources:

The EIR leads the public to believe the Palladium will be preserved if the developer voluntarily applies for Cultural Heritage Monument status. The DEIR fails to note, however, that such status can only delay demolition for a year. The DEIR also proposes many good things the developer “would” do. In order to realistically preserve this landmark, and to make the intent turn into reality, there are significant steps to turn “would” into “will”.

- **Mitigation Measure Needed: Threshold HIST-2:** While the DEIR (P 4.C.2-16) correctly notes that “the Project” does not propose to alter the physical fabric of the Hollywood Palladium building, the statement is in error that there are not direct and indirect effects of the Project. (This is a combined Historic and Land Use issue, but

Hollywood Heritage finds it fundamental to preservation to ensure code-required parking availability, access, and visibility to the historic structure.)

The historic setting of the Palladium building, specifically its relation to its parking lots and to its "drive up" entrance, has been altered and will be further altered by the Project. The integrity of the setting is significantly affected. The FEIR must disclose the facts and show how this will be mitigated.

- **Zoning Violation:** When the City approved a Parcel Map Exemption to separate the Palladium building itself from the parking lots that have historically served it, and created a separate lot between the vehicular entrance and the street, the developer actually created a zoning violation. The Palladium is currently in violation of Sec. 12.21.A.4.m of the LABC .
 - **Add Mitigation Measure:** "The Project shall Covenant 317 parking spaces from Parcel 1 to Parcel 2 (PMEX 3533) . Said spaces shall remain open to the patrons of the Hollywood Palladium without impediments to access."
 - **Add Mitigation Measure:"** "The Project shall include an ungated access driveway to serve patron and service needs for the Hollywood Palladium (Parcel 2, PMEX 3533) across Parcel 1 from Argyle Ave; an easement or Covenant for Community Driveway shall be recorded prior to issuance of building permits on Parcel 1."
 - **Add Mitigation Measure:** "The Project design shall include visibility of the west entrance to the Palladium from Argyle, substantially in conformance with Figure 2.8 and Figure
- **Add Project Design Feature CR #1:** The following statement on the Draft EIR Page 4.C.2-13 AND 15 should be incorporated into **Table ESI** : "The Project Applicant ... will nominate the Palladium as a Historic Cultural Monument under the City of Los Angeles Cultural Heritage Ordinance in connection with issuance of building permits for the new development" ADD "as a requirement under the "Q" condition in the Zone Change.."
 - The developer has proposed that the CHM listing be required under their proposed "Q" condition. The text of the proposed "Q" condition was omitted from the DEIR, and should be included in the FEIR. Hollywood Heritage recommends that the "Q" condition also state that the CHM listing will include a prohibition of building demolition.
 - The developer has proposed a Conditional Use Permit to allow Floor Area Averaging and Residential Density Transfer for utilizing development rights averaged over Parcel 1 and 2. Hollywood Heritage recommends that a Condition of Approval of that CUP be that this CHM listing be completed prior to issuance of building permits on Parcel 1.
 - **Add Project Design Feature CR #2:** The following statement on the Draft EIR Page 4.C.2-15 is misleading: "The Project would be reviewed and considered by the Office of Historic Resources and the Cultural Heritage Commission as a part of the project's entitlement approval process". The FEIR should show a Project Design Feature as follows:

- Table ES-1: Add "The Cultural Heritage Commission "will" review and approve the Project plans as a part of the entitlement process, specifically as a condition of approval for the ZC, CUP, Q, etc entitlements case."
- Table ES-1: As the Palladium building is on a separate land parcel (Parcel 2, PMEX AA 2012-3533), the Cultural Heritage Commission will not review building permits for the new construction unless specifically required. Add "The Cultural Heritage Commission shall be asked to review and approve the Project new construction permits for Parcel 1 for compliance with the Palladium historic resource, to the extent that these permits implement commitments and requirements of the entitlements process. The Commission shall include a specific list of future reviews needed in their review and approval required as a part of the GP, ZC, CUP, Q, etc entitlements case. "
- **Add Project Design Feature CR #3:** The following statement should be incorporated into **Table ESI**: The quotes given above from the DEIR, with "would" changed to "will"-- on Page 4.C.2-14 "No off site signage is proposed." And "The Palladium ~~would~~ will remain the project's most prominent night lighting and its marquee, blade sign, and neon lighting ~~would~~ will not be obscured or subordinated" with the following added: "The Cultural Heritage Commission will review building permit plans for signage and lighting on Parcel 1 to verify that the building plans conform with stated intents in the entitlement process, and that plans comply with the statements herein."
- **Add Project Design Feature CR #4:** The following statement on the Draft EIR Page 4.C.2-13 should be incorporated into **Table ESI** : "An enhancement program ~~would~~ will be developed and implemented prior to Certificate of Occupancy to include interpretive displays to increase general public and patron awareness and appreciation of the history and significance of Hollywood, the Palladium."
 - Hollywood Heritage points out that this history includes this site being a part of the birthplace of Paramount pictures. The site included the back lot of the Famous Players Lasky studio, famed for its meteoric success and pivotal role in making Hollywood the movie capital of the world. See addendum to this letter.
- **Add Project Design Feature CR #5:** The following statement on the Draft EIR Page 4.C.2-14 should be incorporated into **Table ESI** : "Additional enhancements to the Palladium ~~would~~ will be rehabilitation of the ballroom ceiling and ballroom floor and main lobby improvements that would be more compatible with the Palladium's historic features. The enhancement program ~~would~~ will comply with the Secretary of the Interior's Standards for Rehabilitation and will be designed and reviewed by Cultural Heritage prior to Certificates of Occupancy on Parcel 1. A qualified historic preservation consultant ~~would~~ will monitor the work for conformance' with the Standards.

Land Use:

The Land Use section (Sec 4H of the DEIR) does not adequately analyze or present the potential impacts of the project with regard to consistency with land use regulations, in contrast with the statements that it does. Some of these issues are discussed in the opening of this comment letter.

The statement that "The Project would not result in significant impacts associated with consistency with regulatory land use plans and guidelines" misses the elephant in the living room. There is no clear tabular statement or analysis of the AMOUNT of proposed construction relative to the land use plans and zoning. The extensive analysis leading to a conclusion of "no significant effect" is an analysis of GOALS of various regulatory plans and the land USES.

The project does have a significant effect – in the amount, configuration, and height of proposed construction. The circular argument that the City Planning Commission must ratify the Redevelopment Agency approval in a future approval-- and that thus there is no effect-- is wrong reasoning. This DEIR will accompany those applications, and the facts must be reflected to evaluate the effects and how or whether to avoid them in a straightforward manner.

- **Land Use Mitigation Measure:** The Land Use section omits a clear tabulation of Zoning-- the project proposes doubling of the AMOUNT of construction requested vs. what current zoning allows. The FEIR must clearly show a basis for this increase. Conflict of zoning is as follows:

	Size	Allowed	Requested
Old Parcel 1 (Selma)	41,085 SF	FAR 1.5= 61,627 SF	FAR 6.0 = 246,510 SF
Old Parcel 2 (Sunset)	113,553 SF	FAR 3.0= 340,659 SF	FAR 6.0 = 681,318 SF
		402,286 SF	Stated request 927,354 SF

- **Land Use Mitigation Measure:** The FEIR must state clearly that the proposed land USE violates plans currently in effect in Hollywood, and show a Mitigation Measure and needed findings to change that use.
- **Alternatives Analysis insufficient:** Each Alternatives analysis in the FEIR should include a Table showing allowable SF of construction and proposed; allowable use and proposed; and allowable height and proposed.
- **Add Mitigation Measure to reconnect Palladium building to its parking lots:** See discussion in introduction to this letter.
- **Add Mitigation Measure to reconnect Palladium to Argyle street access:** See discussion in introduction to this letter.

- **Add Mitigation Measure to ensure design quality of visibility of Palladium west entrance from Sunset and Argyle:** Recent design work by the developer shows that this significant effect can be mitigated. This must be disclosed in the FEIR and on the Table ES I checklist.
- **Findings needed to allow increase of FAR from 4.5:1 to 6:1:** (Page 4.H-8): The FEIR Must include the specific findings that must be made under the Redevelopment Plan to allow a density increase from 4.5:1 to 6:1 on these parcels. The DEIR is inadequate without this discussion. While the DEIR states (P ES- 2)that the maximum allowable density on these parcels "would be" FAR 6.0: 1, the specific steps and specific preservation requirements to reach that are omitted.
- **Missing quantitative analysis:** The DEIR concludes that there is no cumulative impact of all the proposed and finished projects in the area, but provides no quantitative data to back that up. As this is the EIR that will accompany the land use applications to the City Planning Commission to double permitted density, the conclusion that there are no cumulative effects must be backed up with actual data.

Concern for precedent:

Hollywood Heritage is concerned about the proposed height of the high-rise residential buildings. They not only block the present view of the Hollywood Hills but also can create a "canyon like" feel on the site. The Redevelopment Agency was supposed to deal with these very issues with a Design for Development provided after adoption of the Redevelopment Plan, so that increases in density were accompanied by design guidance. In 30 years, even after litigation, this has not been addressed. City Planning continues to be re-active rather than pro-active.

We are deeply concerned that this project will be a precedent-setting. Other historic properties in the Sunset and Vine area are unprotected, and may not benefit from the preservation-minded vision of this developer. Although this developer has shown significant sensitivity in their approach to how the new development relates to the historic landmark, the process of protecting the landmark and using it to leverage denser development must be more transparent, or the mandated Design for Development put in place, or this is a bad precedent to set.

Respectfully Submitted,



Bryan Cooper,
President, Hollywood Heritage Inc.
See following page for addendum.

ADDENDUM:

Recommendations for Interpretive Program:

1. In terms of context, the proximity of the Palladium to Columbia Square, the Earl Carroll Theatre (now Nickelodeon Theatre), the former Hollywood Chamber of Commerce building, The Chase Bank (formerly Home) and the Sunset, Vine, and Hollywood Boulevard intersections which represent not only the birth of the entertainment in Hollywood, but its growth as well.
2. The site is "layered" historically. The EIR section on historic significance rightly names the site as having been part of the former Jesse L. Lasky/Famous Players Lasky Studio, but the site is also related to Hollywood's agricultural history as the Lasky parcel was once the Northam and then Stern ranches.
3. But just as that ranch became a studio, when that film studio left the area, a radio facility replaced it, and when television was developed, the same facilities were pressed into service for that medium, too. Simultaneously, the recording industry was founded and matured in parcels adjacent to the Palladium site. The Palladium has special interest to the recording industry as the same musicians who played this venue, also very often recorded nearby. Where many musical groups of the era played theatres and auditoriums which were already in place, the Palladium is purpose-built, founded at a time when the radio-recording-performing interchange was at its peak and Hollywood a major center of the three disciplines.
4. It is this same activity which contributes to the Palladium being a significant structure within what can clearly be seen as an extension to the Hollywood Boulevard Commercial and Entertainment National Register District, or as an integral part of a second historic district dedicated to radio/recording/television and performance.
5. Architecturally, examples of streamline moderne are rare within the Hollywood core. As a endangered building style, the Palladium is a highly valuable asset.