187712

ORDINANCE NO. _____

An ordinance amending Chapter 1 of the Los Angeles Municipal Code and establishing Chapter 1A of the Los Angeles Municipal Code to comprehensively reorganize the administrative processes and procedures related to zoning and land use entitlements.

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

Section 1. Article 1.5 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

ARTICLE 1.5
PLANNING COMPREHENSIVE PLANNING PROGRAM

Section
11.5.1 Title.
11.5.2 Area Planning Commissions.
11.5.3 Director of Planning (Director).
11.5.4 City Planning Commission.
11.5.5 Mandatory Referrals – Authority of Commission – Requirements.
11.5.6 General Plan.
11.5.7 Specific Plan Procedures.
11.5.8 General Plan Review.
11.5.9 Withdrawal of Application.
11.5.10 Withdrawal of Appeal.
11.5.11 Affordable Housing.
11.5.12 Delegation of Council's Authority to Consent to Extensions of Time for Council Action.

SEC. 11.5.1. TITLE.

This article shall be known as the "**Comprehensive Planning Program of the City of Los Angeles.**"

SEC. 11.5.2. AREA PLANNING COMMISSIONS.

See Sec. 13A.1.4 (Area Planning Commission) of Chapter 1A of this Code.

SEC. 11.5.3. DIRECTOR OF PLANNING (DIRECTOR).

See Sec. 13A.1.6 (Director of Planning) of Chapter 1A of this Code.

SEC. 11.5.4. CITY PLANNING COMMISSION.

See Sec. 13A.1.3 (City Planning Commission) of Chapter 1A of this Code.

SEC. 11.5.5. MANDATORY REFERRALS – AUTHORITY OF COMMISSION – REQUIREMENTS.

See Sec. 13A.1.3 (City Planning Commission) of Chapter 1A of this Code.

SEC. 11.5.6. GENERAL PLAN.

Pursuant to Charter Section 555, the City's comprehensive General Plan may be adopted, and amended from time to time, pursuant to Sec. 13B.1.1 (General Plan Adoption/Amendment) of Chapter 1A of this Code, either as a whole, by complete subject elements, by geographic areas or by portions of elements or areas, provided that any area or portion of an area has significant social, economic or physical identity.

A. Initiation of Plan Amendment. As provided in Charter Section 555, an amendment to the General Plan may be initiated by the Council, the City Planning Commission or the Director of Planning. Initiations by the Council or City Planning Commission shall be by majority vote. If an amendment is initiated by the Council or City Planning Commission, then it shall be transmitted to the Director for report and recommendation to the City Planning Commission.

Whether initiated by the Director, the Council or the City Planning Commission, the Director shall prepare the amendment and a report recommending action by the City Planning Commission. The report shall contain an explanation of the reasons for the action recommended.

After the Director prepares a Plan amendment and report, the Director shall transmit the file to the City Planning Commission for its action. Nothing in this section shall restrict the adoption of a General Plan amendment which permits the development of a project if:

1. The project (a) is located in an area classified on January 1, 2016, as a Regional Center, a Downtown Center, in an area zoned as Industrial, or a Major Transit Stop including all land within a one-half mile radius of a Major Transit Stop; or (b) each residential unit in the project, exclusive of a manager's unit or units, is affordable to, and occupied by, either a Lower or Very Low Income household;

2. All building and construction work on the project will be performed at all tiers by contractors which (a) are licensed by the State of California and the City of Los Angeles; (b) shall make a good-faith effort to ensure that at least 30% of all their respective workforces' construction workers' hours of Project Work shall be performed by permanent residents of the City of Los Angeles of which at

least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project; (c) employ only construction workers which possess all licenses and certifications required by the State of California and the City of Los Angeles; (d) pay their construction workers performing project work the wages prevailing in the project area determined pursuant to California Labor Code § 1770; and (e) have at least 60% of their respective construction workforces on the project from: (1) workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, and (2) registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program; and

3. If the General Plan amendment results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, projects with ten or more residential dwelling units shall also provide affordable housing consistent with the provisions of Section 5 of the Build Better LA Initiative.

For the purposes of this Section the following terms have the meaning shown:

"Transitional Worker" means an individual who, at the time of commencing work on the project, resides in an Economically Disadvantaged Area or Extremely Economically Disadvantaged Area and faces at least two of the following barriers to employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having a criminal record or other involvement with the criminal justice system; (6) suffering from chronic unemployment; (7) emancipated from the foster care system; (8) being a veteran; or (9) being an apprentice with less than 15% of the apprenticeship hours required to graduate to journey level in a program.

"Economically Disadvantaged Area" means a zip code that includes a census tract or portion thereof in which the median annual household income is less than $40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

"Extremely Economically Disadvantaged Area" means a zip code that includes a census tract or portion thereof in which the median annual household income is less than $32,000 per year, as measured and

reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

The Department of Public Works, Bureau of Contract Administration shall bear administrative responsibilities for the labor standards required by this section.

SEC. 11.5.7. SPECIFIC PLAN PROCEDURES.

A. Definition, Purpose and Objectives. See Div. 13B.4. (Specific Plan Implementation) and Sec. 13B.1.2 (Specific Plan Adoption/Amendment) of Chapter 1A of this Code.

B. Relationship To Provisions of Specific Plans. See Div. 13B.4. (Specific Plan Implementation) of Chapter 1A of this Code.

C. Project Compliance Review. See Div. 13B.4. (Specific Plan Implementation) of Chapter 1A of this Code.

D. Modification of a Project Permit Compliance - Director of Planning With Appeals to the Area Planning Commission. See Div. 13B.4. (Specific Plan Implementation) of Chapter 1A of this Code.

E. Project Adjustments. See Div. 13B.4. (Specific Plan Implementation) of Chapter 1A of this Code.

Project Adjustments shall be limited to:

1. Adjustments permitting project height to exceed the designated height limitation on the property involved by less than ten percent;

2. When the calculation of the maximum number of permitted multiple- family dwelling units results in a fraction, the number of total dwelling units may be rounded up to the next whole number, if the lot area remaining after calculating the maximum number of permitted dwelling units is at least 90 percent of the lot area required by the specific plan regulation to permit one additional dwelling unit;

3. Adjustments permitting portions of buildings to extend into a required yard, setback or other open space a distance of less than 20 percent of the minimum width or depth of the required yard, setback or open space;

4. Adjustments to minimum landscaped area requirements of less than 20 percent, or minor adjustments to required types of landscape materials;

5. Adjustments to permitted signs that:

(a) exceed the maximum sign size (area) limitation by less than 20 percent;

(b) exceed the limit on the maximum number of signs by no more than 20 percent; or

(c) exceed the maximum sign height by no more than 2 feet;

6. Adjustments from the minimum or maximum number of required parking spaces associated with a project of less than 10 percent; and

7. Minor adjustments from other specific plan development regulations, which do not substantially alter the execution or intent of those specific plan regulations to the proposed project, and which do not change the permitted use, floor area, density or intensity, height or bulk, setbacks or yards, lot coverage limitations, or parking standards regulated by the specific plan.

F. Project Exception. In addition to the applicability provisions of Sec. 13B.4.5. A.2. (Specific Plan Implementation; Project Exception; Applicability; Project Exception Relationship to Other Entitlements) of Chapter 1A of this Code, the following describes when Project Exceptions are needed:

1. **Exception for Wireless Telecommunications Facilities.** Notwithstanding the provisions of the first unnumbered paragraph of this subdivision, the installation of wireless antennas and associated equipment cabinets on the rooftops of buildings in the C and M Zones when established in conformance with the standards contained in Section 12.21 A.21. do not need a Project Exception, except that rooftop antennas located within a scenic parkway specific plan, scenic corridor specific plan, or a roadway designated as a scenic highway within a specific plan area shall be subject to a Project Exception. Any application involving the use, height, installation or maintenance of wireless telecommunication facilities that do not comply with the provisions of Section 12.21 A.21. and which are located within specific plan areas shall be filed pursuant to Section 12.24 W.49. of this Code and considered by the Zoning Administrator as the initial decision-maker, except that applications located within a scenic parkway specific plan, scenic corridor specific plan, or a roadway

designated as a scenic highway within a specific plan area shall be subject to a Project Exception.

2. **Eldercare Facilities.** An applicant who files an application involving Eldercare Facilities seeking relief from specific plan regulations need not apply for a Project Exception pursuant to Subsection F. of this section but need only apply for and receive an approval pursuant to Section 14.3.1 of this Code.

G. Amendments to Specific Plans See Sec. 13B.1.2 (Specific Plan Adoption/Amendment) of Chapter 1A of this Code.

H. Interpretations of Specific Plans. See Div. 13B.4. (Specific Plan Implementation) of Chapter 1A of this Code.

SEC. 11.5.8. GENERAL PLAN REVIEW.

A. Planning Areas. The City is hereby divided into 37 planning areas. Each planning area constitutes an area for which either a community plan, a district plan, or other portion of the Land Use Element of the General Plan has been adopted by the City. The boundaries of each planning area shall be those of the applicable adopted community or district plan, or other portion of the Land Use Element of the General Plan as they existed on enactment of this section. These boundaries may be only changed by amendment to the General Plan pursuant to the procedures set forth in Section 11.5.6 of this Code. No amendment to a plan for any of the 37 planning areas, including reduction in the number of such areas, changes in their respective boundaries, land uses permitted within or at any particular location in any such area, or any other material change, may be made until the completion of a comprehensive assessment of such proposed changes by the Planning Department to ensure that such changes do not:

1. Reduce the capacity for creation and preservation of affordable housing and access to local jobs; or

2. Undermine California Government Code Section 65915 or any other affordable housing incentive program; and

The changes must include a program to create and monitor an inventory of units within the Community Plan Area that are: subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of Lower or Very Low-Income; subject to the City Rent Stabilization Ordinance; and/or occupied by Lower-Income or Very Low-Income households.

B. Action on Proposed Amendments. The City Planning Commission shall receive the assessment by the Planning Department and shall by vote make a recommendation to accept or reject the amendment. The Commission's

recommendation will be received by City Council and the Council shall vote to either accept or reject the proposed amendment. The current plans for the 37 planning areas shall remain in full force and effect until or unless the City Council votes to amend them in accordance with this section.

SEC. 11.5.9. WITHDRAWAL OF APPLICATION.

See Sec. 13A.2.3.D. (Applications; Withdrawal of Application) of Chapter 1A of this Code.

SEC. 11.5.10. WITHDRAWAL OF APPEAL.

See Sec. 13A.2.8.D. (Appeals; Withdrawal of Appeals) of Chapter 1A of this Code.

SEC. 11.5.11. AFFORDABLE HOUSING.

(a) Affordable Housing. To be eligible for a discretionary General Plan amendment pursuant to Subdivision B. of Section 11.5.6 of the Los Angeles Municipal Code or otherwise, or any zone change or height-district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, Projects with ten or more residential dwelling units shall meet one of the following on-site affordability provisions, or satisfy one of the alternative options in subdivision (b) and shall comply with the job standards in subdivision (i).

1. **Rental Projects** shall provide the following:

(i) No less than the affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), inclusive of any Replacement Units; or

(ii) If the General Plan amendment, zone change or height district change results in a residential density increase greater than 35%, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 6% of the total units at rents affordable to Very Low Income households or 15% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units; or

(iii) If the General Plan amendment, zone change or height district change allows a residential use where not previously allowed, then the Project shall provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 11% of the total units at rents affordable to Very Low Income households or 20% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units.

2. **For-sale Projects** shall provide the following:

(i) No less than the affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), inclusive of any Replacement Units; or

(ii) If the general plan amendment, zone change or height district change results in a residential density increase greater than 35% or allows a residential use where not previously allowed, then the Project shall provide no less than 11% of the total units at rents affordable to Very Low Income households, or 20% of the total units at rents affordable to Lower Income households, or 40% of the total units at rents affordable to Moderate Income households, inclusive of any Replacement Units.

3. **100% affordable.** Each residential unit in the Project, exclusive of a manager's unit or units, is affordable to, and occupied by, either a Lower or Very Low Income household.

4. **Projects with both for-sale and rental units.** When a Project includes both for-sale and rental dwelling units, the provisions of this Section that apply to for-sale residential development shall apply to that portion of the Project that consists of for-sale dwelling units, while the provisions of this Section that apply to rental dwelling units shall apply to that portion of the development that consists of rental dwelling units.

All Projects qualifying for development bonuses pursuant to this Section shall be required to meet any applicable replacement requirements of California Government Code Section 65915(c)(3).

A Developer seeking and receiving a density or development bonus under the provisions of California Government Code Section 65915 or any other State or local program that provides development bonuses shall not be eligible for the development bonuses pursuant to this Section. For purposes of this provision, development bonuses shall include discretionary General Plan amendments, zone changes, and height district changes.

(b) Alternative compliance options. A Project may satisfy the affordability provisions of this section through the following off-site options in lieu of providing affordable units on site:

1. **Off-site Construction.** The affordability provisions of this Section may be satisfied by constructing off-site affordable units at the following rate:

(i) No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in

paragraph (a), if constructed within one-half mile of the outer edge of the Project;

(ii) No less than 1.25 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if constructed within 2 miles of the outer edge of the Project;

(iii) No less than 1.5 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if constructed within 3 miles of the outer edge of the Project.

The off-site units created pursuant to this paragraph must be on a site that is zoned for residential development at a density to accommodate at least the number of otherwise required units; is suitable for development of the units in terms of configuration, physical characteristics, location, access, adjacent uses and other relevant planning and development criteria; and environmental review has been completed to the satisfaction of the City prior to acceptance of the site by the City. The development of off-site affordable units shall include integration of community space and services as required by the Housing and Community Investment Department for comparable affordable housing development. The first Certificate of Occupancy for the off-site units shall be issued prior to or concurrent with the first Certificate of Occupancy for the original Project. In no event shall the Certificate of Occupancy for the market rate units for the original project be issued prior to the Certificate of Occupancy for the affordable off-site units. Individual affordable units constructed as part of an off-site project under this Section shall not receive development subsidies from any Federal, State or local program established for the purpose of providing affordable housing, and shall not be counted to satisfy any affordable housing requirement for the off-site development. Other units in the same offsite project may receive such subsidies. In addition, subsidies may be used, only with the express written permission by the Department of Housing and Community Investment, to deepen the affordability of an affordable unit beyond the level of affordability required by this Section.

2. **Off-site Acquisition.** The affordability provisions of this Section may be satisfied by the acquisition of property containing At-Risk Affordable Units and converting the units to non-profit, Community Land Trust, and/or tenant ownership prior to issuance of the Certificate of Occupancy for the original Project. Prior to transferring ownership to a qualified entity, the At-Risk Affordable Units shall achieve a minimum of a C2 rating based on the Fannie Mae Uniform Appraisal Dataset Property Condition Ratings, as assessed and certified by the Housing and Community Investment Department (HCID), or as required by HCID to be completed by the Developer and subsequently certified by HCID. Any entity taking ownership of At-Risk Affordable Units pursuant to this Section shall record an affordability covenant, consistent with the provisions of subsection (d), guaranteeing affordability to Lower or Very Low Income

Households. The number of At Risk Affordable Units that must be acquired and converted to non-profit or tenant ownership under this subdivision shall be as follows:

(i) No less than the same number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if acquired within one-half mile of the outer edge of the Project;

(ii) No less than 1.25 times the number of on-site affordable units, at the same or greater mix of unit type and affordability levels as provided in paragraph (a), if acquired within 1 mile of the outer edge of the Project;

(iii) No less than1.5 times the number of on-site affordable units, and affordability levels as provided in paragraph at the same or greater mix of unit type if acquired within 2 miles of the outer edge of the Project.

3. **In-Lieu Fee.** The affordability provisions of this Section may be satisfied by the payment of a fee to the City in lieu of constructing the affordable units within the Project. The in lieu fee shall be determined by the City based on the following:

(i) The number of units equivalent to 1.1 times the required number of on-site affordable units pursuant to paragraph (a), in the same proportion of affordability, multiplied by the applicable Affordability Gap, as defined herein.

(ii) No later than 90 days from the enactment of this ordinance, the City shall produce a study identifying the Affordability Gap for rental and ownership units of each bedroom size (studio, 1 bedroom, 2 bedroom and 3 bedroom) for each required affordability level. For rental housing, the study shall collect and determine, by unit type and affordability level, the following information from recently completed affordable housing projects funded by the City's Affordable Housing Trust Fund: total development costs and operating expenses. The study shall also determine the amounts of permanent financing available based on restricted rents and prevailing interest rates. The difference between the total development cost and permanent financing amount shall be the Affordability Gaps per unit by unit type and affordability level. For ownership housing, the study shall identify the market median sales prices by unit type in the 37 Community Plan areas. It shall determine the restricted sales prices of for-sale units by unit type and affordability level. The difference between the market median sales price and the restricted sales price shall be the Affordability Gaps per unit by unit type and affordability level.

(iii) The City shall adjust the fee every two years, based on the results of a new Affordability Gaps study (as defined Section 5(b)(3)(ii)). An Affordability Gaps study, the proposed adjusted Affordability Gaps, and the adjusted fees shall be published within 2 years of the date that the original Affordability Gaps study is released, and consecutively thereafter by the date that is 2 years after the release of the previous Gaps study.

The fee is due and payable to the Affordable Housing Trust Fund at the time of and in no event later than issuance of the first building permit, concurrent with and proportional to project phases. The Developer shall have an option to defer payment of all or a portion of the fee upon agreeing to pay a Deferral Surcharge, with the fee and the Deferral Surcharge due and payable at the time of and in no event later than issuance of the Certificate of Occupancy. The Deferral Surcharge will be assessed at the Wall Street Journal Prime Rate plus 200 basis points at the time such fee is due, at the issuance of the building permit. The Deferral Surcharge fee shall be deposited into the Affordable Housing Trust Fund and accounted for and used as provided in Section (c).

(c) Use of Funds. All monies contributed pursuant to this Section shall be deposited in the City's Affordable Housing Trust Fund. All funds collected under this Section shall be used in the following manner:

1. Except as provided in Subdivision (2) below, the funds collected under this Section shall be used to create and/or preserve housing affordable to Extremely Low-, Very Low-, and Lower-Income households.

2. The City shall designate and separately account for all Deferral Surcharge payments that it receives under this Section to support the creation and/or preservation of affordable housing within one-half mile of a Major Transit Stop ("TOC area"), with priority to TOC Areas where there is a demonstrated decline in units affordable to and/or occupied by Extremely Low, Very Low and/or Lower Income households. Use of the Deferral Surcharge funds shall include but not be limited to the following:

(i) Acquisition and/or remediation of land, and/or acquisition, construction, rehabilitation, and/or financing of housing units by a Community Land Trust or non-profit entity which guarantees perpetual affordability of these units for Extremely Low, Very Low and/or Lower-Income Households or a term of affordability of these units that has a duration of a minimum of 55 years.

(ii) Funding for proactive enforcement of the City's Rent Stabilization Ordinance.

(d) Continuing Affordability / Standards for Affordable Units.

1. All affordable rental housing units created or acquired pursuant to this Section shall be subject to an affordability covenant acceptable to the Housing and Community Investment Department, and recorded with the Los Angeles County Recorder, guaranteeing continuing affordability to the targeted income group for no less than 55 years. In addition, when units are acquired and conveyed pursuant to the Off-Site Acquisition option, the Developer and/or entity taking ownership of the units shall create and implement a plan to prevent involuntary displacement of current tenants. Affordable units provided under this Section shall be comparable to the market rate units in the Project (or off-site location in the case of off-site affordable units) in terms of unit type, number of bedrooms per unit, quality of exterior appearance, energy efficiency, and overall quality of construction.

2. All for-sale housing units created pursuant to this Section shall be subject to an affordability covenant acceptable to the Los Angeles Housing and Community Investment Department, and recorded with the Los Angeles County Recorder, consistent with the for-sale requirements of California Government Code Section 65915(c)(2).

3. A longer term of affordability may be required if the Project receives a subsidy which requires a longer term of affordability. If the duration of affordability covenants provided for in this subsection conflicts with any other government requirement, the longest duration shall control.

(e) Developer Incentives. In addition to the requested General Plan amendments, zone changes and/or height district changes, a Project that provides affordable housing consistent with this Section shall also be entitled to three incentives or concessions specified in California Government Code Section 65915(k) or the applicable Affordable Housing Incentive Program.

(f) Processing. A Project that provides affordable housing consistent with this Section shall be entitled to review and processing by the Expedited Processing Section of the Planning Department dedicated solely to processing entitlements for such Projects with the goal of expediting such Projects.

(g) City Council Approved Adjustments to Affordable Housing Set-asides Contained Herein. The City may, by majority vote of City Council, adjust the affordable housing percentages set forth in this Section upon a showing of substantial evidence that such adjustments are necessary to maximize affordable housing while ensuring a reasonable return on investment for Developers.

(h) Waiver/Adjustment. Notwithstanding any other provision of this Section, the requirements of this Section maybe waived or adjusted only if a Project applicant shows, based on substantial evidence, that compliance with its requirements would

result in a deprivation of the applicant's constitutional rights. The applicant shall bear the burden of presenting substantial evidence to support the request and set forth in detail the factual and legal basis for the claim, including all supporting technical documentation.

In determining whether an applicant has presented substantial evidence to support the request for waiver/adjustment, if upon legal advice provided by or at the behest of the City Attorney, it is determined that applying the requirements of this Section would effectuate an unconstitutional taking of property or otherwise have an unconstitutional application to the property, the requirements of this Section shall be adjusted or waived only to the extent necessary to avoid an unconstitutional result. If an adjustment or waiver is granted, any change in the use within the project shall invalidate the adjustment or waiver. If it is determined that no violation of the United States or California Constitutions would occur through application of this Section, the requirements of this Section remain fully applicable.

(i) All building and construction work on the project will be performed at all tiers by contractors which (a) are licensed by the State of California and the City of Los Angeles; (b) shall make a good-faith effort to ensure that at least 30% of all their respective workforces' construction workers' hours of Project Work shall be performed by permanent residents of the City of Los Angeles of which at least 10% of all their respective workforces' construction workers' hours of Project Work shall be performed by Transitional Workers whose primary place of residence is within a 5-mile radius of the covered project; (c) employ only construction workers which possess all licenses and certifications required by the State of California and the City of Los Angeles; (d) pay their construction workers performing project work the area standard wages in the project area; and (e) have at least 60% of their respective construction workforces on the project from: (1) workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program, and (2) registered apprentices in an apprenticeship training program approved by the State of California or an out-of-state, federally-approved apprenticeship program. The Department of Public Works, Bureau of Contract Administration, shall bear administrative responsibilities for the labor standards required by this subsection.

(j) Definitions.

"At-Risk Affordable Unit" shall mean any residential dwelling unit that receives government assistance under prescribed federal, State, and/or local programs, or any combination of rental assistance and is eligible to convert to market rate due to termination (opt-out) of a rent subsidy contract, prepayment of a subsidized mortgage, or expiration of rental restrictions. These assistance programs include, but are not limited to, Housing Choice Vouchers [formerly Section 8], project-based rental assistance, subsidized mortgage programs (e.g.,

FHA), or expiring rent/deed restrictions with the use of State or local funding programs, including Community Redevelopment Agency Covenants.

"**Community Land Trust**" shall mean a California nonprofit corporation that: (1) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; (2) is neither sponsored by, controlled by, nor under the direction of a for-profit organization; (3) has a corporate membership of adult residents of a particular geographic area as described in the bylaws of the corporation; (4) has a board of directors that: (A) includes a majority of members who are elected by the corporate membership; (B) includes representation by persons occupying and/or leasing any structural improvements on the land; and (C) includes representation by persons residing within the geographic area specified in the bylaws of the corporation who neither lease land from the corporation nor occupy structural improvements controlled by the corporation; (5) acquires and retains parcels of land, primarily for conveyance under long-term ground leases; (6) transfers ownership of many or all of the structural improvements located on such leased parcels to the lessees; and (7) retains a preemptive option to purchase such structural improvements at a price determined by formula that is designed to ensure that the improvements remain affordable to low and moderate income households in perpetuity.

"**Developer**" shall mean the owner of the Project and, if different from the owner, any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which develops or causes to be developed the residential housing project and, if applicable, provides off-site affordable units, together with their successors and assigns, but does not include a lender, any governmental entity or the general contractor working for any developer.

"**Economically Disadvantaged Area**" means a zip code that includes a census tract or portion thereof in which the median annual household income is less than $40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

"**Extremely Economically Disadvantaged Area**" means a zip code that includes a census tract or portion thereof in which the median annual household income is less than $32,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census and as updated by the parties upon the U.S. Census Bureau issuing updated Median Annual Household Income data by census tract in the American Community Survey.

"**Extremely Low-Income Households**" is defined in Section 50106 of the Health and Safety Code.

"**Lower Income Households**" is defined in Section 50079.5 of the Health and Safety Code.

"**Project**" shall mean the construction, erection, alteration of, or addition to a structure. The term Project shall not include interior or exterior improvements that do not increase the floor area over that of an existing structure, and shall not mean any construction for which a building permit or demolition permit is required to comply with an order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe or substandard condition, or to rebuild as a result of destruction by fire, earthquake or natural disaster, provided that the development is not prohibited by any provision of the Los Angeles Municipal Code and the development does not increase the square footage beyond what previously existed on the site.

"**Replacement Unit**" shall mean any unit that would need to be replaced pursuant to California Government Code Section 65915(c)(3) if the Project was seeking a density bonus.

"**Transitional Worker**" means an individual who, at the time of commencing work on the project, resides in an Economically Disadvantaged Area or Extremely Economically Disadvantaged Area and faces at least two of the following barriers to employment: (1) being homeless; (2) being a custodial single parent; (3) receiving public assistance; (4) lacking a GED or high school diploma; (5) having a criminal record or other involvement with the criminal justice system; (6) suffering from chronic unemployment; (7) emancipated from the foster care system; (8) being a veteran; or (9) being an apprentice with less than 15% of the apprenticeship hours required to graduate to journey level in a program.

"**Very Low-Income Households**" is defined in Section 50105 of the Health and Safety Code.

SEC. 11.5.12. DELEGATION OF COUNCIL'S AUTHORITY TO CONSENT TO EXTENSIONS OF TIME FOR COUNCIL ACTION.

See Sec. 13A.2.5. A.2 (Decisions; Decision Time Period) of Chapter 1A of this Code.

SEC. 11.5.13. CEQA PROCEDURES.

See Div. 13B.11. (California Environmental Quality Act Provisions) of Chapter 1A of this Code.

Sec. 2. The definitions of "Area Planning Commissions", "City Planning Commission", "Director of Planning (Director)", "Specific Plan", and "Zoning

Administrator" in Section 12.03 of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

AREA PLANNING COMMISSIONS.

See Sec. 13A.1.4. (Area Planning Commission) of Chapter 1A of this Code.

CITY PLANNING COMMISSION.

See Sec. 13A.1.3. (City Planning Commission) of Chapter 1A of this Code.

DIRECTOR OF PLANNING (DIRECTOR).

See Sec. 13A.1.6. (Director of Planning) of Chapter 1A of this Code.

SPECIFIC PLAN.

See Div. 13C.1. (Administration Definitions) of Chapter 1A of this Code.

ZONING ADMINISTRATOR.

See Div. 13C.1. (Administration Definitions) of Chapter 1A of this Code.

Sec. 3. Section 12.04.01 of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.04.01. VIOLATIONS OF SPECIFIC PLANS.

See Sec. 13B.4.1.E. (General Provisions; Violations of Specific Plans) of Chapter 1A of this Code.

Sec. 4. Paragraph (b) of Subdivision 1 of Subsection B of Section 12.04.05 of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(b) **Limitations**:

(1) The use may not be located on land which includes a lake, river, or stream or which is designated by the City as an historic or cultural landmark, unless approved as a Class 3 Conditional Use Permit pursuant to Section 12.24 U.19 of this Chapter and Sec. 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code.

(2) Any change of use from a conditional use or deemed to be approved conditional use described in Section

12.24 U.19. of this Chapter to any of the above uses shall require conditional use approval pursuant to Sec. 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code.

Sec. 5. Subdivision 2 of Subsection B of Section 12.04.05 of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

2. Conditional uses as allowed pursuant to Section 12.24 U.19. and Section 12.24 W.49. of this Chapter when the location is approved pursuant to Div. 13B.2. (Quasi-Judicial Review) of Chapter 1A of this Code.

Sec. 6. Subdivisions 4, 9, 10, and 11 of Subsection B of Section 12.04.09 of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

4. Government buildings, structures, offices and service facilities including maintenance yards, provided, however, that those uses identified in Section 12.24U21 shall require approval of a Class 3 Conditional Use Permit pursuant to Sec. 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code.

9. Any joint public and private development uses permitted in the most restrictive adjoining zones if approved by the Director utilizing the procedures described in Sec. 13B.2.4. (Project Review) of Chapter 1A of this Code. The phrase "adjoining zones" refers to the zones on properties abutting, across the street or alley from or having a common corner with the subject property. If there are two or more different adjoining zones, then only the uses permitted by the most restrictive zone shall be permitted.

10. Conditional uses as allowed pursuant to Section 12.24 U.21. and Section 12.24 W.49. of this Chapter when the location is approved pursuant to Div. 13B.2. (Quasi-Judicial Review) of Chapter 1A of this Code.

11. Any joint public and private development that is a Qualified Permanent Supportive Housing Project developed pursuant to Section 14.00 A.13. of this Code, utilizing the uses and standards permitted by the least restrictive adjoining zone. The phrase "adjoining zone" refers to the zone on properties abutting, across the street or alley from, or having a common corner with, the subject property.

Sec. 7. Subdivision 10 of Subsection A of Section 12.05 of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

10. Conditional uses enumerated in Sec. 12.24. of this Chapter when the location is approved pursuant to the provisions of Div. 13B.2. (Quasi-Judicial Review) of Chapter 1A of this Code.

Sec. 8. Paragraph (c) of Subdivision 16 of Subsection A of Section 12.05. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(c) **Authority of The Zoning Administrator.** Notwithstanding any other provisions of this Code, the Zoning Administrator may require the discontinuance of a home occupation if he or she finds that as operated or maintained there has been a violation of any of the conditions or standards set forth in this section pursuant to Sec. 13B.6.2. (Nuisance Abatement/Revocation) of Chapter 1A of this Code. The Zoning Administrator shall have the authority to prescribe additional conditions and standards of operation for any category of home occupation that may require additional conditions.

Sec. 9. Subdivision 10 of Subsection A of Section 12.07. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

10. Conditional uses enumerated in Sec. 12.24. of this Chapter when the location is approved pursuant to the provisions of Div. 13B.2. (Quasi-Judicial Review) of Chapter 1A of this Code.

Sec. 10. Paragraph (a) of Subdivision 6 of Subsection C of Section 12.09.5. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(a) A site plan has been first filed with and approved by the City Planning Commission pursuant to Sec. 13B.2.3 (Class 3 Conditional Use Permit) of Chapter 1A of this Code. Buildings constructed upon said lot must conform to the approved site plan. Every person applying for a building permit for such a lot shall file with the City Planning Commission a site plan which will show the location of the proposed building or buildings and the location of any existing buildings on adjacent lots. Said site plan shall be accompanied by such other plans or data as may be required by the Commission; and

Sec. 11. The unnumbered paragraph following Subparagraph 4 of Subdivision 3 of Subsection A of Section 12.12.1. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

EXCEPTION: The foregoing provisions shall not apply in those instances where a sign island of C2 Zone has been established within a P-zoned area by means of a Zone Change pursuant to Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code and/or the adjustment to a zone boundary pursuant to Sec. 13B.5.2. (Adjustment) of Chapter 1A of this Code. In those instances, no building permits for the erection of signs in the surrounding P Zone shall be issued without prior determination and authorization by the action of the decision maker.

Sec. 12. Subdivision 8 of Subsection A of Section 12.12.1. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

8. Dwelling unit or units constructed on a lot in a small lot subdivision and approved by the Advisory Agency, pursuant to Article 7 of this Chapter and Div. 13B.7. (Division of Land) of Chapter 1A of this Code, in conformity with the provision of 12.22 C.27. of this Chapter.

Sec. 13. Subdivisions 6 and 7 of Subsection A of Section 12.12.2. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

6. Signs indicating the name of the person, business, or the type of business occupying the premises, or the name of the building. Such signs shall be attached to a building and all letters, lights and other identification matter shall be confined to only one surface of the sign, which surface shall be parallel with and facing the front lot line; except that on a corner lot such signs may be placed on a building so that the surface on which the identification matter is confined, is parallel with the side street lot line, or where a building is constructed with a diagonal or curved wall facing the adjacent street intersection, the signs may be attached to such wall so that the surface, on which the identification matter is confined, is parallel thereto. No portion of any sign on a lot shall extend along the side street more than 50 feet from the principal street upon which said lot abuts (for the determination of the principal street, refer to Subsection C of this section).

No portion of any such sign shall project more than 12 inches beyond the wall of the building nor project above the roof ridge or parapet wall (whichever is the higher) of the building.

A Zoning Administrator shall determine the application of these regulations concerning the required placement of signs, where such regulations are difficult to apply because of the unusual design of a building or its location on the lot, or because of the odd shape of the lot.

Provided, however, that any name plate or sign permitted on a lot in an R Zone by Section 12.21.A.7. of this Chapter shall likewise be permitted on a lot in a CR Zone containing no building or structure.

7. Conditional uses enumerated in Section 12.24. of this Chapter when approved pursuant to Div. 13B.2. (Quasi-Judicial Review) of Chapter 1A of this Code.

Sec. 14. Subsection E of Section 12.17.5. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

E. Fence Modification.

1. **Authority of Director** – The Director of Planning or his authorized representative, upon application pursuant to Sec. 13B.5.2. (Adjustment) of Chapter 1A of this Code, may defer the wall or fence requirements of this section, for portions of walls or fences, in the following instances:

a. Where adjoining property is located in the M2 or M3 Zone and is developed with any of the uses first listed in Section 12.19-A or Section 12.20-A.

b. Where substantial fences, walls, buildings or geographic features are located on the subject property or on adjacent property and serve to enclose the subject use as well or more effectively than the wall or fence required by this section.

2. **Compliance** – Should the use, fence, wall or building providing justification for such modification be removed, such wall or fence shall be provided in compliance with this section within six months from the date of such removal.

Sec. 15. Section 12.20.2. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.20.2. COASTAL DEVELOPMENT PERMITS (PRIOR TO CERTIFICATION OF THE LOCAL COASTAL PROGRAM.)

See Sec. 13B.9.1. (Coastal Development Permit (Pre-Certification)) of Chapter 1A of this Code.

Sec. 16. Section 12.20.2.1. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.20.2.1. COASTAL DEVELOPMENT PERMIT PROCEDURES AFTER CERTIFICATION OF THE LOCAL COASTAL PROGRAM.

See Sec. 13B.9.2. (Coastal Development Permit (Post-Certification)) of Chapter 1A of this Code.

Sec. 17. Section 12.20.3. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.20.3. "HP" HISTORIC PRESERVATION OVERLAY ZONE.

See Div. 13B.8. (Historic Preservation) of Chapter 1A of this Code.

Sec. 18. Subdivision 2 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

2. **Other Use and Yard Determinations by the Zoning Administrator.** See Sec. 13A.1.7.D.2 (Zoning Administrator; Specific Authority; Zoning Administrator Interpretation) of Chapter 1A of this Code.

Sec. 19. Paragraph (h) of Subdivision 4 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(h) **Access Driveways.** An access driveway shall be provided and maintained between each automobile parking space or area and a street, or alley, or a private street or easement approved in accordance with the provisions of Article 8 of this Chapter and Sec. 13B.7.7. (Private Street Map) of Chapter 1A of this Code. Such access driveway shall be located entirely on the lot which it serves. However, an access driveway need not be located entirely on the same lot as the dwelling and parking space it serves if the driveway lot and dwelling existed on September 6, 1961, and additions and alterations may be made to such dwelling, and accessory buildings may be added on such lot, if no additional dwelling units or guest rooms are created.

Sec. 20. Paragraph (o) of Subdivision 4 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(o) **Waiver.** All or a portion of the off-street automobile parking spaces required by this Section may be waived when the lot involved is located within the boundaries of an assessment district for the acquisition of publicly owned automobile parking lots, or is located adjacent to land used or being acquired for publicly owned parking lots. The City Planning Commission, pursuant to Sec. 13B.2.3. (Class 3 Conditional Use Permit)

of Chapter 1A of this Code, with the assistance of the Off-Street Parking Bureau, shall determine to what extent and on which lots the required parking may be waived, but in no event shall the total number of the waived parking spaces exceed the total number provided on the publicly owned parking lots.

Sec. 21. Paragraph (y) of Subdivision 4 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(y) **City Planning Commission Authority for Reduced On-Site Parking with Remote Off-site Parking or Transportation Alternatives.** The City Planning Commission may, upon application, authorize reduced on-site parking and remote off-site parking. The City Planning Commission authorization may only be approved in connection with a City Planning Commission approval of an application or appeal otherwise subject to its jurisdiction including the following: the City Planning Commission action on an application for a zone change, height district change, supplemental use district, and conditional use pursuant to Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code; the City Planning Commission action on a tentative tract map appeal, a vesting tentative tract map appeal, a development agreement; and the City Planning Commission action on a request for a density bonus greater than the minimum 25 percent required by California Government Code Section 65915, exception from a specific plan, or a project permit pursuant to a moratorium ordinance or interim control ordinance. In exercising this authority, the City Planning Commission shall act on an application in the same manner and subject to the same limitations as applicable to the Zoning Administrator, under Section 12.24.X. of this Chapter. However, the procedures for notice, hearing, time limits, appeals and Council review shall be the same as those applicable to the underlying discretionary approval.

Sec. 22. Subdivision 10 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

10. **Alcoholic Beverages.** Notwithstanding any other provisions of this Chapter to the contrary, no building, structure or land shall be used for sale or dispensing for consideration of any alcoholic beverage, including beer and wine, for consumption on the premises except upon premises approved for that use in accordance with the provisions of Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code. The provisions of this subdivision shall not abrogate, however, any right to the continued use of premises for these purposes pursuant to Sec. 13B.2.2.A.3. (Class 2 Conditional Use Permit; Applicability; Existing Uses) of Chapter 1A of this Code. Certain restaurants may be excepted from the provisions of this Subdivision and Sec. 13B.2.2. (Class 2 Conditional Use Permit)

of Chapter 1A of this Code. pursuant to authority of the Zoning Administrator contained in Section 12.24 X.2. of this Chapter.

Sec. 23. Subdivision 14 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

14. **Alcoholic Beverages.** Notwithstanding any other provisions of this Chapter to the contrary, no building, structure or land shall be used for the sale or dispensing for consideration of any alcoholic beverage, including beer and wine, for consumption off-site of the premises except upon premises approved for that use in accordance with the provisions of Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code. The provisions of this subdivision shall not abrogate any right to the continued use of premises for those purposes pursuant to Sec. 13B.2.2.A.3. (Class 2 Conditional Use Permit; Applicability; Existing Uses) of Chapter 1A of this Code.

The provisions of this Subdivision shall not apply to the sale or dispensing, for consideration, of alcoholic beverages, including beer and wine, for consumption off-site of the premises, if the premises are located within the area of an operative specific plan which provides for conditional use approval for the sale or dispensing. If such a specific plan ceases to be operative, then a conditional use approval granted pursuant to the provisions of that specific plan, for the sales or dispensing, may continue subject to the same rights and limitations as a conditional use granted pursuant to the provisions of Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

Sec. 24. Paragraph (h) of Subdivision 16 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(h) **Alternative Compliance – Director's Authority.** The Director of Planning or the Director's designee shall have initial decision-making authority to approve an alternative to the design standards specified in Section 12.21 A.16.(e)(1) or to the siting requirements specified in Section 12.21 A.16.(e)(2)(iii) and (iv) with an appeal to the Area Planning Commission in accordance with the procedures set forth in Sec. 13B.5.1. (Alternative Compliance) of Chapter 1A of this Code. An applicant may request such approval by submitting an application and paying a filing fee equivalent to that established for a "Miscellaneous Clearance – Director." This fee is set forth in Section 19.04 of this Code.

Sec. 25. Paragraph (d) of Subdivision 18 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(d) The depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers, and Mobile Recycling Centers, shall be permitted in the M2 and M3 Zones without obtaining a conditional use permit pursuant to Section 12.24 U.22.(b) of this Chapter and Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, provided that all of the following conditions are met:

Sec. 26. Paragraph (e) of Subdivision 18 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(e) **Recycling Materials Sorting Facilities** shall be permitted in all M and MR Zones without obtaining a conditional use permit pursuant to Section 12.24. U.22.(d) of this Chapter and Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, provided that all of the following conditions are met:

Sec. 27. Paragraph (f) of Subdivision 18 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(f) **Recycling Materials Processing Facilities** shall be permitted in the M2 and M3 Zones without obtaining a conditional use permit pursuant to Section 12.24. U.22.(c) of this Chapter and Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, provided that all of the following conditions are met:

Sec. 28. Paragraph (g) of Subdivision 18 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(g) Any violation of the provisions of this subdivision shall be enforced pursuant to Sec. 13B.10.3. (Annual Inspection Monitoring of Auto Dismantling Yards, Junk Yards, Scrap Metal or Recycling Materials Processing Yards, Recycling Collection and/or Buyback Centers, Recycling Materials Sorting Facilities and Cargo Container Storage Yards) of Chapter 1 A of this Code.

Sec. 29. The second paragraph of Subparagraph (1) of Paragraph (a) of Subdivision 20 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

If it is determined that additional height is necessary to support co-location, the Zoning Administrator is authorized to consider reasonable modifications to pole height, and the co-location of additional equipment within the 15 feet extension limit

pursuant to Section 12.24. W.49. of this Chapter and Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

Sec. 30. Sub-subparagraph (ii) of Subparagraph (6) of Paragraph (a) of Subdivision 20 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(ii) Pursuant to Section 12.24. W.49. of this Chapter and Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A 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. 31. Paragraph (b) of Subdivision 20 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(b) **Application Requirements Checklist For Discretionary Actions.** In addition to the submittal requirements prescribed for conditional use permits pursuant to Section 12.24. W.49. of this Chapter and Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, an application for approval of a new, modified or additional wireless telecommunication facilities shall contain all of the following information:

Sec. 32. Paragraph (c) of Subdivision 20 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(c) **Approval Criteria.** In addition to the findings for approval required pursuant to Section 12.24. W.49. of this Chapter and Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, a Zoning Administrator may allow a new, modified or additional wireless telecommunication antenna or facility use based on additional findings that the following criteria are met:

Sec. 33. Paragraph (d) of Subdivision 20 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(d) **Variations From The Citywide Wireless Telecommunication Standards.** The Zoning Administrator shall have the authority to consider requests to vary from these standards pursuant to Section 12.24. W.49. of this Chapter and Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

Sec. 34. The last paragraph of Subdivision 21 of Subsection A of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code, which is unnumbered and is preceded by paragraph (f), shall be amended to read as follows:

Wireless antennas and rooftop equipment cabinets which do not meet these standards shall require a conditional use permit pursuant to Section 12.24. W.49. of this Chapter and Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

Sec. 35. The second paragraph of Paragraph (d) of Subdivision 1 of Subsection C of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

The City Planning Commission, upon request pursuant to Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, shall determine a required street width. The determination shall be based upon the standards for street widths contained in the subdivision regulations of the City, the prevailing widths of streets in the immediate, surrounding area, with due consideration given to any particular topographical or geological conditions or sizes of ownership affecting the property involved.

Sec. 36. Paragraph (f) of Subdivision 3 of Subsection C of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(f) Notwithstanding any other provision of this Article to the contrary, for hospitals, institutions, churches, libraries, museums or other similar uses not located in a building which combines residential and commercial uses, the Director of Planning may apply the yard requirements set forth in Section 12.22 A.18.(c) of this Chapter, pursuant to Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code, if he or she finds:

Sec. 37. The first paragraph of Subdivision 10 of Subsection C of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

10. **Single-Family Zone Hillside Area Development Standards.** Except as allowed by Sec. 13B.2.2.D.5. (Class 2 Conditional Use Permit;

Decision; Conditions of Approval and Inspections) and Sec. 13B.2.3.D.5.) (Class 3 Conditional Use Permit; Decision; Conditions of Approval and Inspections) of Chapter 1A of this Code and 14.00. A. of this Chapter, for any Lot zoned R1, RS, RE or RA and designated Hillside Area on the Department of City Planning Hillside Area Map, no Building or Structure nor the addition or Major Remodel-Hillside of any Building or Structure shall be erected or maintained unless the following development standards are provided and maintained in connection with the Building, Structure, addition or remodel:

Sec. 38. The second paragraph of Subparagraph (3) of Paragraph (a) of Subdivision 2 of Subsection G of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

> The Director of Planning or the Director's designee shall have the authority to review and approve or disapprove all proposed landscape plans submitted in compliance with this Paragraph, pursuant to Sec. 13B.3.1. (Administrative Review) of Chapter 1A of this Code.

Sec. 39. Subdivision 3 of Subsection G of Section 12.21. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

3. **Director Determination.** If a development proposed with an R3, RAS3, R4, RAS4, or R5 density, regardless of the underlying zone, fails to meet the open space standards of this Subsection, an applicant may apply for a Director Determination, pursuant to Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code.

(a) **Application.** The applicant shall file an application in the public office of the Department of City Planning upon a form prescribed for that purpose and pay a filing fee equivalent to that established for a "Miscellaneous Plan Approval." This fee is set forth in Section 19.01. I. of this Chapter. The application shall be accompanied by architectural, landscape and structural plans for the development, and other information as required by the Director of Planning. All open space areas for the development shall be clearly identified in the materials submitted.

(b) **Standards of Review.** No decision granting approval pursuant to Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code shall exceed:

(1) a ten percent reduction in the total required usable open space, provided that any reduction is to the common open space portion only; or

(2) a ten percent increase in the qualifying area of recreation rooms up to a maximum of 35 percent of the total required usable open space; or

(3) a ten percent reduction in the required area for planting of ground cover, shrubs and trees in common open space, but that reduction shall not decrease the total required usable open space.

(c) **Supplemental Findings**. Despite the findings in Sec.13B.2.5. (Director Determination) of Chapter 1A of this Code, the Director must find:

(1) that the open space provided conforms with the objectives of this subsection, and

(2) that the proposed project complies with the total usable open space requirements.

Sec. 40. Subdivision 8 of Subsection B of Section 12.21.2. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be deleted.

Sec. 41. Subparagraph (4) of Paragraph (b) of Subdivision 3 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(4) **Violation of Conditions - Authority of Zoning Administrator to Require Modification of Conditions of Operation or Discontinuance of Large Family Day Care Homes.** Notwithstanding any other provision of this Chapter, the Zoning Administrator may require a modification of the conditions of operation or the discontinuance of a large family day care home if the Zoning Administrator finds that as operated or maintained there has been a violation of any of the conditions or standards set forth in Subparagraph (1) of Paragraph (b) of this Subdivision, or that such use:

(i) jeopardizes or endangers the public health or safety of persons residing in, working on, or occupying the premises; or

(ii) constitutes a public nuisance; or

(iii) violates any provision of this chapter or any other city, state or federal regulations, ordinance or statute.

The procedure for the modification of the conditions of operation or discontinuance of a large family day care home shall be as provided for in Sec. 13B.6.2. (Nuisance Abatement/Revocation) of Chapter 1A of this Code.

Sec. 42. Subdivision 20 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

20. **Adult Entertainment Businesses.**

(a) **Exceptions from Section 12.70. C. of this Chapter.**

(i) A person may establish and maintain, or continue to operate, an adult entertainment business on a lot within 500 feet of an "**A**" or "**R**" Zone, or within the "**CR**", "**C1**" or "**C1.5**" Zones, if a site consistent with Section 12.70. C. of this Chapter is not reasonably available elsewhere in the City for the establishment or relocation of the subject adult entertainment business. This exception shall only apply to an adult entertainment business which is otherwise in compliance with all other provisions of this chapter including Section 12.70. C. of this Chapter.

A site is "**reasonably available**" elsewhere in the City if it meets all of the following criteria:

(1) Its use as the proposed adult entertainment business is consistent with all applicable zoning regulations, including Section 12.70. C. of this Chapter.

(2) It is available for use, purchase, or rental as an adult entertainment business.

(3) It has adequate street access, street lighting, and sidewalks.

(4) It is at least 500 feet away from any uses which are or may become obnoxious or offensive by reason of emission of odor, dust, smoke, noise, gas, fumes, cinders, refuse matter or water carried waste.

This exception shall not apply to massage parlors or sexual encounter establishments.

(ii) To apply for an exception, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, identifying the present or proposed

location of the adult entertainment business, and accompanied by data supporting the proposed exception and the fee provided for in Section 19.01. of this Chapter.

The procedures described in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code. An exception shall be approved if it meets the requirements of Subparagraph (i) above.

If the Zoning Administrator, Area Planning Commission or Council disapproves an exception, then it shall make findings of fact showing how a site consistent with Section 12.70. C. of this Chapter is reasonably available elsewhere in the City for the establishment or relocation of the subject adult entertainment business.

(b) **Extensions of the Section 12.70 C. of this Chapter Amortization Period.**

(i) An adult entertainment business existing on March 6,1986 and operating within 500 feet of a lot in an "**A**" Zone of "**R**" Zone or, within the "**CR**", "**C1**", or "**C1.5**" Zones may be continued, as specified below:

(1) If the adult entertainment business is otherwise in compliance with all other provisions of this chapter including Section 12.70. C. of this Chapter; and

(2) If the adult entertainment business is subject to a written lease, entered into prior to March 6, 1986, with a termination date extending beyond March 6, 1988, then the adult entertainment business may continue until the expiration of the present term of the lease but no later than March 6, 1991; or

(3) If the adult entertainment business invokes the investment of money in real property, improvements, or stocks in trade such that a termination date beyond March 6, 1988 is necessary to prevent undue financial hardship, then it may be continued until March 6, 1991.

(ii) To apply for an extension of time, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, identifying the present or proposed location of the adult entertainment business, and accompanied by data supporting the extension request and the fee provided for in

Section 19.01. of this Chapter. An extension shall be approved if it meets the requirements of Subparagraph (i) above.

The procedures described in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code shall be followed to the extent applicable.

An appeal from the determination of the Zoning Administrator on whether a proposed exception meets the requirements of Subparagraph (i) may be taken to the Area Planning Commission in the same manner as prescribed in Sec.13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code. The Area Planning Commission's decision may be appealed to the City Council. The appeal to the Council shall follow the procedures set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code. However, a decision on any appeal shall be made within 30 days of the expiration of the appeal period. This time limit may be extended by mutual written consent of the applicant and the Area Planning Commission or Council, whichever then has jurisdiction over the appeal.

If the Zoning Administrator, Area Planning Commission or Council disapproves an extension, then it shall make findings of fact showing how the proposed extension fails to meet the requirements of Subparagraph (i).

Sec. 43. Paragraph (g) of Subdivision 25 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(g) **Procedures.**

(1) **Density Bonus and Parking.** Housing Development Projects requesting a Density Bonus without any Incentives (which includes a Density Bonus with only parking requirements in accordance with Paragraphs (c) and (d) of this subdivision) shall be considered ministerial and follow the Affordable Housing Incentives Guidelines and the Density Bonus Procedures. No application for these projects need be filed with the City Planning Department.

(2) **Requests for Incentives on the Menu.**

(i) The applicant for Housing Development Projects that qualify for a Density Bonus and that request up to three Incentives on the Menu of Incentives in Paragraph

(f) of this subdivision, and which require no other discretionary actions, the following procedures shall apply:

a. **Application.** The request shall be made on a form provided by the Department of City Planning, as set forth in-Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code, accompanied by applicable fees.

b. **Authority.** The Director shall be the initial decision maker for applications seeking on Menu incentives.

EXCEPTION: When the application is filed as part of a project requiring multiple approvals, the initial decision maker shall be as set forth in Sec.13A.2.10 (Multiple Approvals) of Chapter 1A of this Code; and when the application is filed in conjunction with a subdivision and no other approval, the Advisory Agency shall be the initial decision-maker.

c. **Action.** Despite the findings established in Sec.13B.2.5. (Director Determination) of Chapter 1A of this Code, the Director shall approve a Density Bonus and requested Incentive(s) unless the Director finds that:

(i) The Incentive is not required in order to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, or Section 50053 for rents for the affordable units; or

(ii) The Incentive will have a Specific Adverse Impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the Specific Adverse Impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(ii) For Housing Development Projects that qualify for a Density Bonus and for which the applicant requests up to three Incentives listed in Paragraph (f), above, and that require other discretionary actions, the applicable procedures set forth in Sec. 13A.2.10 (Multiple Approvals) of Chapter 1A of this Code shall apply.

a. The decision must include a separate section clearly labeled "Density Bonus/ Affordable Housing Incentives Program Determination".

b. The decision-maker shall approve a Density Bonus and requested Incentive(s) unless the decision-maker, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (2)(i)(c), above.

(3) **Requests for Waiver or Modification of any Development Standard(s) Not on the Menu.**

(i) For Housing Development Projects that qualify for a Density Bonus and for which the applicant request a waiver or modification of any development standard(s) that is not included on the Menu of Incentives in Paragraph (f), above, and that are not subject to other discretionary applications, the following shall apply:

a. The request shall be made on a form provided by the Department of City Planning, accompanied by applicable fees, and shall include a pro forma or other documentation to show that the waiver or modification of any development standard(s) are needed in order to make the Restricted Affordable Units economically feasible.

b. **Notice and Hearing.** The application shall follow the procedures for conditional uses set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code. Notwithstanding the provisions set forth in Sec.13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A, the decision of the City Planning Commission shall be final.

c. Despite the findings established in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, the City Planning Commission shall

approve a Density Bonus and requested waiver or modification of any development standard(s) unless the Commission, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)c., above.

(ii) For Housing Development Projects requesting waiver or modification of any development standard(s) not included on the Menu of Incentives in Paragraph (f) above, and which include other discretionary applications, the following shall apply:

a. The applicable procedures set forth in Sec. 13A.2.10. (Multiple Approvals) of Chapter 1A of this Code shall apply.

b. The decision must include a separate section clearly labeled "Density Bonus/ Affordable Housing Incentives Program Determination".

c. The decision-maker shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the decision-maker, based upon substantial evidence, makes either of the two findings set forth in Subparagraph (g)(2)(i)c., above.

Sec. 44. Subparagraph (3) of Paragraph (d) of Subdivision 26 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(3) Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments. Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to Div. 13B.8. (Historic Preservation) of Chapter 1A of this Code are also eligible buildings.

Sec. 45. Subdivision 27 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

27. **Reasonable Accommodation - Fair Housing Protections for Individuals with Disabilities.** See Sec. 13B.5.5. (Reasonable Accommodation) of Chapter 1A of this Code.

Sec. 46. Subparagraph (3) of Paragraph (d) of Subdivision 30 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(3) **Procedures.** Pursuant to Sec. 13B.3.1. (Administrative Review) of Chapter 1A of this Code, applicants for Projects that comply with the provisions of the Downtown Design Guide shall submit plans to the Director for conformance review and administrative sign off. The Director or his/her designee shall review the Project for compliance with the standards and guidelines in the Downtown Design Guide. Projects that fail to demonstrate compliance with the Downtown Design Guide shall follow relief procedures set forth below.

Sec. 47. Paragraph (e) of Subdivision 30 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

(e) **Adjustment - Authority of the Director with Appeals to the Area Planning Commission.** If an application fails to conform to the provisions of the Downtown Design Guide, the Director or the Director's designee shall have initial decision-making authority to grant an Adjustment in accordance with Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code.

(1) **Limitations.** Despite the applicability provisions of Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code, an Adjustment shall be limited to deviations from regulations which do not substantially alter the execution or intent of those regulations as applicable to a proposed Project.

(2) **Findings.** Despite the Finding requirements of Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code, in order to approve a proposed project pursuant to this subsection, the Director must find that:

(i) There are special circumstances applicable to the project or project site which make the strict application of the Design Guide regulations impractical;

(ii) In granting the adjustment, the Director has imposed project requirements and/or decided that the proposed project will substantially comply with the purpose and intent of all Design Guide regulations;

(iii) In granting the adjustment, the Director has considered and found no detrimental effects of the

adjustment on surrounding properties and public rights-of-way;

(iv) The project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible; and

(v) The project is compatible with the neighborhood character of the surrounding district.

Sec. 48. Subparagraph (4) of Paragraph (c) of Subdivision 32 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(c) **Home-Sharing Registration.**

(4) **Suspensions and Revocations.** Notwithstanding any other provision of this Code to the contrary, the Director may require the suspension, modification, discontinuance or revocation of any Home-Sharing registration if it is found that the Host has violated this subdivision or any other city, state, or federal regulation, ordinance or statute.

(i) **Suspension.** If a Host receives two Citations, the Host's Home-Sharing registration shall be suspended for 30 days or as long as at least one Citation is open, whichever is longer. The suspension shall become effective 15 days after the mailing of a Notice of Intent to Suspend the Host. If a Host initiates an appeal of either Citation, the suspension will take effect only if the appeal is not resolved entirely in the Host's favor.

a. A Host may challenge a Citation by submitting an appeal to the City department that issued the Citation and providing notice to the Department of Planning as described in the Administrative Guidelines.

b. Where no process is described in the Citation, a Host may challenge a Citation by submitting an appeal to the Director of Planning in accordance with the process in Sec. 13B.6.1. (Evaluation of Non-Compliance) of Chapter 1A of this

Code, with no further appeal to a Commission or City Council.

(ii) **Revocation.** If three Citations have been issued to the Host and have been sustained (after exhaustion of any related remedies, including appeals) within a registration year, the Host's Home-Sharing registration shall be revoked. The revocation of a Host's Home-Sharing registration shall become effective 15 days after the mailing of a Notice of Intent to Revoke to the Host.

a. A Host may challenge a Notice of Intent to Revoke by submitting an appeal to the Director of Planning in accordance with the process in Sec. 13B.6.1. (Evaluation of Non-Compliance) of Chapter 1A of this Code, with no further appeal to a Commission or City Council.

b. Pursuant to the revocation, the Host shall be prohibited from participating in Home-Sharing for one year from the effective date of the Notice of Intent to Revoke.

(iii) **Modification.** The Director may modify, discontinue or revoke any Home-Sharing registration based upon an order to show cause, pursuant to Sec. 13B.6.2. (Nuisance Abatement/Revocation) of Chapter 1A of this Code, why any proposed modifications, discontinuances or revocations of any Home-Sharing registration should not be issued. The Director shall provide notice to the Host and/or recorded owner and lessee(s) of the Host's Primary Residence to appear at a public hearing at a time and place fixed by the Director to respond to the Director's order to show cause.

Sec. 49. Subparagraph (1) of Paragraph (e) of Subdivision 32 of Subsection A of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(e) **Host Requirements.**

(1) A Host may be responsible for any nuisance violations, as described in Sec. 13B.6.2. (Nuisance Abatement/Revocation) of Chapter 1A of this Code, arising at the Host's Primary Residence during Home-Sharing activities. The Host, or owner of the Host's Primary Residence if the Host does not

own it, may be assessed a minimum inspection fee, as specified in Section 98.0412 of this Code for each site inspection.

Sec. 50. Subdivision 26 of Subsection C of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

26. **Yards Required for Historically Significant Buildings.** Notwithstanding any provision of the Los Angeles Municipal Code to the contrary, in connection with any change of use in an historically significant building, the yards required shall be the same as the yards observed by the existing structures on the site. An historically significant building is defined as a structure that is designated on the National Register of Historic Places, including Contributing Buildings in National Register Historic Districts, the California Register of Historical Resources, the City of Los Angeles List of Historic-Cultural Monuments, or a Contributing Structure in an Historic Preservation Overlay Zone (HPOZ) established pursuant to Div. 13B.8. (Historic Preservation) of Chapter 1A of this Code.

Sec. 51. Subparagraph (2) of Paragraph (a) of Subdivision 27 of Subsection C of Section 12.22. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(2) For small lot subdivision projects, no demolition, grading, building permit or certificate of occupancy shall be issued unless the Director of Planning has reviewed the application, pursuant to Sec. 13B.3.1. (Administrative Review) of Chapter 1A of this Code, and determined that the small lot subdivision project complies with the City Planning Commission's Small Lot Design Standards.

(i) The Director shall establish guidelines, requirements, and forms as may be necessary to conduct the review of the administrative clearance to determine conformance with the Small Lot Design Standards.

(ii) The application for this administrative clearance shall be filed concurrent with the tract or parcel map application and at any time a subsequent alteration or addition is proposed.

(iii) As a condition of approval, all small lot subdivisions shall be required to conform to the plans approved by the Director of Planning.

Sec. 52. Subdivision 3 of Subsection B of Section 12.23. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

3. **Authority of Department of Building and Safety to Issue Orders to Comply.** The Department of Building and Safety shall have the authority to issue an order to comply pursuant to Sec. 13A.1.8.B.3. (Department of Building and Safety; Specific Authority; Nonconforming Use) of Chapter 1A of this Code.

Sec. 53. Paragraph (b) of Subdivision 6 of Subsection C of Section 12.23. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(b) Any of the uses to which the provisions of Section 12.20 A.5. are applicable, lawfully existing in the M3 Zone on November 29, 1968, shall be completely removed from the zone within two years unless the use has been made to conform to the limitations applicable to the use. However, upon a showing that substantial compliance with the limitations applicable to a particular use has been effected, the Zoning Administrator may grant an extension of time to complete the work necessary to effect full compliance. The procedure for this extension shall be as set forth in Sec.13B.2.1. (Class 2 Conditional Use Permit) of Chapter 1A of this Code. No extension so granted shall exceed one year in duration nor shall more than one extension be granted with respect to any individual use.

Sec. 54. Subdivision 7 of Subsection C of Section 12.23. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

7. **Discontinuance of Nonconforming Hostels and Transient Occupancy Residential Structures.**

(a) Any hostel or transient occupancy residential structure to which the provisions of Sections 12.12.2. A.1.(d), 12.13. A.1.5., and 12.13.5. A.11., of this Article are applicable, existing in or within 500 feet of an A or R zone on May 8, 1992, shall be discontinued within 180 days unless the use has been made to comply with the limitations applicable to that use. However, upon a showing that substantial compliance with the limitations applicable to a particular use has been effected, the Zoning Administrator may grant an extension of time to complete the work necessary to effect full compliance. No extension so granted shall exceed 90 days in duration nor shall more than one extension be granted with respect to any individual use. The procedure for this extension shall be as set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

Sec. 55. Section 12.24. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

A. Applicability. This Section shall apply to the conditional use approvals listed in Subsections U and W and to the other similar quasi-judicial approvals listed in

Subsection X. These procedures apply only to uses in zones when not permitted by right.

1. Unless otherwise stated, the procedures for acting upon applications for the conditional use approvals listed in Subsection U. of this Section are established in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code.

2. Unless otherwise stated, the procedures for acting upon applications for the conditional use approvals listed in Subsection W. of this Section are established in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

3. Unless otherwise stated, the procedures for acting upon applications for the conditional use approvals listed in Subsection X. of this Section are established in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

B. (This subsection intentionally left blank.)

C. Existing Uses. Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized the use shall also continue in effect.

Any lot or portion of a lot in the C2, C3, C4, CM or M1 Zones which was being used on June 1, 1951, for the temporary storage of abandoned, dismantled, partially dismantled, obsolete or wrecked automobiles, but not for the dismantling or wrecking of automobiles nor for the storage or sale of used parts, may continue to be so used.

Regulations governing yards, accessory buildings, parking, access, or any other internal features of mobilehome parks shall conform to the provisions of Title 25 of the California Administrative Code or any amendments. If yards, accessory buildings, parking, access, or any other internal features of mobilehome parks are not regulated by Title 25, they shall conform to all applicable provisions of this Code or any other conditions imposed by the City.

Any CM uses lawfully existing prior to March 22, 1981, in any portion of any building in the C5 Zone shall not be extended beyond that portion of the building except as provided by Section 12.24 W of this Code.

D. Development of Uses

EXCEPTIONS: A plan approval shall not be required in the following instances:

(a) For buildings within mobilehome parks located in the M2 Zone, which existed in that zone on September 3, 1961, provided that the entire approval site is retained for mobilehome park use and there is no increase in the number of mobilehome sites.

(b) For temporary structures erected on the site of a place of worship in an A Zone, if:

(1) the structures are erected and maintained not more than five days in any one year;

(2) all structures, including temporary facilities, are located at least 40 feet from all exterior lot lines;

(3) the required permits are obtained from the Fire Department, and all structures are removed from the premises the next day following the closing of the event;

(4) no public address system in connection with the event is installed on the property unless it is modulated so as not to be disturbing to occupants of nearby dwelling units; and

(5) any lights used to illuminate the area are arranged to reflect the light away from any adjacent residentially used premises.

E. (This subsection intentionally left blank.)

F. (This subsection intentionally left blank.)

G. (This subsection intentionally left blank.)

H. (This subsection intentionally left blank.)

I. (This subsection intentionally left blank.)

J. (This subsection intentionally left blank.)

K. (This subsection intentionally left blank.)

L. (This subsection intentionally left blank.)

M. (This subsection intentionally left blank.)

N. (This subsection intentionally left blank.)

O. (This subsection intentionally left blank.)

P. (This subsection intentionally left blank.)

Q. (This subsection intentionally left blank.)

R. Planned Residential Developments or Housing Projects Approved as Conditional Uses. No provision of Section 13.04 of this Chapter shall be construed as limiting or modifying the provisions of any conditional use approval, or any other right already existing, for a housing project or planned residential development granted prior to the effective date of that Section. The provisions of this Section shall continue to apply to those developments, and the Commission is authorized to perform all required administrative acts. Provided, however, if a conditional use for a housing project or planned residential development approved prior to the effective date of Section 13.04. of this Chapter is abandoned, or is discontinued for a continuous period of one year, it may not thereafter be re-established unless authorized as a Residential Planned Development Supplemental Use District. The planned residential development shall not be divided or separated in ownership unless authorized under supplemental use district procedures as a residential planned development.

S (This subsection intentionally left blank.)

T. Vesting Conditional Use Applications.

Vesting conditional use permits may be filed for the following conditional uses under the authority of the City Planning Commission, and Zoning Administrator as described in Subsections U and W, pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit) and Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code:

Airports or **heliports** in connection with an airport.

Auditoriums, stadiums and arenas with fewer than 25,000 seats in the MR1 Zone

Buildings over six stories or 75 feet in height within the Wilshire - Westwood Scenic Corridor Specific Plan Area

Churches/Houses of worship (except rescue missions or temporary revivals) in the R Zones, C1, C1.5, CM or M Zone

Correctional or penal institutions

Educational Institutions

Electrical power generating sites

Floor area ratio averaging in unified developments

Golf courses and facilities properly incidental to that use

Hazardous waste facilities in the M2 and M3 Zones where the principal use of the land is for the storage and/or treatment of hazardous waste as defined in California Health and Safety Code Section 25117.1

Hazardous waste facilities in the M3 Zone where the principal use of the land is for the disposal of hazardous waste as defined in California Health and Safety Code Section 25117.1

Hotels and apartment hotels, in the CR, C1, C1.5, C2, C4 and C5 Zones if within 500 feet of any A or R Zone or in the M1, M2, or M3 Zones when more than half of the lot is in a C Zone; hotels and motels in the R4 or R5 Zones

Hospitals or sanitariums in the A, R, CR, C1, C1.5, CM or M Zones

Land reclamation projects

"Major" development projects

Mixed Commercial/Residential Use Development

Mixed use developments in the R5 Zone located in an approved redevelopment area

Motion picture and television studios in the A, R or C Zones

Natural resources development

Various Uses in the **OS Open Space Zone**

Piers, jetties, man-made islands, floating installations

Various Uses in the **PF Zone**

Reduced on-site parking for housing developments occupied by persons 62 years of age or older in the RD, R3, R4 or R5 Zones

Research and development centers

Schools: public schools, elementary and high (kindergarten through 12th grade); private schools, elementary and high (kindergarten through 12th grade) in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5 or M Zones; and private schools [other than elementary or high (kindergarten through 12th grade) or nursery schools] in the A, R, CR, C1 or C1.5 Zones.

Sea water desalinization facilities and sites where the principal use of the land is for the purposes of a sea water desalinization plant

Notwithstanding the above, hotels and motels with 35 or fewer guest rooms or any hotel or motel within the boundaries of the Specific Plan for Conditional Use Approval for Establishments for the Sale of Alcohol which are generally located in the South Central Area of the City (Ordinance No. 171,681), and stadiums and arenas and auditoriums with more than 25,000 seats, are not eligible for vesting privileges regulated by this Subsection.

U. Conditional Use Permit, Class 3. Unless otherwise stated, the following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved pursuant to Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code.

1. **Airports or heliports** in connection with an airport.

2. **Auditoriums, stadiums, arenas** and the like.

3. **(This paragraph intentionally left blank.)**

4. **(This paragraph intentionally left blank.)**

5. **Correctional or penal institutions**.

6. **Educational institutions**.

7. **Electric power generating sites, plants or stations**, fueled by any thermal power source or technology, provided that the facilities comply with all applicable state and federal regulations.

8. **Golf courses and facilities** properly incidental to that use.

9. The following **green waste and/or wood waste recycling uses** in the A1 and A2 Zones when conducted in accordance with the limitations after specified:

(a) **Types of uses**:

(1) Chipping/grinding facility;

(2) Composting facility;

(3) Curing facility; and

(4) Mulching facility;

(b) **Limitations**:

(1) Notwithstanding any provision of Sections 12.05 and 12.06, the uses set forth in Paragraph (a) of this subdivision shall be conducted wholly within an enclosed building, or where deemed appropriate by the City Planning Commission, within an area which is completely enclosed by a solid wall or solid fence which is at least eight feet in height with necessary solid gates of like height.

(2) Where, pursuant to Subparagraph (1) above, the required wall or fence has been erected in an area which adjoins a street, no material shall be stored within the enclosed area to a height greater than that of the wall or fence for a distance of up to 50 feet from such wall or fence, unless the height of the wall or fence is ten feet or more in height. When the height of the wall or fence is ten feet or more, no material shall be stored within the enclosed area to a height greater than that of the wall or fence for a distance of 37 feet from the wall or fence. After the minimum setback of either 50 feet or 37 feet has been observed, materials may be stored over the height of the wall or fence as determined by the City Planning Commission.

(3) The property upon which any use enumerated in this subdivision is conducted shall be landscaped to a minimum distance of five feet measured at a right angle from the adjacent street, except for those areas which are necessary for ingress and egress.

(4) Hours of operation shall be tailored to and be compatible with adjoining uses.

(5) Signs displaying the name of the company and/or operator, address and hours of operation shall be posted at or near the main entrance gate to the recycling facility at all times.

(6) Wood waste and/or green waste recycling activities under this subdivision shall not exceed the noise level set forth in Section 111.03 of this Code as measured from any point on adjacent property which is located in any A, R, C, P or M Zone.

(7) All wood waste and/or green waste recycling uses shall comply with all necessary public safety requirements of Los Angeles Municipal Code Section 57.121. These uses must not emit any odor or smell that is offensive to adjacent uses and must further satisfy all necessary requirements as set forth by applicable state and county agencies.

(8) No standing water shall be allowed to accumulate anywhere on the site.

(9) All leachates shall be collected, controlled, disposed of and shall not be allowed to remain at the site at any time.

(10) The minimum lot area requirements set forth in Sections 12.05 and 12.06 shall be complied with for any chipping and grinding, composting, curing or mulching facility located in the A1 or A2 Zone.

(11) In addition to the findings otherwise required by this section, before granting an approval the City Planning Commission shall find that adequate safeguards are provided to control impacts resulting from residual waste materials, airborne transmission of dust particles, or debris from stockpiles, storage areas or roadways located on the premises.

10. **Hazardous Waste Facilities in the M2 and M3 Zones** where the principal use of the land is for the storage and/or treatment of hazardous waste as defined in Section 25117.1 of the California Health and Safety Code. In making any finding required pursuant to this section the City Planning Commission shall consider whether the proposed use is consistent with the adopted County Hazardous Waste Management Plan and any additional siting criteria adopted by the City. In addition, in the case of those applications which are under the jurisdiction of Section 25199.7 of the California Health and Safety Code, time limits for City Planning Commission action shall be set forth in Article 8.7 of the California Health and Safety Code.

In connection with the implementation of these conditional uses, the Director of Planning shall issue administrative guidelines for the processing of these requests, including the levying of additional fees commensurate with the cost of notification and hiring of independent consultants to review the project as authorized by Section 25199.7 of the California Health and Safety Code.

11. **Hazardous Waste Facilities in the M3 Zone** where the principal use of the land is for the disposal of hazardous waste as defined in Section 25117.1 of the California Health and Safety Code. In making any finding required pursuant to this section, the City Planning Commission shall consider whether the proposed use is consistent with the adopted County Hazardous Waste Management Plan and any additional siting criteria adopted by the City. In addition, for those applications which come under the jurisdiction of Section 25199.7 of the California Health and Safety Code, time limits for City Planning Commission action shall be as set forth in Article 8.7 of the California Health and Safety Code.

In connection with the implementation of these conditional uses, the Director of Planning shall issue administrative guidelines for the processing of these requests, including the levying of additional fees commensurate with the cost of notification and the hiring of independent consultants to review the project as authorized by Section 25199.7 of the California Health and Safety Code.

12. **Hospitals or sanitariums** in the A, R, CR, C4, CM or M Zones, and in the C1 or C1.5 Zones if not permitted by right.

13. **Land reclamation projects** through the disposal of rubbish, as the term rubbish is defined in Section 66.00 of this Code and operated or caused to be operated by any city, county, district, or public or municipal corporation.

14. **"Major" development projects**, otherwise permitted by right in the zone(s) in which they are located and in compliance with the limitations and regulations of this article.

(a) **Definitions**. For purposes of this Subdivision the following words and phrases are defined as follows:

Day Laborer means a person who offers himself or herself to be hired as a laborer for a day, or some other temporary basis.

Economic Assistance Areas means the existing geographically defined areas: State Enterprise Zones, Federal Empowerment Zone, Federal Renewal Community Zone, Redevelopment Project Areas with Unexpired Community Redevelopment Plans, and Earthquake Project Areas, and a one-mile buffer surrounding each of the above-identified zones, as identified by the Economic & Workforce Development Department and as shown on the "Los Angeles Economic Assistance Areas" Map, dated January 2004, which is attached to Council File No. 00-1675 S2 and is on file in the Economic & Workforce Development Department, and which may be amended from time to time.

Home Improvement Store means a Major Development Project that contains 100,000 square feet or more in a building or structure, including the square footage of preexisting structures used as a part of the Home Improvement Store, that sells a large variety of goods, that may include, but are not limited to, the sale of hardware, lumber, plumbing supplies, electrical fixtures and supplies, windows, doors, garden supplies, plants and similar items, used in the maintenance, improvement or expansion of dwellings, buildings or sites.

Major Development Project means the construction of, the addition to, or the alteration of, any buildings or structures, which create or add 250,000 square feet or more of warehouse floor area, 250 or more hotel/motel guest rooms, a Home Improvement Store, or 100,000 square feet or more of floor area in other nonresidential or non-warehouse uses in the C2, C4, C5, CM, M1, M2 and M3 Zones. The above definition shall apply to the cumulative sum of related or successive permits which are part of a larger project, such as piecemeal additions to a building, or multiple buildings on a lot as determined by the Director of Planning. For the purpose of this subdivision, floor area shall be as defined in Section 12.03 of this Code.

Non-taxable Merchandise means products, commodities, or items not subject to California state sales tax. For purposes of this ordinance, the definition of non-taxable merchandise shall not include, without limitation, Sales Floor Area devoted to any of the following categories: services, including the services of a chiropractor, optometrist, optician, physician, surgeon, podiatrist, dentist, spa, gym, nail salon, and travel accommodation services; theaters and other entertainment uses; and food products sold through vending machines.

Sales Floor Area means the interior building space devoted to the sale of merchandise, but excludes restrooms, office space, storage space, automobile service areas, or open-air garden sales space. For the purpose of determining the total sales floor area of a single business establishment, the aggregate square footage of all adjacent stores that share common check stands, management of the business operation of such adjacent stores, controlling ownership interest in the business operation of such adjacent stores, warehouses, or distribution facilities shall be considered a single business establishment.

Superstore means a Major Development Project that sells from the premises goods and merchandise, primarily for personal

or household use, and whose total Sales Floor Area exceeds 100,000 square feet and which devote more than 10% of sales floor area to the sale of Non-Taxable Merchandise. This definition excludes wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic assessment fee. This definition also excludes the sale or rental of motor vehicles, except for parts and accessories, and the sale of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware.

(b) **Supplemental Findings.** In addition to the findings set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, the City Planning Commission shall find:

(1) that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood;

(2) that the project complies with the height and area regulations of the zone in which it is located; and

(3) that the project is consistent with the City Planning Commission's design guidelines for Major Development Projects, if any.

(c) **Projects Exempt From Conditional Use Requirement**:

(1) Notwithstanding any provisions of this article to the contrary, any development project which received one or more still-valid discretionary approvals, including but not limited to those listed below, shall be exempt from the conditional use requirement set forth in this subdivision:

(i) zone change;

(ii) height district change;

(iii) supplemental use district;

(iv) conditional use approval;

(v) variance or adjustment;

(vi) parcel map;

(vii) tentative tract map;

(viii) coastal development permit;

(ix) development agreement;

(x) density bonus greater than the minimums pursuant to Government Code Section 65915;

(xi) density transfer plan;

(xii) exception from a geographically specific plan;

(xiii) project permit pursuant to a moratorium or interim control ordinance or specific plan;

(xiv) public benefit projects; or

(xv) other similar discretionary approvals, as determined by the Director.

This exemption shall apply 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 keep it current. The Director is hereby authorized to establish procedures to process decisions required under this paragraph.

(2) Any project within the boundaries of a designated Enterprise Zone, or Employment in Economic Incentive Zone provided that an Environmental Impact Report or Environmental Impact Statement was certified as part of the Zone designation process. The project shall instead require a Project Review pursuant to Sec. 13B.2.4. (Project Review) of Chapter 1A of this Code.

(d) **Superstores in Economic Assistance Areas.**

(1) **Supplemental Findings.** In addition to the findings otherwise required by Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code and set forth in Paragraph (b) of this Subdivision, prior to approval of a Superstore that is located in an Economic Assistance Area, the City Planning Commission or the City Council on appeal shall find, after consideration of all economic benefits and costs, that the Superstore would not materially adversely affect the economic welfare of the Impact Area, based upon information contained in an economic impact analysis report submitted by the applicant, any other information received or obtained by the Community Development Department or the Community Redevelopment Agency, a recommendation by the Community Development Department, or the Community Redevelopment Agency pursuant to Subparagraph (3) below, and any other information received before or at a public hearing required by Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code. The phrase "Impact Area" refers to a three mile radius surrounding the proposed location of the Superstore.

(2) **Economic Impact Analysis Report.** An application for approval of a Superstore pursuant to this paragraph shall prepare and submit the economic impact analysis report referenced in Subparagraph (1) to the Community Development Department or to the Community Redevelopment Agency, where appropriate, for review in conjunction with its application to the Department of Planning. The economic impact analysis report shall be reviewed by the Department or Agency and/or a consultant, if deemed necessary by the Department or Agency and paid for in full by the applicant. The Community Development Department and the Community Redevelopment Agency shall complete its review of the report within 60 days after receipt of the report from the applicant. The report shall identify whether:

(i) Efforts to establish a market larger than 20,000 square feet within the Impact Area have been unsuccessful or whether the proposed use will have an adverse impact or economic benefit on grocery or retail shopping centers in the Impact Area;

(ii) The Superstore would result in the physical displacement of any businesses, and, if so, the nature of the displaced businesses or would create economic stimulation in the Impact Area;

(iii) The Superstore would require the demolition of housing, or any other action or change that results in a decrease of extremely low, very low, low or moderate income housing on site;

(iv) The Superstore would result in the destruction or demolition of any park or other green space, playground, childcare facility, community center;

(v) The Superstore would provide lower in cost and/or higher in quality goods and services to residents than currently available or that are currently unavailable from a cost benefit perspective within the Impact Area in which the Project is proposed to be located;

(vi) The Superstore would displace jobs within the Impact Area or provide economic revitalization and/or job creation. For purposes of determining this impact, the applicant must identify the number of jobs displaced or created, the quality of the jobs, whether the jobs are temporary or permanent, and the employment sector in which the lost jobs are located;

(vii) The Superstore would have a fiscal impact either positive or negative on City tax revenue;

(viii) Any restrictions exist on the subsequent use of the property on which the Superstore is proposed to be located, including the provisions of a lease if applicable, which, in the event the owner or operator of the Superstore vacates the premises, would require the premises to remain vacant for a significant amount of time;

(ix) The Superstore will result in any materially adverse or positive economic impacts or blight on the Impact Area; and

(x) Any measures are available which will mitigate any materially adverse economic impacts, if any, identified by the applicant, if necessary.

(3) **Recommendation.** The Economic & Workforce Development Department, shall review the economic impact analysis report and, after consideration of economic benefits and costs, make a written recommendation as to whether the proposed Superstore will result in a materially adverse economic impact on

the Impact Area and, if so, whether conditions are available which will mitigate the economic impact. The written recommendation, including proposed mitigation measures, if any, shall be submitted to the Department of Planning by the Economic & Workforce Development Department, in accordance with the written procedures on file with the Department.

(e) **Home Improvement Stores.**

(1) The City Planning Commission, or the City Council on appeal, may require written Day Laborer operating standards in accordance with Subparagraph (2) of this paragraph to be submitted to the Department for review and approval within 30 days of the mailing of the determination as a condition of approval of any Home Improvement Store. The Day Laborer operating standards will not be required if the City Planning Commission or the City Council on appeal makes the following findings:

(i) There is no existing Day Laborer population in the vicinity of the site proposed for the Home Improvement Store;

(ii) A significant number of Day Laborers are not expected to congregate in and around the Home Improvement Store for the purpose of seeking employment;

(iii) The congregation of Day Laborers in and around the Home Improvement Store will not result in increased trash around the site, increased noise or impede vehicular and pedestrian access to and from the site, as well as throughout its parking lot and adjacent sidewalks;

(iv) The congregation of Day Laborers in and around the Home Improvement Store will not cause potential adverse traffic, trash and loitering impacts to the commercial and residential areas surrounding the site; and

(v) Public or private security is available or economically feasible to reduce or eliminate the potential adverse impacts related to the presence of Day Laborers seeking employment at the Home Improvement Store.

(2) The written Day Laborer operating standards may include, but not be limited to, the following:

(i) A suitable area located on site for Day Laborers seeking employment with customers at the Home Improvement Store (Day Laborer Site) that:

(a) is easily accessible and viewable to Day Laborers seeking employment, as well as potential employers of these individuals;

(b) is located so as not to impede or restrict vehicular or pedestrian access to or from the Home Improvement Store, or throughout the parking lot and adjacent sidewalks;

(c) is designed to complement the overall design of structures located on the site and is integrated into the overall layout of the site;

(d) is equipped with a minimum level of easily accessible and convenient amenities, such as sources of drinking water, toilet and trash facilities, tables and seating, for use by Day Laborers seeking employment;

(e) is covered to provide adequate shelter from the weather;

(f) is open during the hours of operation of the Home Improvement Store.

(ii) A signage plan, indicating the location of signs at appropriate locations throughout the site directing Day Laborers either seeking employment or individuals seeking to employ Day Laborers to the Day Laborer Site.

(iii) A security plan, prepared in consultation with the Los Angeles Police Department.

15. **Motion picture and television studios** and related incidental uses that are located on a motion picture or television studio site, in the A, R, or C Zones, when not permitted by right. These incidental uses may include, but are not limited to, film, video, audio and other media production, recording and broadcasting, sound labs, film editing, film video and audio processing, sets and props production, computer design, computer graphics, animation, offices and ancillary facilities related to those activities.

16. **(This paragraph intentionally left blank.)**

17. **Natural resources development** (except the drilling or production of oil, gas or other hydrocarbon substances, or the production of rock and gravel), together with the necessary buildings, apparatus or appurtenances incident to that use.

18. **Onshore installations** required in connection with the drilling for or production of oil, gas or hydrocarbons when the installations are permitted by the conditions of the offshore oil drilling district which is to be served.

19. In the **OS Open Space Zone**:

(a) Recreation centers, senior citizen centers, community centers, clubhouses, community rooms, playgrounds, beaches, swimming pools, libraries, tennis courts, game courts, rest rooms, gyms and camping facilities.

(b) Golf courses.

(c) Museums.

(d) Appurtenant structures adjacent to reservoir use, such as water treatment facilities, pumping facilities, distribution facilities and water filtration plants.

(e) Nature preserves, subject to the approval of a detailed site plan and management program approved by the operating agency and by the City Planning Commission pursuant to the procedure set forth in Subsection H. (Modification of Entitlement) of Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code.

(f) Aquaria, observatories, planetaria and zoos.

(g) High voltage transmission lines (including towers).

(h) Any use set forth in Section 12.04.05.B.1 when located on land which:

(1) includes a lake, river or stream; or

(2) is designated as an historic or cultural landmark.

(i) Change of use from any of the uses listed above to any use described in Section 12.04.05.B.1.

20. **Piers, jetties, man-made islands, floating installations,** or the like in connection with the uses listed in Section 12.20.1.B.2(a), in the SL Ocean-Submerged Land Zone.

21. The following uses in the **PF Zone**: convention and exhibition centers; government owned parking facilities; flood control facilities; sewage treatment facilities; covered reservoirs; appurtenant structures adjacent to covered and uncovered reservoirs, such as water treatment facilities, water pumping facilities, water distribution facilities, and water filtration plants; sanitary landfills; and any joint public and private development uses more intensive than those permitted in the most restrictive adjoining zones. The phrase "**adjoining zones**" refers to the zones of properties abutting, across the street or alley from, or having a common corner with, the subject property. In addition to the findings otherwise required by this subdivision, for any joint public and private development uses, the Commission shall find that benefits are provided to the public and that the benefit accruing from the project, whether as a result of additional taxes of the provision of public facilities, is sufficient to outweigh any impairment of the public interest that may be created by the public agencies' proposed use of the land.

22. The following **recycling uses** in the zones listed below, subject to the limitations indicated.

(a) The depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers, and Mobile Recycling Centers, in the C2, C5, CM, P, PB, MR1, M1, or MR2 Zones, provided that the facility complies with all of the conditions set forth in Section 12.21 A.18.(d), except when the conditions are specifically modified by the City Planning Commission.

(b) The depositing of glass, cans, papers, plastic, beverage containers, and similar Recyclable Materials, Recycling Collection or Buyback Centers, and Mobile Recycling Centers, in the M2 or M3 Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A.18.(d).

(c) Recycling Materials Processing Facilities in the M2 and M3 Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A.18.(f).

(d) Recycling Materials Sorting Facilities in the M and MR Zones when the facility is not in compliance with all of the conditions set forth in Section 12.21 A.18.(e).

(e) An application for a conditional use shall be referred forthwith for review to the City Council member of the district in which the property is located.

23. **Research and development centers** for experimental or scientific investigation of materials, methods or products, except in the RA and R Zones.

24. **Schools**:

(a) Public schools, elementary and high (kindergarten through 12th grade);

(b) Private schools, elementary and high (kindergarten through 12th grade) in the A, RE, RS, RI, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, or M Zones;

(c) Private schools [other than elementary or high (kindergarten through 12th grade) or nursery schools] in the A, R, CR, C1, or C1.5 Zones.

25. **Sea Water Desalinization Facilities and sites** where the principal use of the land is for the purposes of a sea water desalinization plant, provided that the facilities comply with all applicable state and federal regulations.

26. **Density Bonus for a Housing Development Project in Which the Density Increase Is Greater than the Maximum Permitted in Section 12.22 A.25.**

(a) In addition to the findings set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, the City Planning Commission shall find that:

(1) the project is consistent with and implements the affordable housing provisions of the Housing Element of the General Plan;

(2) the project contains the requisite number of Restricted Affordable Units, based on the number of units permitted by the maximum allowable density on the date of application, as follows:

(i) 11% Very Low Income Units for a 35% density increase; or

(ii) 20% Low Income Units for a 35% density increase; or

(iii) 40% Moderate Income Units for a 35% density increase in for-sale projects.

The project may then be granted additional density increases beyond 35% by providing additional affordable housing units in the following manner:

(iv) For every additional 1% set aside of Very Low Income Units, the project is granted an additional 2.5% density increase; or

(v) For every additional 1% set aside of Low Income Units, the project is granted an additional 1.5% density increase; or

(vi) For every additional 1% set aside of Moderate Income Units in for-sale projects, the project is granted an additional 1% density increase; or

(vii) In calculating the density increase and Restricted Affordable Units, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

(3) the project meets any applicable dwelling unit replacement requirements of California Government Code Section 65915(c)(3);

(4) the project's Restricted Affordable Units are subject to a recorded affordability restriction of 55 years from the issuance of the Certificate of Occupancy, recorded in a covenant acceptable to the Housing and Community Investment Department, and subject to fees as set forth in Section 19.14 of the Los Angeles Municipal Code; and

(5) the project addresses the policies and standards contained in the City Planning Commission's Affordable Housing Incentives Guidelines.

27. **Floor area bonus for a residential (including Apartment Hotel and mixed-use) building in the Greater Downtown Housing Incentive Area** where the floor area bonus exceeds that permitted pursuant to Section 12.22 A.29. of this Chapter.

In addition to the findings set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, the City Planning Commission shall find:

(a) that the project is consistent with and implements the affordable housing provisions of the General Plan's Housing Element; and

(b) that any residential building (including Apartment Hotels and mixed-use buildings) in the Central City Community Plan Area conforms with the Urban Design Standards and Guidelines for the Central City Community Plan Area.

28. **Solid Waste Alternative Technology Processing Facilities in the M2, M3, and PF Zones.** In addition to the other findings required by Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, the City Planning Commission shall make all of the following findings:

(a) that the proposed location of the facility will not result in an undue concentration of solid waste alternative technology processing facilities in the immediate area, will not create a cumulative impact with special consideration given to the location of solid waste facilities already permitted and will support the equitable distribution of these facilities citywide;

(b) that an effort was made to locate the facility in close proximity to existing solid waste facilities, transfer stations, solid waste resource collection vehicle yards, material recovery facilities and green waste processing facilities;

(c) that the facility will not detrimentally affect nearby residential uses and other sensitive land uses, taking into consideration the number and proximity of residential buildings, churches, schools, hospitals, public playgrounds, nursing homes, day care centers, and other similar uses within a 1,500 foot radius of the proposed site;

(d) that the facility operator will provide a language appropriate quarterly newsletter and other benefits to businesses and residents likely to be impacted by this facility, taking into consideration the location of the proposed site and nearby uses;

(e) that the facility and the vehicles serving the facility are designed, constructed and operated to ensure that they will not create noise, odor, or visual blight that is detrimental to nearby uses;

(f) that access to the facility, on-site parking and vehicle storage will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets; and

(g) that hazardous waste and household hazardous waste as defined in the California Code of Regulations, Title 22, Section 66260.10, universal waste as defined in the California Code of Regulations, Title 22, Section 66261.9, radioactive waste as defined in Section 114985 of the California Health and Safety Code and medical waste as defined in Section 117690 of the California Health and Safety Code, will not be received at the facility.

29. **Petroleum-Based Oil Refineries** (production of petroleum-based fuels, asphalt, coke or similar products) in an M3 Zone:

(a) **Project Types.**

(1) New refineries;

(2) Existing refineries expanding operations beyond the current property lines.

(b) **Requirements.**

(1) Current compliance with all of the required Unified Programs (Unified Hazardous Waste and Hazardous Materials Management Regulatory Program). California Environmental Reporting System (CERS) database submittals may serve as proof of compliance.

(2) Submittal of a health impact assessment of the project for the surrounding vicinity identifying pollution and population indicators, such as, but not limited to, those analyzed in the California Communities Environmental Health Screening Tool; the number of people affected by the project; short term or permanent impacts caused by the project; likelihood that impacts will occur; and recommended mitigation measures.

(3) Submittal of a truck routing plan that minimizes the incidence of a commercial truck traveling past residences, churches, schools, hospitals, public playgrounds, nursing homes, day care centers, and other similar uses.

30. **Mixed Commercial/Residential Use Developments**

(a) **Findings.** In addition to the findings set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, the City Planning Commission shall find that:

(1) the project is consistent with and implements the affordable housing provisions of the General Plan's Housing Element;

(2) the project will further the City's goal of achieving an improved jobs-housing relationship, which is needed to improve air quality in the City;

(3) pursuant to an agreement entered into under Government Code Sections 65915 - 65918, the project will include the number of Restricted Affordable Units as set forth in Section 12.24 U.26.(a)(1) through (5) of this Chapter, with any percentage increase in floor area treated the same as a percentage increase in density for purposes of calculating the number of Restricted Affordable Units;

(4) the affordability of all reserved lower income dwelling units will continue for a minimum of 55 years;

(5) the construction and amenities provided for the reserved lower income dwelling units will be comparable to those provided for the market rate dwelling units in the development, including the average number of bedrooms and bathrooms per dwelling unit; and

(6) the approval of a mixed use development on the site will provide for affordable housing costs in the housing development.

(b) Only residential dwelling units shall be considered a residential use for purposes of this subdivision's provisions regarding mixed commercial/ residential use developments.

(c) In approving a mixed commercial/residential use development in Height District No. 1, the City Planning Commission may permit a floor area ratio for the development not to exceed three times the buildable area of the lot.

(d) In approving a mixed commercial/residential use development, the City Planning Commission may permit a floor area ratio for the development not to exceed twelve times the buildable area of the lot, when the development is located:

(1) in Height District Nos. 2, 3 or 4;

(2) not more than 1,500 feet distant from the portal of a fixed rail transit or bus station or other similar transit facility; or

(3) within a Community Redevelopment Plan Area, an Enterprise Zone or a Centers Study Area, as described in Sections 12.21.3, 12.21.4, and 12.21.5.

(e) Any floor area above the maximum allowed in the plan or the zone, whichever is less, shall be utilized solely for residential development.

(f) The provisions of this subdivision may not be used in combination with the provisions of Subsection W.15., but may be used in combination with the provisions of Section 12.22 A.18.

V. (This subsection intentionally left blank.)

W. Authority of the Zoning Administrator for Conditional Uses/Initial Decision. The following uses and activities may be permitted in any zone, unless restricted to certain zones or locations, if approved by the Zoning Administrator as the initial decision-maker or the Area Planning Commission as the appellate body. The procedures for reviewing applications for these uses shall be those in Sec.13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code in addition to those set out below.

1. The sale or dispensing for consideration of alcoholic beverages, including beer and wine, for consumption on the premises or off-site of the premises in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2 and M3 Zones, or as an incidental business in or accessory to the operation of clubs, lodges, hotels or apartment hotels, or as an incidental business in or accessory to a conditional use approved pursuant to the provisions of this section, provided that:

(a) **Findings**. In addition to the findings otherwise required by Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall make all of the following findings:

(1) that the proposed use will not adversely affect the welfare of the pertinent community;

(2) that the granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving

consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area; and

(3) that the proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

(b) **Notice to Councilmember**. Whenever an application for a conditional use has been filed pursuant to this subdivision, the Zoning Administrator shall give notice of this fact promptly to the councilmembers whose districts include portions of the area of the City involved.

(c) **Limitations**. The provisions of this Subdivision shall not apply to the sale or dispensing for consideration of alcoholic beverages, including beer and wine, for consumption off-site of any premises located within the area of an operative specific plan which provides for conditional use approval for sale or dispensing. If that specific plan ceases to be operative, then a conditional use approval granted pursuant to the provisions of that specific plan for sale or dispensing may continue subject to the same rights and limitations as a conditional use granted pursuant to the provisions of this Section.

(d) **Existing Uses**. The use of a lot for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for on-site or off-site consumption may not be continued or re-established without conditional use approval granted in accordance with the provisions of this Section if, after September 13, 1997, there is a substantial change in the mode or character of operation of the establishment, including any expansion by more than 20 percent of the floor area, seating or occupancy, whichever applies; except that construction for which a building permit is required in order to comply with an order issued by the Department of Building and Safety to repair or remedy an unsafe or substandard condition is exempt from this provision. Any expansion of less than 20 percent of the floor area, seating or occupancy, whichever applies, requires the approval of plans pursuant to Subsection H. (Modification of Entitlement) of Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

2. **Automotive fueling and service stations**, but not including automobile laundry or wash rack in the C1.5 and C4 Zone, subject to:

(a) The site shall abut a major or secondary highway;

(b) No service station activities, other than a public parking area, shall be located within 20 feet of an A or R Zone;

(c) The requirements of Paragraphs (a), (b), (c), (d) and (g) of Section 12.14 A6 shall apply;

(d) Driveways shall be located and designed so as to minimize conflicts with pedestrian and vehicular traffic, and on a corner lot shall be located 25 feet or more from the intersection of the street lot lines;

(e) Display of merchandise for sale shall be permitted only within enclosed buildings, on the pump islands, in the open within three feet of the exterior walls of the main building, and in not more than two portable or semi-portable cabinets, provided each of the cabinets does not exceed six feet in height, nor 40 square feet in base area, and provided further that these cabinets are located not less than 50 feet from all street lines;

(f) There shall be no rental of equipment, trailers or vehicles;

(g) Storage of materials or equipment shall be permitted only within a completely enclosed building or within an area enclosed on all sides with a solid wall or fence, not less than six feet in height;

(h) Not more than two signs which are freestanding or which project more than two feet above the roof of a building to which they are attached, and not more than two portable signs, shall be permitted;

(i) One percent or more of the area of the lot shall be suitably landscaped and provision shall be made for maintenance of landscaped areas.

3. **Automotive repair** in the C4 Zone.

4. **Automotive Uses in the C Zones that Do Not Comply with the Development Standards and Operating Conditions Enumerated in Sections 12.22 A.28. or in the M Zones that do not comply with Section 12.17.6 of this Code.**

(a) **Standards.** In making a determination on an application for a conditional use filed pursuant to this subdivision, a Zoning Administrator

may consider all of the applicable provisions of Section 12.22 A.28. of this Chapter as establishing minimum standards for the approval of automotive uses.

(b) **Supplemental Findings.** In addition to the findings set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall find:

(1) that project approval will not create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use;

(2) that based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets;

(3) that any spray painting will be conducted within a fully enclosed structure located at least 500-feet away from a school or A or R zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, as well as South Coast Air Quality Management District Rules 1132 and 1151, regulating these installations; and

(4) that the applicant has submitted an appropriate landscape plan setting forth all plant materials and irrigation systems, and a written maintenance schedule indicating how the landscaping will be maintained.

5. **Bovine feed or sales yards,** riding academies or the commercial grazing, breeding, boarding, raising or training of domestic animals in the A1 or A2 Zones; and the raising, grazing, breeding, boarding or training of equines, riding academies or stables in the RA, MR or M1 Zones.

6. **Cattle or goat dairies** in the A1 or A2 Zones.

7. **(This paragraph intentionally left blank.)**

8. **Chipping and grinding facilities** in the M2 Zone where these facilities are not conducted within a wholly enclosed building.

9. **Churches** (except rescue mission or temporary revival) in the A, RE, RS, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3, C1, C1.5, CM or M Zones.

10. **Circus quarters or menageries** in the A Zones and MR2 Zone.

11. **CM uses** in the C1, C1.5, C2, C4, and C5 Zones where located within the boundaries of a Redevelopment Project Area, as that term is defined by Section 11.5.14, and when the uses conform to the provisions of the applicable Redevelopment Plan, as that term is defined by Section 11.5.14.

12. **Columbariums, crematories or mausoleums**, other than in cemeteries, in the A, R, C (except CR), M1 and MR2 Zones.

13. **Community antenna facilities** franchised by the City of Los Angeles for cable television or radio service in the A, R, C1 or C1.5 Zones.

14. **Counseling and referral facilities** in the R3, R4 and R5 Zones; provided that, in addition to the findings otherwise required by this section, the Zoning Administrator shall also specifically find that:

(a) The facility will serve the immediate neighborhood in which it is to be located; and

(b) No commercially zoned property equally accessible to that neighborhood is reasonably available for the location of the facility.

15. **Developments Combining Residential and Commercial Uses in the R5 Zone when located outside the Central City Community Plan Area. (Amended by Ord. No. 182,452, Eff. 4/4/13.)** Any use or combination of uses in the CR, C1, C1.5, C2, C4, C5 or R5 Zones may be authorized. (For mixed use developments permitted by right, see Section 12.22 A.18. of this Code.)

16. **Drive-in theaters** in the A, R or C1 Zones.

17. **Drive-through fast-food establishments** in all C Zones, except the CR Zone, when located on a lot, the lot line of which adjoins, is across the street from, or separated only by an alley from, any portion of a lot or lots in a residential zone or use or the RA Zone. In addition to the findings otherwise required by Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall also find:

(a) that residential uses in the vicinity of a proposed drive-through fast-food establishment will be adequately protected from any significant noise resulting from outdoor speakers, autos, or other sources of noise associated with the lot;

(b) that all stationary light generated on the lot is screened to avoid any significant adverse impact on nearby residential uses; and

(c) that trash storage, trash pickup hours, driveways, parking locations, screening walls, trees and landscaping are provided for and

located so as to minimize disturbance to the occupants of nearby residential uses, and to enhance the privacy of those uses.

18. The following **entertainment uses** in the zones specified:

(a) Dance Halls in the C2, C4, C5, CM, M1, M2 or M3 Zones.

(b) Hostess dance halls in the C2, C5, CM, M1, M2 or M3 Zones.

(c) Massage parlors or sexual encounter establishments as both terms are defined in Section 12.70 in the C2, C5, CM, M1, M2 or M3 Zones and which otherwise comply with all requirements of Section 12.70.

19. **Floor area ratio averaging and residential density transfer in unified developments.**

(a) **Floor Area Ratio Averaging.** The averaging of floor area ratios may be permitted for buildings which will comprise a unified commercial, industrial, or mixed-use development in the C or M zones citywide or in the R5 zone within the Central City Community Plan Area, even if buildings on each individual parcel or lot would exceed the permitted floor area ratio. However, the floor area ratio for the unified development, when calculated as a whole, may not exceed the maximum permitted floor area ratio for the height district(s) in which the unified development is located.

(b) **Residential Density Transfer.** The transfer of residential density may be permitted for buildings which will comprise a unified mixed-use development in the C zones citywide or in the R5 zone within the Central City Community Plan Area, even if buildings on each individual parcel or lot would exceed the permitted density. However, the number of all dwelling units and guest rooms for the unified development, when calculated as a whole, may not exceed the maximum number permitted based on the minimum lot area per dwelling unit and guest room standards set forth in the zone(s) in which the unified development is located.

(c) **Definition.** A unified development for purposes of this subdivision shall mean a development which is:

(1) a combination of functional linkages, such as pedestrian or vehicular connections;

(2) in conjunction with common architectural and landscape features, which constitute distinctive design elements of the development;

(3) is composed of two or more contiguous parcels, or lots of record separated only by a street or alley; and

(4) when the development is viewed from adjoining streets appears to be a consolidated whole.

(d) **Supplemental Finding.** In addition to the findings otherwise required by Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, before granting an approval, the Zoning Administrator shall find that the development, although located on separate parcels or lots of record, is a unified development as defined by this Subdivision.

(e) **Procedures.** In addition to the requirements of Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, all persons with an ownership interest in the property requesting floor area ratio averaging, residential density transfer, or both, and all persons with mortgage interests, including those persons holding ground leases, must sign the application. A current title search shall be submitted with the application to ensure that all persons with an ownership interest in the property have signed the application.

(f) **Covenant.** If the Zoning Administrator approves the floor area ratio averaging or residential density transfer, then the applicants shall file a covenant running with the land with the Department of Building and Safety prior to the issuance of any building permits:

(1) guaranteeing to continue the operation and maintenance of the development as a unified development;

(2) indicating the floor area and, if applicable, density used on each parcel and the floor area and, if applicable, density potential, if any, that would remain;

(3) guaranteeing the continued maintenance of the unifying design elements; and

(4) specifying an individual or entity to be responsible and accountable for this maintenance and the fee for the annual inspection of compliance by the Department of Building and Safety, required pursuant to Section 19.11. of this Chapter.

20. **Foundries** in the MR1 Zone.

21. **Fraternity or sorority houses** in the A, R1, RU, RZ, RMP, RW1, R2, RD, RW2 or R3 Zones.

22. **Garbage,** fat, offal, or dead animal reduction, or rendering in the M3 Zone, provided the site is located at least 500 feet from a more restrictive zone.

23. **Heliport** incidental to an office building, hospital or residential use.

24. **Hotels.**

(a) Hotels (including motels), apartment hotels, or hostels in the CR, C1, C1.5, C2, C4, and C5 Zones when any portion of a structure proposed to be used as a hotel (including a motel), apartment hotel, or hostel is located within 500 feet of any A or R Zone.

(b) Hotels (including motels), apartment hotels, or hostels, in the M1, M2 and M3 Zones when more than half of the lot on which the use is located is in the CR, C1, C1.5, C2, C4, C5 or CM Zones. In approving a request for a use in the M1, M2 and M3 Zones, the Zoning Administrator, in addition to the findings otherwise required by this section, shall also find that approval will not displace viable industrial uses.

(c) Hotels, motels or apartment hotels, in the R4 or R5 Zones, unless expressly permitted by Sections 12.11 or 12.12. In the R5 Zone, incidental business may be conducted, but only as a service to persons living there, and provided that the business is conducted within the main building, that the entrance to the business is from the inside of the building and that no sign advertising the business is visible from outside the building. If the proposed use is to be established by the conversion of an existing residential use, then a relocation assistance plan shall be drawn up and approved in a manner consistent with Section 12.95.2 G.

(d) Hotels and motels in the M1 and M2 Zones when expressly permitted by the applicable community or district plan.

(e) Transient Occupancy Residential Structures in the R4 and R5 zones as well as the CR, C1, C1.5, C2, C4, and C5 Zones. Approval of a partial or complete conversion from another residential use to a Transient Occupancy Residential Structure under this paragraph shall not be permitted.

25. **Kennels or facilities for breeding and boarding of animals** (no outside keeping of animals - no open runs) in the M Zones where any portion of the parcel is located within 500 feet of any residential zone.

26. **Miniature or pitch and putt golf courses, golf driving tees or ranges, and similar commercial golf uses**, in the A, R, or C1 Zones.

27. **Mini-Shopping Centers** in the C, M1, M2, or M3 Zones and Commercial Corner Developments in any C or M zone, the lot line of which adjoins, is separated only by an alley, or is located across the street from any portion of a lot zoned A or R which: (1) contain a commercial use not otherwise subject to conditional use approval which operates between the hours of 11 p.m. and 7 a.m.; (2) contain an amusement enterprise as enumerated in Section 12.14 A.3. of this-Chapter; (3) contain an automobile laundry or wash rack; and/or (4) do not comply with the requirements and conditions enumerated in Section 12.22 A.23. of this Chapter.

(a) **Standards.** In making a determination on an application for a conditional use filed pursuant to this Subdivision, a Zoning Administrator may consider the provisions of Section 12.22 A.23. of this Chapter as establishing minimum standards for the approval of a Mini-Shopping Center or Commercial Corner Development, provided, however, that no building or structure shall exceed the height requirements set forth in Section 12.22 A.23.(a)(1) of this Chapter.

(b) **Findings.** In addition to the findings set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall find:

(1) that based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets; and

(2) that project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.

(c) **Mini-Shopping Center and Commercial Corner Development Regulations.** Project review pursuant to the Mini-Shopping Center Commercial Corner Development regulations in Section 12.22 A.23 shall not be required for projects in those specific plan areas, as determined by the Director, where similar mini-shopping center or commercial corner development regulations are established by the specific plan and significant project environmental impacts, if any, are mitigated by the measures imposed in the Project Compliance.

28. **Two or more development incentives pursuant to Section 13.09 E.4. for a Mixed Use Project in a Mixed Use District.** In addition to the

findings set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

29. **Mortuaries or funeral parlors** in the C2, C4, C5, CM or M1 Zones.

30. **Nightclubs or other establishments** offering dancing or live entertainment in conjunction with a restaurant within the area governed by the Westwood Village Specific Plan.

31. **Nurseries**, including accessory buildings, necessary only for the growing of flowers, shrubs and trees, but not including any store or office building nor any retail sales on the premises, in the R, C1 and C1.5 Zones.

32. **Outdoor eating areas for ground floor restaurants** in the CR, C1, and C1.5 Zones if not permitted by right.

33. **Pawnshops** in the C2, C5, CM, M1, M2 and M3 Zones.

34. **Penny arcades** containing five or more coin or slug- operated or electrically, electronically or mechanically controlled game machines in the C2, C5, CM, M1, M2 or M3 Zones.

35. **Private clubs** in the A, R1, RU, RZ, RMP, RW1, R2, RD, RW2, R3 or R4 Zones.

36. **Professional uses** in the R4 or R5 Zones, provided the property fronts a major or secondary highway as these highways are shown on the Highways and Freeways Element of the General Plan, and provided further that these uses shall be conducted within a one or two-family dwelling, the residential character of which shall not be changed, and that no signs shall be permitted other than those specifically allowed in the zone or by a Zoning Administrator.

37. **Public parking** areas in the A or R Zones.

38. **Reduced on-site parking** for Senior Independent Housing, Assisted Living Care Housing, and/or a Housing Development Occupied By Disabled Persons in the RD, R3, RAS3, R4, RAS4, or R5 Zones, CR, C1, C1.5, C2, C4 or C5 Zones, provided that:

(a) For purposes of this subdivision, a disabled person is a person who has: (a) physical or mental disabilities, which seriously restricts that person from operating a motor vehicle; (b) is expected to be of long, continued and indefinite duration; (c) substantially impedes his or

her ability to live independently; and (d) is of a nature that the ability to live independently could be improved by more suitable housing conditions.

(b) Parking spaces may be reduced to 25 percent of the number otherwise required by Section 12.21 A.4.(u).

(c) The reduced number of parking spaces provided for each development shall be determined by a Zoning Administrator on the basis of:

(1) anticipated parking needs of occupants, employees and visitors; and

(2) availability of public transit; and

(3) access from the site to medical facilities, shopping, commercial services and community facilities.

(d) Each application for reduction of parking spaces shall be referred promptly for review to the Councilmember of the district in which the property is located.

(e) When a reduction of parking spaces is approved, the owner of the land shall furnish and record an agreement in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that, should the use change, the owner will develop the parking spaces to meet the requirements of Sections 12.21 A.4. and 5.

39. **The rental, storage or storage for rental purpose**s of household moving rental trucks and utility rental trailers including those which exceed a registered net weight of 5,600 pounds in the C2, C5, CM and MR1 Zones. When acting on an application, a Zoning Administrator shall consider, among other criteria, the following:

(a) that its operation would provide an essential service or retail convenience to the immediate residential neighborhood or a benefit to the community; and

(b) that its operation will be reasonably compatible with and not be detrimental to the public welfare or injurious to the improvements and use of adjacent properties.

40. **Restaurant (including cafe)** for the use of the general public in the MR1 and MR2 Zones.

41. **The sale of firearms and/or ammunition** in the C1, C1.5, C2, C4, C5, CM, M1, M2 and M3 Zones. In addition to the findings otherwise required by this section, the Zoning Administrator shall also consider whether the proposed use will result in an over-concentration of this use in the area, and the number of firearms available for sale at the site.

42. **The sale of merchandise**:

(a) From a privately owned vacant lot in the C1, C2, M2, and M3 Zones in the open;

(b) From a drive-in theater in the M2 and M3 Zones in the open; or

(c) At an indoor swap meet in the C1, C1.5, C2, C4, C5, M1, M2, and M3 Zones. For purposes of this paragraph, the following definitions shall apply:

(1) "**Indoor swap meet**" shall mean any event where new or secondhand goods are offered or displayed for sale or exchange by ten or more independent vendors within a completely enclosed building. An independent swap meet vendor is any individual, partnership, corporation, business association or other person or entity who is not an employee of the owner or lessee of the subject building; and

(i) A fee is charged by a swap meet operator for the privilege of offering or displaying new or secondhand goods for sale or exchange; or

(ii) A fee is charged to prospective buyers for admission to the area where new or secondhand goods are offered or displayed for sale or exchange.

(2) "**Mini-shopping center**" shall mean any development,

(i) with a lot area of less than forty-five thousand square feet, used for two or more retail sales, services or restaurants, or their combination;

(ii) with the structure or structures located in close proximity to the rear lot line and/or side lot line, and

(iii) with surface parking situated between the structure or structures and the street.

(3) A "**shopping center**" or "**industrial center**" is defined as a unit group of buildings used for commercial and/or industrial purposes together with open space and vehicle parking areas where the occupants of the buildings and their customers have a joint right to use the open space and vehicle parking areas.

EXCEPTIONS: The provisions of this subdivision shall not apply to a retail store or shop in a "**mini-shopping center**", in a "**shopping center**" or in an "**industrial center**" as defined in Subparagraphs (2) and (3) above, unless that store or shop is being used as the location of an indoor swap meet as defined in Subparagraph (1) above.

43. **(This paragraph intentionally left blank.)**

44. **(This paragraph intentionally left blank.)**

45. **Stand for display or sale** of agricultural and farm products raised or produced on the same premises in the RA Zone.

46. **Swine keeping**, more than five, in the A1 Zone, and swine keeping in the A2 and RA Zones.

47. **Temporary geological exploratory core holes** in all zones except the M3 Zone. The Zoning Administrator may approve the use of a site for a period of time deemed necessary to drill, test and abandon temporary geological exploratory core hole(s) provided that the time period may not exceed 200 days unless the Zoning Administrator finds that the drilling activities cannot be completed within 200 days due to depth, or deviation, or number of temporary geological exploratory core hole(s) to be drilled. However, in no event shall the Zoning Administrator increase the time period beyond 200 days by more than an additional 165 days.

48. **Temporary storage** of abandoned, partially dismantled, obsolete or wrecked automobiles (not including the dismantling or wrecking of automobiles or the storage or sale of used parts) in the C2, C4, C5, CM, MR1, or M1 Zones.

49. **Wireless telecommunication facilities**, including radio and television transmitters citywide, other than wireless antennas and associated equipment cabinets on the rooftops of buildings in the C and M Zones, including geographic specific plan areas, which conform to the provisions of Section 12.21 A.21. of this Chapter:

(a) In all zones, except the M1, M2 or M3 Zones;

(b) In the M1, M2, or M3 Zones when the property containing the facility is located across the street from, abutting, or adjoining a residential use or A or R Zone, including the RA Zone, and/or if the facility cannot meet the Wireless Telecommunication Facilities standards contained in Section 12.21 A.20. of this Chapter;

(c) In geographic specific plan areas, except for those located within scenic corridors, scenic parkway specific plan areas or upon roadways designated as scenic highways within specific plan areas, which shall all be reviewed pursuant to-Sec. 13B.4.5. (Project Exception) of Chapter 1A of this Code; and

(d) On the rooftops of buildings which are designated on the National Register of Historic Places, including Contributing Buildings in National Register Historic Districts, the California Register of Historic Resources, the City of Los Angeles List of Historic-Cultural Monuments, or a Contributing Structure located in an Historic Preservation Overlay Zone (HPOZ) that has been established pursuant to Section 12.20.3. of this Chapter and Div. 13B.8. (Historic Preservation) of Chapter 1A of this Code.

(e) **Supplemental Findings.** In addition to the findings set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall consider and balance the benefit of the project to the public with the facility's technological constraints, design, and location, as well as other relevant factors, and in doing so find that the project is consistent with the general requirements of the Wireless Telecommunication Facilities Standards set forth in Section 12.21 A.20. of this Chapter.

50. **Storage buildings for household goods, including truck rentals,** in the C2, C5 and CM Zones; and in the M1, M2 and M3 Zones when within 500 or fewer feet from an A or R Zone or residential use, as measured from the external lot line closest to the A or R Zone. In addition to the findings set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

51. **Child care facilities or nursery schools** in the A, RE, RS, R1, RU, RZ, RMP, RW, R2, R3, RAS3, or RD Zones, and in the CM and M Zones when providing care primarily for children of employees of businesses/industries in the vicinity.

52. **Project(s) in Neighborhood Stabilization Overlay (NSO) Districts** in the R2, RD, R3, RAS, R4, R5, CR, C1, C1.5, C2, C4 C5, or CM zones that create at least one dwelling unit with five or more habitable rooms.

(a) **Supplemental Findings.** In addition to the findings otherwise required by Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, and the requirements of Section 12.21 A.4.(a) of this Chapter relating to Off-Street Automobile Parking, the Zoning Administrator shall make the following findings:

(1) That the Project provides additional on-site parking under Section 13.12 C.2. of this Chapter;

(2) That there is no detrimental concentration of large scale, campus serving housing within a one-thousand-foot radius of the proposed Project; and

(3) That the Project conforms to any applicable Historic Preservation Overlay Zone (HPOZ) or Specific Plan.

53. **Structures solely supporting solar energy systems not otherwise permitted.** A Zoning Administrator may, upon application, permit structures that solely support solar energy systems that deviate from any regulation in the zoning code, such as height, lot coverage, and location.

X. Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals. The following uses and activities may be permitted in any zone, unless otherwise restricted to certain zones or locations, pursuant to Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. In addition to the findings set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall make all applicable findings set forth below. Further, these uses and activities are subject to the additional procedures, regulations and limitations set forth below.

1. **Adaptive Reuse Projects.** A Zoning Administrator may, upon application, permit Adaptive Reuse Projects pursuant to this subdivision. Except that, the provisions of this subdivision shall not apply to those areas set forth in the Adaptive Reuse Incentive Areas Specific Plan, Ordinance No. 175,038. Furthermore, the provisions of this Subdivision shall not apply to the M Zones outside the Downtown Project Area. The boundaries of the Downtown Project Area are described in Section 12.22 A.26.(g) of this Chapter.

In conformance with Paragraph (b) below, the Zoning Administrator may permit Adaptive Reuse Projects in the M Zones inside the Downtown Project Area. Outside the Downtown Project Area, the Zoning Administrator may permit Adaptive Reuse Projects in the C and R5 Zones.

In conformance with Paragraph (c) below, the Zoning Administrator may permit Adaptive Reuse Projects in the C and R5 Zones in all or any portion of a building constructed on or after July 1, 1974, inside the Downtown Project Area.

In conformance with Paragraph (d) below, the Zoning Administrator may permit floor area averaging in unified Adaptive Reuse Projects in the C, M and R5 Zones inside the Downtown Project Area. Outside the Downtown Project Area, the Zoning Administrator may permit this floor area averaging in the C and R5 Zones.

(a) **Definitions.** The definition of "Adaptive Reuse Project" set forth in Section 12.22 A.26.(c) of this Chapter shall apply inside the Downtown Project Area. Outside the Downtown Project Area, the following definitions shall apply:

Adaptive Reuse Project is any change of an existing Non-Residential Use to new dwelling units, guest rooms, or joint living and work quarters in all or any portion of any eligible building.

Non-Residential Use means any use other than dwelling units, guest rooms, or joint living and work quarters. Except that, if all the dwelling units, guest rooms or joint living and work quarters in an eligible building were completely and continuously unoccupied from March 1, 2002, through and including the date an application for an Adaptive Reuse Project is filed pursuant to this subdivision, then those units, rooms or quarters shall be considered to be a Non-Residential Use.

(b) **C, M and R5 Zones.** The following shall apply to Adaptive Reuse Projects in the MR1, MR2, M1, M2 and M3 Zones inside the Downtown Project Area; and to Projects in the CR, C1, C1.5, C2, C4, C5, CM and R5 Zones outside the Downtown Project Area:

(1) **Eligible Buildings.** A Zoning Administrator shall only permit Adaptive Reuse Projects in the following buildings:

(i) Buildings constructed in accordance with building and zoning codes in effect prior to July 1, 1974. A Certificate of Occupancy, building permit, or other suitable documentation may be submitted as evidence to verify the date of construction.

(ii) Buildings constructed in accordance with building and zoning codes in effect on or after July 1, 1974, if: five years have elapsed since the date of issuance of final Certificates of Occupancy; and the Zoning Administrator

finds that the building is no longer economically viable in its current use or uses.

In making this finding, the Zoning Administrator shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information. The Zoning Administrator may require the applicant to submit independently verified documentation.

(iii) Buildings designated on the National Register of Historic Places, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments. Contributing Buildings in National Register Historic Districts or Contributing Structures in Historic Preservation Overlay Zones (HPOZ) established pursuant to Section 12.20.3 of this Chapter and Div. 13B.8. (Historic Preservation) of Chapter 1A of this Code are also eligible buildings.

(2) **Incentives and Exceptions.** The Zoning Administrator may grant, modify or deny some or all of the incentives set forth in Section 12.22 A.26.(h) of this Chapter, or some or all of the exceptions set forth in Section 12.22 A.26.(j) of this Chapter, to Adaptive Reuse Projects proposed pursuant to this Subdivision. Furthermore, the Zoning Administrator shall have the authority to grant any other incentives or exceptions from the Code required to permit Adaptive Reuse Projects proposed pursuant to this Subdivision, including but not limited to the authority to permit dwelling units, guest rooms and joint living and work quarters in Adaptive Reuse Projects, notwithstanding the nonconforming provisions of Section 12.23 of this Chapter.

(3) **Supplemental Findings and Conditions for the C and R5 Zones.** In addition to the findings set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, if the Adaptive Reuse Project is in the CR, C1, C1.5, C2, C4, C5, CM or R5 Zones outside the Downtown Project Area, then the Zoning Administrator shall find that the Adaptive Reuse Project complies with the standards for dwelling units, guest rooms and joint living and work quarters set forth in Section 12.22 A.26.(i) of this Chapter. Exception: This finding is not required if the Zoning Administrator does not grant the density incentive set forth in Section 12.22 A.26.(h)(2) of this Chapter.

Before approving a reduced parking incentive pursuant to Subparagraph (2) above, the Zoning Administrator shall also find

that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the site of the Adaptive Reuse Project.

(4) **Supplemental Findings and Conditions for the M Zones.** In addition to the findings set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, if the Adaptive Reuse Project is in the MR1, MR2, M1, M2 or M3 Zones inside the Downtown Project Area, then the Zoning Administrator shall:

(i) Require that one or more signs or symbols of a size and design approved by the Fire Department are placed by the applicant at designated locations on the exterior of each Adaptive Reuse Project to indicate the presence of residential uses;

(ii) Limit the occupations permitted in joint living and work quarters to the following: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; insurance, real estate and travel agents; photographers and similar occupations;

(iii) Find that the Adaptive Reuse Project complies with the standards for dwelling units, guest rooms, and joint living and work quarters set forth in Section 12.22 A.26.(i) of this Chapter;

(iv) Find that the uses of property surrounding the proposed location of the Adaptive Reuse Project will not be detrimental to the safety and welfare of prospective residents; and

(v) Find that the Adaptive Reuse Project will not displace viable industrial uses.

(c) **Buildings constructed on or after July 1, 1974.** The provisions of Section 12.22 A.26. of this Chapter shall apply to Adaptive Reuse Projects in all or any portion of a building constructed on or after July 1, 1974, in the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones inside the Downtown Project Area if: five years have elapsed since the date of issuance of final Certificates of Occupancy; and a Zoning Administrator finds that the building is no longer economically viable in its current use or uses.

In making this finding, the Zoning Administrator shall consider the building's past and current vacancy rate, existing and previous uses, and real estate market information. The Zoning Administrator may require the applicant to submit independently verified documentation.

(d) **Floor Area Averaging.** The following shall apply to applications to permit floor area averaging in unified Adaptive Reuse Projects in the CR, C1, C1.5, C2, C4, C5, CM, MR1, MR2, M1, M2, M3, or R5 Zones inside the Downtown Project Area; and to such applications in the CR, C1, C1.5, C2, C4, C5, CM, or R5 Zones outside the Downtown Project Area.

The Zoning Administrator may permit averaging of floor area in unified Adaptive Reuse Projects for purposes of determining compliance with the 750 square foot minimum average unit size standard for dwelling units and joint living and work quarters, as set forth in Section 12.22 A.26.(i) of this Chapter. For purposes of this Subdivision, a unified Adaptive Reuse Project means an Adaptive Reuse Project composed of two or more buildings, so long as the Project has all of the following characteristics: (a) functional linkages, such as pedestrian or vehicular connections; (b) common architectural and landscape features, which constitute distinctive design elements of the Project; and (c) a unified appearance when viewed from adjoining streets. Unified Adaptive Reuse Projects may include lots that abut or are separated only by an alley or are located across the street from any portion of each other.

Individual buildings may fall below the minimum average unit size standard, so long as the average size of all the dwelling units and joint living and work quarters in the unified Adaptive Reuse Project is at least 750 square feet, and no dwelling unit or joint living and work quarters is less than 450 square feet in area. The Zoning Administrator shall determine whether a Project meets the definition of a unified Adaptive Reuse Project as set forth above. All owners of the property requesting floor area averaging must sign the application. A current title search shall be submitted with the application to insure that all required persons have signed the application.

If the Zoning Administrator approves the floor area averaging, then all owners of the property requesting floor area averaging and all owners of each lot contained in the unified Adaptive Reuse Project shall execute and record an affidavit. A copy of each executed and recorded affidavit shall be filed with the Office of Zoning Administration. Each affidavit shall run with the land, be approved by the Zoning Administrator prior to the issuance of any building permits, and shall guarantee the following: (1) The use of any floor area converted to dwelling units or joint living and work quarters shall be maintained and not changed; and (2) The number

of these units or quarters approved by the Zoning Administrator shall not be increased.

(e) **Procedures.** An application for permission pursuant to this Subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. However, the Zoning Administrator may waive the public hearing required in that section if the owners of all properties abutting, across the street or alley from, or having a common corner with the building have expressed in writing no objections to the Adaptive Reuse Project.

2. **Alcoholic Beverages.** A Zoning Administrator may, upon application, permit a restaurant, with seating on the premises for no more than 50 persons, to offer for sale or to dispense for consideration alcoholic beverages, including beer and wine, incidental to meal service.

(a) **Procedures.** Notwithstanding the provisions of Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, an application for permission pursuant to this Subdivision shall instead notify the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application. If, however, the applicant submits with its application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject corner, then the matter does not have to be set for public hearing.

(b) **Supplemental Findings.** In addition to the findings set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall also find:

(1) that the restaurant contains a kitchen as defined in Section 12.03. of this Chapter;

(2) that the primary use of the restaurant premises is for sit-down service to patrons;

(3) that any take-out service is only incidental to the primary sit-down use;

(4) that the restaurant is not located within 600 feet of a hospital, church, school (including day-care center), public park or playground, or youth facility; and

(5) that the hours of operation will not adversely affect the surrounding neighborhood.

(c) **Conditions.** The Zoning Administrator may impose any conditions necessary to assure that the premises continue to operate in a manner consistent with the findings. In addition, any application approved pursuant to this Subdivision shall be subject to the following conditions and restrictions:

(1) Alcoholic beverages, including beer and wine, may be sold or dispensed for consideration for consumption on the premises only, and only when served at tables or sit-down counters by employees of the restaurant.

EXCEPTION: However, beer and wine may be sold or dispensed for consideration for consumption beyond the premises in a delicatessen (which is a restaurant having regular take-out service of prepared and unprepared foods), if and only if the sit-down food and beverage service area of the delicatessen occupies in excess of 50 percent of the floor area of the premises (exclusive of the kitchen, restroom, storage and utility areas);

(2) Dancing or live entertainment shall not be permitted on the premises;

(3) A separate cocktail lounge or bar shall not be located on the premises;

(4) Alcoholic beverages or beer or wine shall not be served in conjunction with the operation of any billiard or pool hall, bowling alley, or adult entertainment business as defined in Section 12.70. of this Chapter; and

(5) Alcoholic beverages shall not be sold, dispensed, or allowed to be consumed on the premises between the hours of midnight and 6 o'clock a.m.

3. **Antennas.** A Zoning Administrator may, upon application, permit amateur radio transmission and receiving antennas on lots in A and R Zones which exceed the maximum height otherwise permitted by the provisions of Section 12.21.1. of this Chapter.

(a) **Application.** The application shall include a plot plan, an elevation plan indicating the location and height of the proposed antenna and measures designed to minimize any adverse visual impacts from the antenna. These measures may include the construction of a retractable antenna, screening, painting or increased setbacks from property lines. Notice of the application shall be given to the Fire Department.

(b) **Procedures.** An application for permission pursuant to this Subdivision shall follow the procedures Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. The Zoning Administrator may waive the public hearing required in that Section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject property.

(c) **Supplemental Findings.** In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall also consider the uses to which the proposed antenna will be put, and may give special consideration to an application involving public service uses, such as participation in a radio amateur emergency network.

4. **(This paragraph intentionally left blank.)**

5. **Dwelling Adjacent to an Equinekeeping Use.**

(a) Notwithstanding any provision of this Chapter to the contrary, the Zoning Administrator shall determine that the City may issue a building permit for any residential building which has a habitable room closer than 35 feet from a legally established equine use, if the Zoning Administrator determines that the residential building cannot reasonably be constructed at a location 35 feet or greater from a legally established equine use. This determination may be made after giving consideration to:

(1) Size and configuration of land parcel;

(2) Environmental conditions, including but not limited to topography, geology, drainage and soil;

(3) Public facilities and easements that restrict buildable area location;

(4) Economic hardship; and

(5) Feasibility of relocating the equine enclosure.

(b) **Procedures.** An application for permission pursuant to this Subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. Provided, however, that if the owners of all the private property contiguous to the property involved in the application sign a waiver of having a public hearing, then no notice or hearing shall be required.

6. **Farmer's Markets**. A Zoning Administrator may, upon application, permit the operation of certified farmer's markets, as defined in Section 1392.2, Title 3, of the California Code of Regulations as that section may be amended from time to time, on any lot in an R Zone subject to the following:

(a) **Application.** A copy of each application shall be provided to the Councilmember of the district in which the property is located. A Zoning Administrator shall approve an application only if all the following requirements are met:

(1) The operation is conducted by one or more certified producers, by a nonprofit organization or by a local government agency;

(2) If selling fruits, nuts or vegetables, the producer is authorized by the County Agricultural Commissioner to sell directly to consumers these products that are produced upon the land which the certified producer farms and owns, rents, leases or sharecrops; and

(3) If selling eggs, honey, fish, and other seafood and freshwater products, live plants and other agricultural products, the market operator and producer secure all necessary licenses, certificates and health permits which are required to sell these products directly to consumers, provided these products are raised, grown or caught and processed, if necessary, in California.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. A hearing is not required if the applicant submits with its application the written approval of the owners of all properties abutting, across the street or alley from or having a common corner with the subject property, and, in addition, the written approval of 60 percent of the owners of properties within a radius of 300 feet of the subject property.

(c) **Requirements**.

(1) All market activities shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., except that necessary preparation of the site for sales activities and cleanup may be conducted for not more than one hour before and one hour after this period. No Certified Farmers' Market may operate more than twice in the same week;

(2) Any light used at any time during market activities shall be shielded so as not to shine directly or indirectly on adjacent property or streets;

(3) The operator of a Certified Farmers' Market shall provide trash containers during the hours of operation;

(4) Signs advertising the market shall conform to Article 4.4 of this Code;

(5) The noise level of any activity related to a Certified Farmers' Market, including noise resulting from the use of amplified sound equipment, shall not exceed the ambient noise levels applicable to an R Zone as set forth in Section 111.03 of the Municipal Code;

(6) Any portion of the lot used for market activities shall be cleaned at the close of hours of operation. For purposes of this section only, "cleaned" shall include, but not be limited to, the removal of stalls, materials, debris, trash, etc., used in conjunction with market activities;

(7) The operator of a Certified Farmers' Market shall maintain a list of vendors participating in the Certified Farmers' Market during the day of operation;

(8) Certification of the Certified Farmers' Market and contact information for the operator shall be posted at the main entry and provided as part of the application. The contact person shall be available during the hours of operation and shall respond to any complaints. The operator shall keep a log of complaints with the date and time received, and their disposition; and

(9) Electronic Benefit Transfer (EBT) Card payments shall be accepted at the Certified Farmers' Market. A Food and Nutrition Service (FNS) Number issued by the United States Department of Agriculture shall be provided on the application as proof of EBT card acceptance.

(d) **Violations**. The Zoning Administrator may consider revoking the grant for failure to maintain the site in a satisfactory manner or failure to comply with the requirements above.

7. **Fences or Walls in A or R Zones.**

(a) A Zoning Administrator may, upon application, permit fences, walls or gates not to exceed eight feet in height, including light fixtures, in the required front yard, side yard or rear yard of any lot or on the side lot line along the street of a reversed corner lot in the A and R Zones.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. A public hearing may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. However, for requests for fences in the required front yard, (except for game court fences) only the written approval of the owners of properties abutting on the side or across the street from the subject property need be submitted.

(c) **Supplemental Findings**. In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall consider the environmental effects and appropriateness of materials, design and location of any proposed fence or wall, including any detrimental effects on the view which may be enjoyed by the occupants of adjoining properties, and security to the subject property which the fence or wall would provide.

8. **Fences within 1,000 Feet of Public Beach**.

(a) A Zoning Administrator may, upon application, permit fences, walls or hedges, not exceeding six feet in height, in the required front yards of lots within groups of lots, provided all of the lots within a group are in an R Zone and are within 1,000 feet of a public beach, and further provided, that all of the lots are affected by the problems of lack of privacy, dogs being released upon the property by persons utilizing the public beaches, or refuse being strewn upon the property by persons utilizing the public beaches.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. A public hearing may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. However, for requests for fences in the required front yard, (except for game court

fences) only the written approval of the owners of properties abutting on the side or across the street from the subject property need be submitted.

9. **Foster Care Homes**. Notwithstanding any other provision of this Chapter, any person may, with the express written permission of a Zoning Administrator and subject to the following limitations, use a dwelling unit for the operation of:

(a) A foster care home occupied by a total of five or six children in the A, R, CR, C1 or C1.5 Zones; provided that the total number of persons (including servants) living in any dwelling unit used as a foster care home shall not exceed eight; or

(b) **Limitations**.

(1) The floor space of any dwelling unit used as a foster care home shall not be increased for that use and the floor space shall not be arranged so that it would reasonably preclude the use of the buildings for purposes otherwise permitted in the zone in which the property is located.

(2) No permission for the operation of a foster care home shall become valid unless it is licensed for foster care use by the State of California, or other agency designated by the State, and the operation shall not be valid for more than one year.

(c) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

10. **Height and Reduced Side Yards**. A Zoning Administrator may, upon application, permit buildings and structures on a lot or group of lots in the RA, RE20, RE15, RE11, RE9, RS, R1 and R2 Zones where the lot is not located in a Hillside Area or Coastal Zone, to exceed the maximum height or number of stories otherwise permitted by the provisions of Section 12.21.1 of this Chapter; or to reduce the required side yards otherwise required in this Chapter.

(a) **Supplemental Findings for Height**. In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, a Zoning Administrator shall find:

(1) that the increase in height shall not result in a building or structure that exceeds an overall height of 45 feet;

(2) that the increased height will result in a building or structure which is compatible in scale with existing structures and uses in the same zone and vicinity; and

(3) that the grant is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zone and vicinity.

(b) **Supplemental Findings for Reduced Yards**. In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, a Zoning Administrator shall find:

(1) that the reduction will not result in side yards of less than three feet; and

(2) that the reduction will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

(c) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures for set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

(d) **Fees.** Fees for these determinations shall be those provided pursuant to Section 19.01 U of this Chapter when a public hearing is required and one-half the amount of that provided under Section 19.01 U. of this Chapter when the public hearing has been waived pursuant to Sec. 13B.5.2. (Adjustment) of Chapter 1A of this Code.

11. **Hillside Area.** A Zoning Administrator may, upon application, permit Buildings and Structures on Lots in the A1, A2, and RD Zones which are located in a Hillside Area as defined in Section 12.03 of this Chapter to:

(a) exceed the maximum 36-foot height limitation required by Section 12.21 A.17.(c);

(b) reduce the front or side yards required by Section 12.21 A.17.(a) and (b) of this Chapter;

(c) increase the maximum lot coverage limitations of Section 12.21 A.17.(f) of this Chapter; and

(d) reduce the number of off-street parking spaces otherwise required by Section 12.21 A.17.(h) of this Chapter.

(e) **Supplemental Findings.** In addition to the findings required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, a Zoning Administrator shall find the following:

(1) **Height**:

(i) that the increase in height will not result in a building or structure which exceeds an overall height of 45 feet; and

(ii) that the increase in height will result in a building or structure which is compatible in scale with existing structures in the vicinity; and

(iii) that the grant is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the area.

(2) **Yards**:

(i) that the reduction in yards will not result in side yards of less than four feet; and

(ii) that the reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.

(3) **Lot Coverage**:

(i) that the increase in lot coverage will not result in a total lot coverage in excess of 50 percent of the lot area;

(ii) that the increase in lot coverage will result in a development which is compatible in size and scale with other improvements in the immediate neighborhood; and

(iii) that the increase in lot coverage will not result in a loss of privacy or access to light enjoyed by adjacent properties.

(4) **Off-Street Parking**:

(i) that the reduction of the parking requirements will not create an adverse impact on street access or circulation in the surrounding neighborhood; and

(ii) that the reduction of the parking requirements will not be materially detrimental or injurious to the property or improvements in the vicinity in which the lot is located.

(5) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

12. **Historic Buildings**. A Zoning Administrator may, upon application, permit commercial uses in a building and/or permit reduced parking otherwise required in this Chapter, for a building that is designated on the National Register of Historic Places, including Contributing Buildings in National Register Historic Districts, the California Register of Historical Resources, the City of Los Angeles List of Historic-Cultural Monuments, or a Contributing Structure located in an Historic Preservation Overlay Zone (HPOZ) that has been established pursuant to Div. 13B.8. (Historic Preservation) of Chapter 1A of this Code.

If the commercial use and/or reduction in parking involves any changes to the exterior physical appearance of the building, then the applicant must submit the following with an application for permission. If the building is a Contributing Structure in an HPOZ, an approved Certificate of Appropriateness must be submitted with the application for permission. If the building is a nationally, State or locally designated historically significant building outside of an HPOZ, written clearance from the General Manager of the Department of Cultural Affairs, or his or her designee, that the project complies with the Secretary of the Interior's Standards for Rehabilitation must be submitted with the application for permission.

(a) The Zoning Administrator may permit one or more of the following commercial uses with reduced parking in the A1, A2, RA, RE, RS, R1, RU, RZ, RW1, R2, RD, RW2, R3, R4, and R5 Zones:

(1) Bed and Breakfast Facilities, subject to the following limitations:

(i) The owner must reside within the building;

(ii) Food service shall be limited to registered guests only. No restaurant or cooking facilities within guest rooms shall be permitted; and

(iii) No amplified music, lawn parties, private parties, receptions, outdoor weddings, or similar activities shall be allowed, unless specifically permitted by the Zoning Administrator.

(2) Joint living and work quarters for the following occupations: accountants; architects; artists and artisans; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; insurance, real estate, and travel agents; photographers; and other similar occupations as determined by the Zoning Administrator.

(b) The Zoning Administrator may permit one or more of the following commercial uses with reduced parking in the RD, R3, R4, and R5 Zones:

(1) Full-service restaurants and cafes, subject to the following limitations:

(i) Seating capacity is limited to a maximum of 25 persons; and

(ii) Live entertainment is limited to one unamplified instrument and no amplification is used in conjunction with the entertainment, unless specifically permitted by the Zoning Administrator;

(2) Offices of civic and social organizations and philanthropic institutions;

(3) Offices for providers of professional services, including accountants; architects; attorneys; computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; insurance, real estate, and travel agents; photographers; and other similar occupations as determined by the Zoning Administrator; and

(4) Retail sales, limited to no more than 800 square feet of floor area of the following uses on condition that no exterior displays or lawn sales are permitted:

(i) Antiques;

(ii) Art gallery;

(iii) Collectibles;

(iv) Florist shops; and

(v) Rare books, except those regulated under Section 12.70 of this Chapter.

(c) The Zoning Administrator shall have the authority to impose limitations on hours of operation, deliveries, and other restrictions and conditions necessary to ensure the compatibility of the commercial use with the surrounding area or HPOZ, or to protect the historic character of the building.

The Zoning Administrator may permit no more than one non-illuminated or non- neon wall sign or projecting sign. The sign must be made of wood and shall not exceed six square feet in area.

The Zoning Administrator may reduce or eliminate off-street automobile parking spaces required by this article if there is no area available for parking on the site, or if the provision of required parking would harm the historic character of the building.

(d) The Zoning Administrator may reduce or eliminate off-street automobile parking spaces required by this article in connection with a change of use in the CR, C1, C1.5, C2, C4, C5 or CM Zones if there is no area available for parking on the site, or if the provision of required parking would harm the historic character of the building.

(e) **Supplemental Findings.** In addition to the findings required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall also make the following findings before granting an application pursuant to this Subdivision:

(1) The commercial use and/or reduced parking is compatible with, and will not adversely impact property within, the surrounding area or HPOZ; and

(2) The commercial use and/or reduced parking is reasonably necessary to provide for the continued preservation of the historically significant building and is compatible with its historic character.

For applications for properties within HPOZs, the Zoning Administrator shall take into consideration the relationship between the approved Preservation Plan and the proposed commercial use and/or reduced parking.

(f) **Procedure.** When an application for permission pursuant to this Subdivision has been received and deemed complete for a Contributing Structure in an HPOZ, the Zoning Administrator shall notify

the applicable Historic Preservation Board. When an application for permission has been received and deemed complete for a building that is designated on the National Register of Historic Places, including Contributing Buildings in National Register Historic Districts, the California Register of Historical Resources, or the City of Los Angeles List of Historic-Cultural Monuments, the Zoning Administrator shall notify the Cultural Heritage Commission.

Notwithstanding the provisions of Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, an application for permission pursuant to this Subdivision shall instead notify the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application:

(1) When it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or

(2) When the application is likely to evoke public controversy.

In all other cases an application pursuant to this subdivision may not be set for public hearing, unless the Chief Zoning Administrator determines that a hearing would further the public interest.

If the application is for a Contributing Structure in an HPOZ, a public hearing may not be required if the applicant secures and submits with the application the written approval of the applicable Historic Preservation Board. Alternatively, if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject corner, then the matter may not be set for public hearing.

13. **Joint Living and Work Quarters**. A Zoning Administrator may, upon application, permit joint living and work quarters for artists and artisans, including individual architects and designers, in commercial and industrial buildings in the CR, MR1, MR2, M1, M2, and M3 Zones, and permit joint living and work quarters with reduced parking in the C1, C1.5, C2, C4, C5 and CM Zones.

(a) **Supplemental Findings**. In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall also find:

(1) that the uses of property surrounding the proposed location of the joint living and work quarters and the use of the proposed location will not be detrimental to the health, safety and welfare of prospective residents of the quarters; and

(2) that the proposed joint living and work quarters will not displace viable industrial uses and will not substantially lessen the likelihood that the property will be available in the future for industrial uses.

(b) **Requirements**. The Zoning Administrator shall also require:

(1) that the authorized use shall be of no force and effect unless and until satisfactory evidence is presented to the Zoning Administrator for review and attachment to the file that a business tax registration certificate has been issued to each tenant by the Office of Finance pursuant to Los Angeles Administrative Code Section 21.03 permitting those persons to engage in business as artists or artisans; and

(2) that one or more signs or symbols of a size and design approved by the Fire Department shall be placed by the applicant at designated locations on the exterior of each building approved as joint living and work quarters to indicate that these buildings are used for residential purposes.

(c) **Zoning Administrator Authority**. The Zoning Administrator has the authority to:

(1) Reduce or eliminate yards and setbacks required by this article if they cannot be provided;

(2) Reduce or eliminate off-street automobile parking spaces required by this article if there is no area available for parking on the site; and

(3) Waive the public hearing if the owners of all the properties abutting, across the street or alley from, or having a common corner with the building have expressed no objections to the quarters in writing.

(d) **Procedures**. An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. However, the Zoning Administrator may waive the public hearing required in that section if the owners of all properties abutting, across the street or alley from, or having

a common corner with the buildings have expressed in writing no objections to the quarters.

14. **Mixed Use Districts**. A Zoning Administrator may, upon application, permit Projects comprised exclusively of dwelling units on lots in the CR, C1, C1.5, C2, C4, or C5 Zones within Mixed Use Districts pursuant to Section 13.09. C.3. of this Chapter.

(a) **Procedures**. Notwithstanding the provisions of Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, an application made pursuant to this Subdivision shall instead notify the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of owners of all properties abutting, across the street or alley from, or having a common corner with the subject property.

(b) **Supplemental Findings**. In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, a Zoning Administrator shall find that the character of the Mixed Use District shall not be adversely affected by the proposed Project and that the Project is appropriately integrated with the surrounding commercial uses.

15. **Model Dwellings Within Council-Approved Redevelopment Areas.** Prior or subsequent to the recordation of a final tract map, the Zoning Administrator may, upon application for a model dwelling, designate certain lots as sites for the construction of model dwellings, provided that the construction is occurring within the boundaries of a Council-approved Community Redevelopment Agency project area. In no case, however, shall more than 20 lots in a tract be designated as sites for the construction of models nor shall more than 15% of the lots in a tract or units and in no case shall more than 20 units in any proposed building be designated as model sites.

The Zoning Administrator may also permit the operation of one sales office within any of the designated model dwellings on the proposed site. In designating certain proposed lots for use as sites for model dwellings or sales offices, the Zoning Administrator may impose any conditions specified in Sections 12.22. A.10. and 12.22. A.11. of this Chapter or any other conditions which are appropriate to the particular model dwelling sites or sales offices being considered. In those cases where the Community Redevelopment Agency is the applicant, there shall be no fee for the designation of a site for the construction of model dwellings; in all other cases the fee, if any, shall be as set forth in this Code.

An application made pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

16. **Nonconforming Rights Related to Earthquake Safety Ordinance**. A Zoning Administrator may, upon application, permit a building, nonconforming as to use or yards which is demolished as a result of enforcement of the Earthquake Safety Ordinance (Division 68, Article 1, Chapter IX of the Los Angeles Municipal Code), to be reconstructed with the same nonconforming use or yards as the original building.

(a) **Supplemental Findings**. In addition to the findings otherwise required by-Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, a Zoning Administrator shall require and find the following:

(1) that neither the footing nor any portion of the replacement building encroaches into any area planned for widening or extension of existing or future streets; and

(2) that reconstruction be commenced within two years of obtaining a permit for demolition and completed within two years of obtaining a permit for reconstruction; and

(3) that the continued nonconforming use of the property or the continued maintenance of nonconforming yards will not be materially detrimental to the public welfare and will not have a substantial adverse impact on or be injurious to the properties or improvements in the vicinity.

(b) **Procedures.** Notwithstanding the provisions of Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, an application pursuant to this Subdivision involving a nonconforming use shall instead notify the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application. 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:

(1) that the nonconforming use will not have a significant adverse effect on adjoining property or on the immediate neighborhood; and

(2) that the nonconforming use is not likely to evoke public controversy.

An application pursuant to this Subdivision involving only a nonconforming yard may be set for a public hearing in accordance with the same procedures as above, if the Zoning Administrator determines that the public interest requires a hearing. However, when a public hearing is held, the notice shall be given in the same manner as required in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

17. **Parking Requirements for Commercial or Industrial Uses With Parking Management Alternatives in the C and M Zones.**

(a) **Reduced On-Site Parking with Transportation Alternatives.**

(1) Notwithstanding any other provision of the Los Angeles Municipal Code, the Zoning Administrator may, upon application, authorize reduced on-site parking for commercial or industrial uses in the C or M Zones, involving arrivals at the site by at least 100 employees and/or tenants, if the number of the reduced parking spaces is no less than sixty percent of the number of parking spaces otherwise required by this Code. This authorization shall be known as the "**reduced on-site parking/transportation alternatives authorization**".

(2) **Supplemental Findings.** In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, before approving this authorization, the Zoning Administrator shall find, based on the Parking Management Program Administrative Guidelines prepared by the City of Los Angeles and/or other standards acceptable to the City of Los Angeles Department of Transportation, that the Parking Management Plan submitted by the applicant pursuant to Subdivision (c) below will result in:

(i) Sufficient on-site parking spaces and transportation alternatives to single-occupant automobiles (including carpools, vanpools, mass transit systems, buses or bicycles), provided by the owner or lessee for the employees and/or tenants, to accommodate anticipated parking demand; and

(ii) No on-street parking created by the use in the area immediately surrounding the use; and

(iii) An achievable level of employee and/or tenant use of transportation alternatives.

(3) The areas in which the on-site parking spaces referred to in (i) above are located must be clearly posted for the sole use of employees and/or tenants of the use.

(4) The Zoning Administrator may impose additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this subsection.

(5) No change in the use of the transportation alternatives referred to in (i) above may be made until reviewed and approved by the Zoning Administrator.

(b) **Reduced On-Site Parking with Remote Off-Site Parking.**

(1) Notwithstanding any other provision of the Los Angeles Municipal Code, the Zoning Administrator may, upon application, authorize remote off-site parking at distances greater than those authorized by Section 12.21. A.4.(g) and (i) of this Chapter for commercial or industrial uses, in the C or M Zones, involving arrivals at the site by at least 100 employees and/or tenants, if the remote off-site parking does not exceed seventy-five percent of the number of parking spaces otherwise required by this Code. This authorization shall be known as the "**reduced on-site parking/remote off-site parking authorization**".

(2) **Supplemental Findings.** In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, before approving the authorization, the Zoning Administrator shall find, based on the Parking Management Program Administrative Guidelines prepared by the City of Los Angeles and/or other standards acceptable to the City of Los Angeles Department of Transportation, that the Parking Management Plan submitted by the applicant pursuant to Paragraph (c) will provide for:

(i) Remote off-site parking spaces used solely by the employees and/or tenants of the commercial or industrial use; and

(ii) An adequate form of transportation provided by the applicant or applicant's successor and used by employees and tenants between the remote off-site parking

location and the commercial or industrial use to a level sufficient to transport all persons using the remote parking location.

(3) The Zoning Administrator may impose such additional conditions as are deemed necessary to protect the public health, safety or welfare of the adjacent area and to assure compliance with the objectives of this subsection.

(4) No change in the use of the form of transportation referred to in (ii) above may be made until reviewed and approved by the Zoning Administrator.

(c) **Application**. The application for a reduced on-site parking/transportation alternative authorization or a reduced on-site parking/remote off-site parking authorization shall be accompanied by a parking management plan. The plan shall include, but not be limited to the following information:

(1) The number of parking spaces on-site and the number of location of spaces off-site proposed to be maintained;

(2) The number and kinds of transportation alternatives proposed for the reduced on-site/transportation alternative authorization and the forms of transportation proposed between the commercial or industrial use and the remote off-site parking location for the reduced on-site parking/remote off-site parking authorization; and

(3) The level of employee and/or tenant use of transportation alternatives and forms of transportation identified in (2) above expected to be achieved and maintained.

(d) **Annual Review**. Each year, prior to the anniversary date of the approval of any authorization received pursuant to this Subdivision, the owner, subsequent owner or lessee shall submit a report and request for review to the Zoning Administrator containing the information regarding the implementation of the Parking Management Plan as the Zoning Administrator shall specify. Within thirty days of receiving this report, the Zoning Administrator shall approve, disapprove or conditionally approve the report, imposing any additional conditions to the authorization as deemed appropriate in light of information contained in the report. If the Zoning Administrator disapproves an annual report, a revised report shall be filed within thirty days for the Zoning Administrator's review. If the revised report is disapproved, the Zoning Administrator shall set the

matter for revocation hearing in the manner set forth in Sec. 13B.6.1. (Evaluation of Non-Compliance) of Chapter 1A of this Code.

(e) **Limitations**. This Subsection is not intended to mean nor shall be interpreted to authorize any development in excess of the density, including floor area, floor area ratio, dwelling units or guest rooms, otherwise permitted by an applicable zone, specific plan or other regulation.

(f) **Procedures**. An application made pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

18. **Parking Requirements for Showcase Theaters**. Where the off-street parking requirements of Section 12.21. A.4.(e) and (g) of this Chapter cannot be met, a Zoning Administrator may, upon application, approve slight modifications from those paragraphs.

(a) Slight modifications from the number of parking spaces required shall not exceed 20 percent of the required parking;

(b) **Procedures.** An application made pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. A $50 filing fee shall accompany the filing of any application for slight modification.

19. **Reduction in parking**. A Zoning Administrator may, upon application, permit a reduction in the number of off-street parking spaces required by Section 12.21. A.4.(e) of this Chapter for any auditorium or similar place of assembly without fixed seats which is located in the City of Los Angeles within a park under the control, operation or management of the Board of Recreation and Park Commissioners.

(a) **Limitations**.

(1) The number of parking spaces shall not be fewer than one parking space for each 200 square feet of floor area contained in the auditorium or similar place of assembly;

(2) **Supplemental Findings.** Before approving a parking reduction pursuant to this Subdivision, a Zoning Administrator shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the park site and that the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

(b) **Procedures**. Notwithstanding the provisions of Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, in the following cases, an application made pursuant to this Subdivision shall instead notify the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application.

(1) When property classified in a multiple-residential zone, or an area which the Zoning Administrator determines is characterized by traffic or parking congestion, is located 500 feet or less from the exterior boundary of the park site within which the auditorium or similar place of assembly is situated;

(2) When it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or

(3) When the application is likely to evoke public controversy.

(c) In all other cases, an application pursuant to this subdivision need not be set for public hearing unless the Zoning Administrator determines that a hearing would further the public interest.

(d) A copy of each application shall be promptly transmitted for review to the Councilmember of the district in which the property is located.

20. **Shared Parking**. A Zoning Administrator may, upon application, permit two or more uses to share their off-street parking spaces, if the Zoning Administrator determines that a lower total number of parking spaces than would otherwise be required will provide adequate parking for these uses.

(a) **Requirements**. The Zoning Administrator's determination shall be based on an analysis of parking demand. This analysis shall be conducted on an hourly basis, 24 hours per day, for seven consecutive days. The Zoning Administrator shall permit a reduced total parking requirement according to the greatest parking requirement of the shared uses, under the following conditions and circumstances:

(1) The maximum distance between each participating building or use and the nearest point of the shares parking facility shall be 750 feet, measured as provided in Section 12.21. A.4.(g) of this Chapter.

(2) The applicant and parties operating the shared parking facility shall submit written evidence in a form satisfactory to the Office of Zoning Administration which describes the nature of the uses, hours of operation, parking requirements, and the allocation of parking spaces, and which demonstrates that the required parking for each use will be available taking into account their hours of operation.

(3) Reserved or otherwise restricted spaces shall not be shared.

(4) Additional documents, covenants, deed restrictions, or other agreements shall be executed and recorded as may be deemed necessary by the Zoning Administrator, in order to assure the continued maintenance and operation of the shared spaces, under the terms and conditions set forth in the original shared parking arrangement.

(b) **Procedures**. Notwithstanding the provisions of Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, an application for permission pursuant to this Subdivision shall instead notify the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application.

21. **Substandard Hillside Street, Street Access or Grading for Parking in Hillsides**.

(a) **Requirements.** If an owner seeks relief, a Zoning Administrator may permit the Grading and construction of Buildings and Structures on Lots in the A1, A2 and RD Zones, which:

(1) do not meet the requirements of Section 12.21 A.17.(e)(2) of this Chapter, because they front on a Substandard Hillside Limited Street improved to a roadway width of less than 20 feet,

(2) do not meet the requirements of Section 12.21 A.17.(e)(3) of this Chapter, because they do not have vehicular access from streets improved with a minimum 20 foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area; or

(3) providing parking in compliance with Section 12.21 A.17.(h) of this Chapter requires the grading of more than 1,000 cubic yards of earth.

(b) **Supplemental Findings**. In addition to the findings otherwise required by-Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, a Zoning Administrator shall find:

(1) that the vehicular traffic associated with the building or structure will not create an adverse impact on street access or circulation in the surrounding neighborhood; and

(2) that the building or structure will not be materially detrimental or injurious to the adjacent property or improvements; and

(3) that the building or structure will not have a materially adverse safety impact on the surrounding neighborhood; and

(4) that the site and/or existing improvements make strict adherence to Section 12.21 A.17.(e) or (h) of this Chapter impractical or infeasible.

(c) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

22. **Transitional Height**.

(a) **Requirements.** A Zoning Administrator may, upon application, permit buildings and structures on lots in C and M Zones to exceed the maximum heights otherwise permitted by the provisions of Section 12.21.1 A.10. of this Chapter. In addition to the findings set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall find that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

23. To permit in the Commercial zones **uses which support motion picture and television production** and other entertainment industries and are not on, or integrated with a motion picture and television studio site. Support uses may include, but are not limited to, sound labs, film editing, film video and audio processing, sets and props production, computer design, computer graphics, animation, offices and ancillary facilities.

(a) **Findings.** In addition to the findings set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall also find that the use is conducted so that its products or services are intended to be utilized by the motion picture, television, video or radio industry or other entertainment industries.

(b) **Procedures.** Notwithstanding the provisions of Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, an application for permission pursuant to this Subdivision shall be set for public hearing, and notice shall be given to the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application, unless the applicant has secured and submits with the application the written approval of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property.

24. **Child care facilities.** A Zoning Administrator may grant an application to permit a child care facility for 21 to 50 children in the R3 and RAS3 zones.

(a) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

25. **Large Family Day Care Home.**

(a) Pursuant to Section 12.22 A.3.(b)(3) of this Chapter, a Zoning Administrator may grant an application to permit a Large Family Day Care Home within 300 feet of any existing Large Family Day Care Home. The application shall include information to show that the proposed use will meet the following standards:

(1) Drop-off and pick-up areas are provided, as are necessary to avoid interference with traffic and promote the safety of the children; and

(2) The day care home complies with all applicable State and local laws and requirements relating to child care facilities; and

(3) The use does not create an unreasonable level of disruption or interference with the peaceful enjoyment of the neighboring residents; and

(4) All play equipment and structures are located in the rear yard only; and

(5) No loudspeaker or public address system shall be installed or operated on any open portion of the premises, and any recorded music used in connection with any activity shall be significantly modulated to ensure that the use does not disturb the neighboring residents.

(b) **Procedures.** An application for permission pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. The Zoning Administrator may waive the public hearing required in that section if the applicant submits with the application the written approval of the proposed child care facility signed by the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

26. **Retaining Walls in Hillside Areas.**

(a) A Zoning Administrator may, upon application, permit retaining walls that exceed the height or maximum number allowed in Section 12.21 C.8.(a) of this Code.

(b) **Procedures.** An application pursuant to this subdivision shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code.

27. **Continuation of Nonconforming Use of Building.** A Zoning Administrator may, upon application, permit the continuation of a nonconforming commercial use of a building or structure in an A or R Zone for an additional period of time as specified beyond the discontinuance date as established pursuant either to a previous grant or to Section 12.23 B.2. of this Chapter.

Any application for a continuation of a nonconforming use of a building or structure must be filed with the Department of City Planning within 90 days following the service of an order to comply by the Department of Building and Safety upon an owner of a nonconforming use, or, in those instances where the Department is unable with reasonable effort to serve the owner, then within 90 days after the service by the Department of the order by leaving it with an occupant of the nonconforming use. If the application is not filed within 90 days, it shall not be considered pursuant to this subdivision.

Notwithstanding the provisions of Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, an application pursuant to this Subdivision shall instead notify the owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application, unless the applicant has secured approval for the continuance of the nonconforming use from the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. If approval is obtained from the surrounding property owners, the Zoning Administrator may waive the public hearing if he or she makes written findings that the nonconforming use will not have a significant adverse effect on adjoining property or on the immediate neighborhood, and that the nonconforming use is not likely to evoke public controversy.

The Department of City Planning shall process these applications for continuation in accordance with Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, except that the time limits prescribed for the making of a decision by a Zoning Administrator shall not apply. Appeals from a Zoning Administrator's decision approving or disapproving the continuation of a nonconforming use of a building or structure may be taken to the Area Planning Commission pursuant to Sec. 13B.2.1.G. (Class 1 Conditional Use Permit; Appeals) of Chapter 1A of this Code. No further appeal shall be permitted.

No fee shall be required for the initial application for a continuation. A fee shall be required for the second and subsequent requests for continuation pursuant to Section 19.01. F. of this Chapter.

28. **Single-Family Zones in Hillside Area.** A Zoning Administrator may, upon application, grant the deviations outlined in Paragraph (a) of this Subdivision ~~28~~. on Lots in the R1, RS, RE, and RA Zones which are located in a Hillside Area as defined in Section 12.03 of this Code.

(a) **Zoning Administrator Authority.** If an owner seeks relief, a Zoning Administrator has the authority to grant the following deviations:

(1) **Setback Requirements.** A reduction of the Front and Side Yard setback requirements outlined in Section 12.21. C.10.(a) of this Chapter for Lots fronting on a Substandard Hillside Limited Street; however, in no event shall the Side Yard be less than 4 feet.

(2) **Additions to Structures Existing Prior to August 1, 2010.** Any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which permits have been previously obtained which exceed the requirements of Section 12.21. C.10.(b) of this Chapter, provided:

(i) the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and

(ii) the resulting Building does not exceed the height of the original Building or the height permitted in Section 12.21. C.10.(d) of this Chapter, whichever is greater; and

(iii) at least two off-street covered parking spaces are provided.

(3) **Height.** Exceed the maximum envelope height requirements required by Section 12.21. C.10.(d) of this Chapter; however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet. The overall height shall be measured from the lowest Elevation point, within 5 horizontal feet of the exterior walls of a Building or Structure, to the highest elevation point of the roof Structure or parapet wall.

(4) **Lot Coverage.** Increase the maximum Lot coverage limitations as outlined in Section 12.21. C.10.(e) of this Chapter, up to a maximum of 50% of the Lot area.

(5) **Grading.**

(i) Grading in excess of the maximum "by-right" Grading quantities listed in Section 12.21. C.10.(f)(1) of this Chapter, but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.

(ii) For a property which fronts onto a Standard Hillside Limited Street of Larger, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import or export greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to Section 12.21. C.10.(f)(2) of this Chapter.

For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to Section 12.21. C.10.(f)(2) of this Chapter.

(6) **Off-Street Parking.** Reduce the number of off-Street parking spaces required by Section 12.21. C.10.(g)(2) of this Chapter.

(7) **Street Access.** The construction of Buildings and Structures on Lots in the R1, RS, RE, and RA Zones which:

(i) **Adjacent Minimum Roadway Width.** Do not meet the requirements of Section 12.21. C.10.(i)(2) of this Chapter because they front on a Substandard Hillside Limited Street improved to a roadway width of less than 20 feet.

(ii) **Minimum Roadway Width (Continuous Paved Roadway).** Do not meet the requirements of Section 12.21. C.10.(i)(3) of this Chapter because they do not have vehicular access from streets improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area.

(b) **Supplemental Findings.** In addition to the findings otherwise required by Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall find that approval of any use in this Subsection is in conformity with the public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan, and that the approval is consistent with the following applicable findings:

(1) **Setback Requirements.** That the reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.

(2) **Additions to Structures Existing Prior to August 1, 2010.** That the increase in Residential Floor Area will result in a Building or Structure which is compatible in scale with existing Structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

(3) **Height.** That the increase in height will result in a Building or Structure which is compatible in scale with existing Structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

(4) **Lot Coverage.** That the increase in Lot coverage will result in a development which is compatible in size and scale with other improvements in the immediate neighborhood; and that the increase will not result in a loss of privacy or access to light enjoyed by adjacent properties.

(5) **Grading.**

(i) That Grading in excess of the absolute maximum Grading quantities listed in Section 12.21. C.10.(f)(1) of this Chapter is done in accordance with the Department of City Planning - Planning Guidelines Landform Grading Manual (adopted by the City Council on June 1983), and is used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.

(ii) That the increase in the maximum quantity of earth import or export will not lead to the significant alteration of the existing natural terrain, that the hauling of earth is being done in a manner that does not significantly affect the existing conditions of the Street improvements and traffic of the Streets along the haul route, and that potentially significant impacts to the public health, safety, and welfare of the surrounding community are being mitigated to the fullest extent feasible.

(6) **Off-Street Parking.** That the reduction of the parking requirements will not create an adverse impact on Street access or circulation in the surrounding neighborhood; and that the reduction will not be materially detrimental or injurious to the property or improvements in the vicinity in which the Lot is located.

(7) **Street Access.**

(i) That the vehicular traffic associated with the Building or Structure will not create an adverse impact on Street access or circulation in the surrounding neighborhood; and

(ii) That the Building or Structure will not be materially detrimental or injurious to the adjacent property or improvements; and

(iii) That the Building or Structure will not have a materially adverse safety impact on the surrounding neighborhood.

(iv) That the site and/or existing improvements make strict adherence to Section 12.21. C.10.(i) of this Chapter impractical or infeasible.

(c) **Procedures.** An application pursuant to this Subdivision 28. shall follow the procedures set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. Except that public hearings for fences, walls, and retaining walls within required yards may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the Street or alley from, or having a common corner with the subject property.

Import/Export (Haul Route) Review. Upon filing an application pursuant to this Subdivision. for the import or export of earth materials pursuant to the authority granted in Subparagraph (5) of Paragraph (a) of this Subdivision, the Zoning Administrator shall request that the General Manager of the Department of Transportation investigate the circumstances of the proposed import or export of earth materials and the effect thereof upon the public health, safety, and welfare. The Zoning Administrator shall request the City Engineer to determine the effect of any import or export on the structural integrity of the public Streets and to determine the effect on public safety relative to Street alignment, width, and Grade.

In taking action on such Class 1 Conditional Use Permit, the Zoning Administrator shall impose conditions of approval to mitigate any detrimental effects of the hauling operations necessary to import or export earth, including but not limited to: limiting truck weight, length and/or speed; and other conditions of approval as may be necessary to ensure repair of damages to public Streets along the hauling route that may reasonably be expected to be caused by hauling operations. Such additional conditions may include a condition that the developer shall file a bond for the benefit of the City. Any such bond shall be in a form approved by the City Attorney, executed by the developer and a corporate surety authorized to do business in the State in an amount sufficient to cover the repair of any damage to the public Streets reasonably expected to be caused by the hauling operations. The conditions of the bond shall guarantee to indemnify the City for all costs and expense in repairing the damaged Streets or other public facilities. In lieu of a surety bond, the developer may file a cash bond with the

Department upon the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit submitted may be in the form of cash or negotiable United States securities. The term of such effect until the completion of the hauling operations and subsequent inspection of the affected public Streets by the Department of Public Works.

29. **Historical Vehicle Collection.** A Zoning Administrator may allow the maintenance of a Historic Vehicle Collection as an accessory use. In addition to the findings set forth in Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall find:

(a) that 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;

(b) the Historic Vehicle Collection occupies less than 50 percent of the area of the lot for lots comprising 10,000 square feet or less, or 70 percent of the area of the lot for lots comprising more than 10,000 square feet.

(c) the Historic Vehicle Collection is fully screened from ordinary public view by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means;

(d) no portion of the Historic Vehicle Collection is located within five feet of any building or within any side yards required by this Code; and

(e) 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 Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code and subject to the same fees as in Section 19.01 E. of this Chapter for relief from fence height limitation.

30. **Reduced Parking in a Modified Parking Requirement (MPR) District.** A Zoning Administrator may, upon application, reduce the number of off-street parking spaces required by Section 12.21. A.4. of this Chapter, provided that the project is located within a Modified Parking Requirement (MPR) District established through the application of Section 13.15. of this Chapter, and provided further that the MPR District authorizes the Zoning Administrator to reduce the number of off-street parking spaces.

Y. Special Permission for Reduction of Off-Street Parking Spaces by the Director. A reduction in the number of off-street parking spaces required by Section 12.21. A.4. of this Chapter may be permitted by the Director as the initial decision-maker or by the Area Planning Commission as the appellate body. The

procedures for decisions on these uses shall be the same as those for Variances as provided in Sec. 13B.5.3. (Variance) of Chapter 1A of this Code in addition to those set out below, except that the initial decision-maker shall be the Director, there is only one level of appeal and the findings necessary to grant the reduction shall be that the action is in conformity with the public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan.

If the Director finds that a commercial or industrial building is located on a lot not more than 1,500 feet distant from the portal of a fixed rail transit station, or bus station, or other similar transit facility, then the required number of parking spaces for that commercial or industrial building shall be decreased by ten percent of the number otherwise required by Section 12.21. A.4.(c) of this Chapter. If the Director makes this finding, then no more than 90 percent of the parking spaces required by Section 12.21. A.4.(c) of this Chapter are required to be provided on the lot. The 1,500-foot distance shall be measured as specified in Section 12.21 A.4.(g) of this Chapter. A portal shall be defined as the street-level entrance, exit or escalator of a transit station.

A station may be used as the basis of a reduction if the Director decides that it is currently in use; that a full funding contract for a proposed station's location and portals have been signed by all funding partners; or that a resolution to fund a preferred alignment has been adopted by the Los Angeles County Transportation Commission by a resolution detailing specific stations and portal locations. Before approving a parking reduction application filed pursuant to this subdivision, a Director shall find that the surrounding area will not be adversely affected by overflow parking or traffic congestion originating or terminating at the lot, and that the reduction will not otherwise be materially detrimental to the public welfare or injurious to the properties or improvements in the surrounding area.

In the following cases, an application pursuant to this subsection shall be set for public hearing and notice shall be given pursuant to Sec. 13B.5.3. (Variance) of Chapter 1A of this Code:

(i) when it can reasonably be anticipated that approval of the application could have a significant adverse effect on adjoining properties or on the immediate neighborhood; or

(ii) when the application is likely to evoke public controversy. In all other cases an application pursuant to this subdivision need not be set for public hearing, unless the Director determines that a hearing would further the public interest.

A copy of each application shall be promptly submitted to the Councilmember of the district in which the property is located.

Z. Revocation. See Sec. 13B.6.1. (Evaluation of Non-Compliance) of Chapter 1A of this Code.

AA. Additional Revocation Authority. See Sec. 13A.1.6.D.5. (Director of Planning; Specific Authority) of Chapter 1A of this Code.

Sec. 56. Subdivision 8 of Subsection B of Section 12.24.1. of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

8. A use permitted by an ordinance establishing a Supplemental Use District pursuant to Sec. 13B.1.3. (Zoning Code Amendment) of Chapter 1A of this Code;

Sec. 57. Subsection E of Section 12.24.1. of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

E. Procedure and Appeal. (Amended by Ord. No. 173,268, Eff. 7/1/00, Oper. 7/1/00.) The procedures for approval and appeal of any land use determination pursuant to this section shall be by the City Planning Commission as the initial decision-maker or the Council as the appellate body. The procedures for reviewing deciding on applications shall be those in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code. A land use determination made pursuant to this section shall be deemed a conditional use for and subject to the provisions of Sec. 13B.2.3. (Class 3 Conditional Use Permit) and 13B.6.1. (Evaluation of Non-Compliance) of Chapter 1A of this Code.

Sec. 58. Subsection G of Section 12.24.1. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be deleted.

Sec. 59. Section 12.25. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.25. TIME LIMITATIONS.

Utilization of Approvals.

1. See Sec. 13A.2.7. (Scope of Decision) of Chapter 1A of this Code.

2. **Approvals with Effective Dates Between July 15, 2005 and December 31, 2010.** The expiration period of any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers (as well as any approval by a Deputy Advisory Agency acting in the capacity as a Zoning Administrator or as the Director of Planning's designee), pursuant to the provisions of Chapter 1 (General Provisions and Zoning) or any ordinance adopted pursuant to Chapter 1 (General Provisions and Zoning), shall automatically be increased by 60 months

if the effective date of approval was July 15, 2005, through December 31, 2007; by 48 months if the effective date of approval was January 1, 2008, through December 31, 2008; and 24 months if the effective date of approval was January 1, 2009, through December 31, 2010, provided that the Director makes a written finding that the prior discretionary approval and the required environmental review considered significant aspects of the approved project and that the existing environmental documentation under the California Environmental Quality Act is adequate for the issuance of the extension. This one-time extension of time supersedes any previous extensions of time granted pursuant to Ordinances Nos. 180,647 and/or 181,269.

Sec. 60. Section 12.26. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.26. DEPARTMENT OF BUILDING AND SAFETY.

A. See Sec. 13A.1.8. (Department of Building and Safety) and Sec. 13B.10.1. (General Provisions) of Chapter 1A of this Code.

B. Parking Facility Modifications. The Superintendent of Building may grant slight modifications in the requirements of Section 12.21 A.5. of this Code if it is impractical to apply the design criteria set forth therein due to the unusual topography, peculiar shape of location of the lot, or where parking angles are less than 40 degrees. He may also grant slight modifications in such requirements where such modifications will improve the design or functioning of the parking area or garage, or where attendant parking is assured to his satisfaction.

The power to grant such modifications shall be exercised in accordance with the procedure established in Section 98.0403 of this Code.

C. Certificate Of Occupancy. No vacant land shall be occupied or used, except for agricultural uses, and no building erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Superintendent of Building.

1. **Certificate of Occupancy for a Building.**

(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. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Superintendent of Building for a period not to exceed six months,

during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(b) Whenever the automobile parking spaces which are required for a building by the provisions of this Article, are provided on a lot other than the one on which the building is located, the certificate of occupancy for said building shall be valid only while such parking spaces are being so maintained and shall bear a notation to that effect. Said certificate shall be kept posted in a conspicuous place in the building. The Superintendent of Building shall keep a record of each lot on which required automobile parking spaces are provided for a building located on another lot, and whenever he finds that such automobile parking spaces are no longer so maintained, he shall notify the persons having custody of the building of that fact. If at any time such automobile parking spaces are not being maintained, the certificate of occupancy shall automatically be cancelled and said building shall not thereafter be occupied or used until the required automobile parking spaces are again provided and a new certificate is issued.

(c) Whenever a lot abutting a public alley in the "C" Zone is developed and used solely for dwelling or apartment house purposes with no more than 20 dwelling units on the lot and no loading space is provided, the certificate of occupancy for any building thereon shall be valid only while all the buildings on said lot are maintained for said use and the certificate shall bear a notation to that effect. If at any time any of the buildings on said lot are structurally altered or enlarged, or the use thereof is changed to a hospital, hotel, institution, commercial or industrial purposes, or a dwelling or apartment house so as to exceed 20 dwelling units on the lot, the certificate shall automatically be cancelled and none of the buildings on said lot shall thereafter be occupied or used until the required loading space is provided and a new certificate is issued.

(d) Wherever authority is granted to permit the sale of a lot in a residential planned development contingent upon the possession of an interest in common areas and facilities which are appurtenant to said lot, The Certificate of Occupancy for buildings on said lot shall be valid only while said interest is held by the owner. Said interest may be through shares of stock or voting membership in an owners association.

2. **Certificate of Occupancy for Land** — A certificate of occupancy for the use of vacant land or a change in the character of the use of land,

including the construction of tennis or paddle tennis courts, as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of tilling the soil and the growing therein of farm, garden or orchard products; and a certificate of occupancy shall be issued after the application has been made, provided such use is in conformity with the provisions of the Municipal Code.

3. **Certificate of Occupancy - Contents - Filing Fee.** The Certificate of Occupancy shall state that the building or proposed use of a building or land conforms to the provisions of this chapter. A record of all certificates shall be kept on file in the office of the Superintendent of Building, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. A fee shall be charged for each original certificate of occupancy pursuant to Subdivision 10. of Subsection (b) of Section 91.0304 of the Los Angeles Municipal Code.

No excavation for any building shall be started before application has been made for a certificate of occupancy.

4. **Plats** – All applications for a certificate of occupancy shall be made on a printed form to be furnished by the Superintendent of Building, and shall contain accurate information and dimensions as to the size and location of the lot, the size and location of the buildings or structures on the lot, the dimensions of all yards and open spaces, and such other information as may be necessary to provide for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the Superintendent of Building may require the applicant to furnish a survey of the lot prepared by a licensed surveyor. The applications and plats shall be kept in the office of the Superintendent of Building, and the duplicate copy shall be kept at the building at all times during construction.

5. **Recorded Agreements**. Whenever the off-street automobile parking spaces required by this section are provided on a different lot from that on which the use they are to serve is located, as a prerequisite to the issuance of the required building permit or certificate of occupancy, the owner or owners of said lot on which parking is to be provided shall record an agreement in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that such owner or owners shall continue to maintain said parking spaces so long as the building or use they are intended to serve is maintained.

Whenever the total floor area permitted on a lot is to be included in a building which will not cover the entire buildable area of the lot, as a prerequisite to the issuance of the required building permit, the owner or owners of record of said lot shall record in the office of the County Recorder of Los Angeles County, California, a covenant running with the land for the benefit of the City of Los

Angeles providing that so long as said building is maintained on said lot said owner or owners will not erect any additional buildings on the unoccupied buildable area of the lot.

D. Auto Dismantling Yards, Junk Yards, Scrap Metal or Recycling Materials Processing Yards, Recycling Collection and/or Buyback Centers, Recycling Materials Sorting Facilities and Cargo Container Storage Yards. See Sec. 13B.10.3. (Annual Inspection Monitoring of Auto Dismantling Yards, Junk Yards, Scrap Metal or Recycling Materials Processing Yards, Recycling Collection and/or Buyback Centers, Recycling Materials Sorting Facilities and Cargo Container Storage Yards) of Chapter 1A of this Code.

E. Building Permits – No tennis or paddle tennis court accessory to a primary residential use on the same lot in the A or R Zones shall be constructed until application for a building permit therefor has been filed with and issued by the Department of Building and Safety.

F. Automotive Repair Garage and Used Vehicle Sales Areas. See Sec. 13B.10.4. (Annual Inspection Monitoring of Automotive Repair Garage and Used Vehicle Sales Areas) of Chapter 1A of this Code.

Minimum Standards.

(a) All automotive repair garages shall comply with the following minimum standards:

(1) All body and fender repairing when conducted within 300 feet of an A or R Zone shall be done within a completely enclosed building or room. The doors of such building or room may be open during the following hours:

(i) From 7 a.m. until 8 p.m. on Mondays through Fridays;

(ii) From 9 a.m. until 8 p.m. on Saturdays; and

(iii) From 11 a.m. until 8 p.m. on Sundays.

At all other times, the doors of such building or room shall be closed, except at intervals necessary for ingress and egress.

(2) All body and fender repairing when conducted within 150 feet of an A or R Zone shall be done within a completely enclosed building or room with stationary windows. The doors of such building or room may be opened only at intervals necessary for ingress and egress, except that garage bay doors may be open

during the hours of operation set forth in Paragraph (1) of this subdivision, provided:

(i) A minimum 10-foot-high solid masonry fence or a minimum 10-foot-high intervening commercial or industrial building enclosed on at least three sides is maintained at the property line adjacent to the A or R Zone, or;

(ii) Doors facing a public street shall be closer to the property line adjacent to the public street than the required yard setback of any adjacent A or R Zone.

(3) All automotive spray painting shall be done in full compliance with the provisions of Article 7 of Chapter 5 of the Code regulating these installations; provided further, that no spray painting may be done except in an approved spray booth or room approved for this use that is located within a wholly enclosed building. In the M2 or M3 Zone a spray booth approved for use outside of a building may be utilized if allowed by all other jurisdictions having authority over spray painting.

(4) Except for allowable outside uses when conducted in the M2 or M3 Zones, all other operations shall be conducted within a building enclosed on at least three sides, except for the following, which may be conducted within the first 18 feet in depth measured perpendicular to the entire length of the building wall containing a garage bay door; said area shall not displace any required parking:

(i) electrical diagnostics;

(ii) battery charging and changing;

(iii) tire removal and replacement, provided the vehicle is not elevated more than 12-inches off the ground measured to the bottom of the tire. A portable hoist only, may be used for this purpose.

(5) If the building is located within 50 feet of a lot in an A or R Zone with no intervening street, the wall of the building nearest such Zone shall have no openings other than doors or stationary windows. Such doors shall be permitted only if the building is adjacent to an alley and may be opened only at intervals necessary for ingress or egress.

(6) Automotive hoists, of any type or size, except as provided in Paragraph (4)(iii) above or allowed and operated in an

M2 or M3 Zone, shall be located or operated only inside a fully enclosed building.

(b) All Used Vehicle Sales Areas shall comply with the following:

(1) All used vehicle sales areas established after January 1, 2005, shall provide supplemental customer parking, on site, of at least one space for every 2,000 square feet of vehicle sales area. This parking is in addition to all other parking required for the lot and shall be conspicuously posted and used for customer parking only. There shall be a minimum of two customer parking spaces provided for any used vehicle sales area.

(2) All repair work done on site must comply with the provisions of this subsection whether or not the repairs are done on customer or dealer owned vehicles.

(3) All other provisions of the Code which apply to used vehicle sales must be complied with at all times.

(4) **Exception:** Display of not more than three vehicles for purposes of sale or trade, at any one time, which is accessory to an approved use on the same lot and not occupying any required parking spaces, does not require a separate certificate of occupancy, additional parking, or annual inspection.

(c) Nothing in this section shall relieve any person from complying with any applicable requirements contained in Sections 12.14, 80.73.1, 80.73.2 or any other provision of the Code.

G. Transportation Demand Management and Trip Reduction Measures.

1. **DEFINITIONS.** For the purpose of this section, certain words and terms are defined as follows:

Carpool. A vehicle carrying two to five persons to and from work on a regular schedule.

Development. The construction of new non-residential floor area.

Gross Floor Area. That area in square feet confined within the outside surface of the exterior walls of a building, as calculated by adding the total square footage of each of the floors in the building, except for that square footage devoted to vehicle parking and necessary interior driveways and ramps.

Preferential Parking. Parking spaces, designated or assigned through use of a sign or painted space markings for Carpools or Vanpools, that are provided in a location more convenient to the entrance for the place of employment than parking spaces provided for single-occupant vehicles.

Transportation Demand Management (TDM). The alteration of travel behavior through programs of incentives, services, and policies, including encouraging the use of alternatives to single-occupant vehicles such as public transit, cycling, walking, carpooling/vanpooling and changes in work schedule that move trips out of the peak period or eliminate them altogether (as in the case in telecommuting or compressed work weeks).

Trip Reduction. Reduction in the number of work-related trips made by single-occupant vehicles.

Vanpool. A vehicle carrying six or more persons to and from work on a regular schedule, and on a prepaid basis.

Vehicle. Any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles.

2. **APPLICABILITY.** This subdivision applies only to the construction of new non-residential gross floor area. Prior to the issuance of a building permit, the owner/applicant shall agree, by way of a covenant that runs with the land, to provide and maintain in a state of good repair the following applicable transportation demand management and trip reduction measures.

3. **REQUIREMENTS:**

(a) **Development in excess of 25,000 square feet of gross floor area.** The owner shall provide a bulletin board, display case, or kiosk (displaying transportation information) where the greatest number of employees are likely to see it. The transportation information displayed should include, but is not limited to, the following:

(1) Current routes and schedules for public transit serving the site;

(2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operations;

(3) Ridesharing promotion material supplied by commuter-oriented organizations;

(4) Regional/local bicycle route and facility information;

(5) A listing of on-site services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders.

(b) **Development in excess of 50,000 square feet of gross floor area.** The owner shall comply with Paragraph (a) above and in addition shall provide:

(1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;

(2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;

(3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;

(4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;

(5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;

(6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

(7) Bicycle parking shall be provided in conformance with Section 12.21 A16 of this Code.

(c) **Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

(1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;

(2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

4. **EXCEPTIONS.** The provisions of this subsection shall not apply to developments for which an application has been deemed complete by the City pursuant to Government Code Section 65943, or for which a Notice of Preparation for a Draft Environmental Impact Report has been circulated or for which plans sufficient for a complete plan check were accepted by the Department of Building and Safety, on or before the effective date of this ordinance.

5. **MONITORING.** The Department of Transportation shall be responsible for monitoring the owner/applicant's continual implementation and maintenance of the project trip reduction features required by this ordinance.

6. **ENFORCEMENT.** Applicants shall execute and record a Covenant and Agreement that the trip reduction features required by this ordinance will be maintained, that required material specified in Subdivision 3 (a) (1)-(5) will be continually posted, and that additional carpool/vanpool spaces within the designated preferential area will be signed and striped for the use of ridesharing employees based on demand for such spaces. The Covenant and Agreement shall be acceptable to the Department of Transportation.

7. **HARDSHIP EXEMPTION.** In cases of extreme hardship, duly established to its satisfaction, the City Council, acting in its legislative capacity, and by resolution, may grant an exemption from any/or all the provisions of this

ordinance. In granting such an exemption, the City Council shall make the following findings:

(a) Specific features of the development make it infeasible to satisfy all of the provisions of this subsection; and

(b) The applicant has committed to provide equivalent alternative measures to reduce vehicle trips.

H. Appeals from Building Department Determinations. See Sec. 13B.10.2. (Appeals from LADBS Determinations) of Chapter 1A of this Code.

Sec. 61. Section 12.27. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.27. VARIANCES.

See Sec. 13B.5.3. (Variance) of Chapter 1A of this Code.

Sec. 62. Section 12.27.1. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.27.1. ADMINISTRATIVE NUISANCE ABATEMENT PROCEEDINGS.

See Sec. 13B.6.2. (Nuisance Abatement/Revocation) of Chapter 1A of this Code.

Sec. 63. Section 12.28. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.28. ADJUSTMENTS AND SLIGHT MODIFICATIONS.

A. Adjustments. The Director shall have the authority to grant adjustments in the Yard, area, Building line and height requirements of Chapter 1 of this Code, pursuant to Sec. 13B.5.2. (Adjustment) of Chapter 1A of this Code. An adjustment shall not be permitted for relief from a density (Lot area per unit) or height requirement, excluding fences and hedges, if the request represents an increase of 20 percent or more than what is otherwise permitted by this Code. A request for an increase of 20 percent or more shall be made as an application for a variance pursuant to Sec. 13B.5.3. (Variance) of Chapter 1A of this Code, except as may be permitted by other provisions of Chapter 1 of this Code.

The Director shall also have the authority to grant adjustments in Residential Floor Area of no more than a ten percent increase beyond what is otherwise permitted by Chapter 1 of this Code. A request for an increase in Residential Floor Area greater than ten percent shall be made as an application for a variance pursuant to

Sec.13B.5.3. (Variance) of Chapter 1A of this Code, except as may be permitted by other provisions of Chapter 1 of this Code.

B. The Director shall have the authority to grant slight modifications in the yard and area requirements of Chapter 1 of this Code where circumstances make the literal application of the yard and area requirements impractical. Slight Modifications from the yard and area requirements shall be limited to:

1. deviations permitting portions of buildings to extend into a required yard or other open space a distance of no more than 20 percent of the width or depth of the required yard or open space only when the request is filed incidental to another application or appeal within the jurisdiction of the Director; and

2. deviations of no more than ten percent from the required lot area regulations. In those cases, the procedures for notice, hearing, time limits and appeals shall be the same as those applicable to the underlying application or appeal. In granting a slight modification, the Director may impose conditions related to the interests addressed in the findings set forth in Subdivision 4. of Subsection C. below.

C. Procedures for Adjustments. See Sec. 13B.5.2. (Adjustment) of Chapter 1A of this Code.

D. Public Hearing and Notice.

1. Notwithstanding the provisions of Sec. 13B.5.2 (Adjustment) of Chapter 1A of this Code, an application for an adjustment to permit a game court, including a tennis or paddle tennis court, accessory to a primary residential use on the same lot, or to permit the erection of light standards in conjunction with that use shall be set for public hearing and notice shall be given in the same manner required for adjustments unless the applicant has secured the approval of the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

2. For R1, RS, RE and RA Zoned properties the Zoning Administrator must conduct a public hearing for any Adjustment requests.

Sec. 64. Section 12.29. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 12.29. VIOLATION OF CONDITIONS – PENALTY.

See Sec. 13A.2.7. (Scope of Decision) of Chapter 1A of this Code.

Sec. 65. Subsection H of Section 12.30. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

H. Director Decision. Whenever the public necessity, convenience, general welfare or good zoning practice justify the action, the Director may approve, conditionally approve or deny any zone boundary adjustment pursuant to Sec. 13B.5.2. (Adjustment) of Chapter 1A of this Code. The Director may impose any conditions he or she deems appropriate to mitigate the negative impacts created by the development made possible by a zone boundary adjustment. One of the conditions may require that the abutting streets, alleys or highways be dedicated and improved in conformance with the standards for improvement of streets, alleys and highways, if the Director determines that traffic on the abutting streets, alleys or highways will be increased or impeded as a result of the zone boundary adjustment. However, an offer to dedicate and/or filing of a bond in conformance with the procedures set forth in Section 12.37. C. and D. of this Chapter shall be construed as compliance with these requirements. The zoning map in the City Planning Department shall be made to conform with the Director's decision after the conditions imposed, if any, by the Director have been fulfilled.

Sec. 66. Subdivision 2 of Subsection K of Section 12.30. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be deleted.

Sec. 67. Subsections A through F of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

A. See Sec. 13B.1.2. (Specific Plan Adoption/Amendment), Sec. 13B.1.3. (Zoning Code Amendment) and Sec. 13B.1.4.B. (Zone Change) of Chapter 1A.

B. (This subsection intentionally left blank.)

C. (This subsection intentionally left blank.)

D. (This subsection intentionally left blank.)

E. Amendment to the Zoning Regulations. See Sec. 13B.1.3. (Zoning Code Amendment) of Chapter 1A of this Code.

F. Zone Changes and Height District Changes. See Sec. 13B.1.4 (Zone Change) of Chapter 1A of this Code.

Sec. 68. Paragraph (a) of Subdivision 1 of Subsection G of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

> (a) **Purpose.** In the consideration of a proposed change of zone pursuant to Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code, it may be determined that public necessity, convenience and general welfare require that provision be made for the orderly

arrangement of the property concerned into lots and/or that provision be made for adequate streets, drainage facilities, grading, sewers, utilities, park and recreational facilities; and/or that provision be made for payments of fees in lieu of dedications and/or that provision be made for other dedications; and/or that provision be made for improvements; all in order that the property concerned and the area within which it is located may be properly developed in accordance with the different and additional uses to be permitted within the zone to which the property is proposed for change.

Sec. 69. The first paragraph of Paragraph (a) of Subdivision 2 of Subsection G of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(a) **Purpose**. Except where property is being changed to the RA, RE, RS or R1 Zone, provision may be made in a zoning ordinance pursuant to Sect.13B.1.4. (Zone Change) of Chapter 1A of this Code, that the property not be utilized for all the uses ordinarily permitted in a particular zone classification and/or that the development of the site shall conform to certain specified standards, if the limitations are deemed necessary to:

Sec. 70. Paragraph (a) of Subdivision 4 of Subsection G of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(a) **Purpose**. Notwithstanding any provisions of Section 12.21.1 of this Code to the contrary, provisions may be made in an ordinance establishing or changing any Height District pursuant to Sec. 13B.1.4 (Zone Change) of Chapter 1A of this Code that a building or structure may be built to a specific maximum height or floor area ratio less than that ordinarily permitted in the particular Height District classification; or that buildings may cover only a fixed percentage of the area of the lot; or that buildings be set back in addition to setbacks otherwise required by this Code. These limitations shall be known as D Development limitations.

Sec. 71. Subdivision 1 of Subsection H of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

1. **Application**. A request for an amendment of Council's instructions involving the T Classification or a clarification of a Q Classification or D Limitation set forth in an ordinance pursuant to Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code may be filed by one or more of the owners or lessees of the subject property with the Department on a form accompanied by information required by the Department and by a fee as provided in Section 19.01.

Sec. 72. Subsection I of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

I. (This subsection intentionally left blank.)

Sec. 73. Subdivision 1 of Subsection J of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

1. **Purpose**. In consideration of a proposed change of zone pursuant to Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code, the Council may determine that public necessity, convenience or general welfare indicate rezoning for an area is desirable, but that street lighting and fire hydrants in the area are so lacking or inadequate that provision for these facilities shall be made prior to the more intensive use of the area contemplated by the zone change.

Sec. 74. Subdivisions 1 and 2 of Subsection O of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

1. **Procedure**. Whenever the public necessity, convenience or general welfare justify the action, the Council by ordinance may create or change the boundaries of an H Hillside Area. The fees to be paid and the procedure to be followed shall be the same as prescribed in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code for a change of zone. However, where the establishment or change of an H Hillside Area is initiated by the Council or the Commission and consists of a parcel or parcels of land totaling in excess of 20 acres, publication in a newspaper of general circulation, designated by the City Clerk for official advertising in the area involved, not less than 24 days prior to the date of the public hearing, giving notice of the time, place and purpose of the hearing shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.

2. **Exception**. Where the Commission initiates a change of zone from the R1-H to the RE15-H zone on property generally described in Subdivision 3 of this Subsection, publication in a newspaper of general circulation, designated by the City Clerk for official advertising in the area involved, at least 24 days prior to the date of the public hearing, giving notice of the time, place and purpose of the hearing shall be sufficient notice, and the mailing of individual notices shall not be required.

Sec. 75. Subsections P and Q of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

P. (This subsection intentionally left blank.)

Q. (This subsection intentionally left blank.)

Sec. 76. Subdivision 2 of Subsection R of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

2. **Procedures for Establishment, Change or Removal of Building Lines**. Except for the provisions below, the procedures set forth in Sec. 13B.1.4 (Zone Change) of Chapter 1A of this Code shall be used for the establishment, change or removal of building lines.

(a) **Initial Decision-Maker**. Area Planning Commissions shall have the authority to make recommendations on building line ordinances.

(b) **Notice**. Notwithstanding the notice requirements of Sec. 13B.1.4 (Zone Change) of Chapter 1A of this Code, the following notice shall be required for actions on building lines:

(1) **By Mailing Notices**: A written notice shall be mailed at least 24 days prior to the date of the hearing to the applicant, to the owner or owners of the property involved and to the owners of properties abutting that portion of the street on which the building line is to be established, changed or removed. The written notice shall be mailed to the last known name and address of the owners as shown upon the records of the City Engineer or the records of the County Assessor; or

(2) **By Posting Notices on the Street Affected**: The Board of Public Works shall be notified whenever a public hearing on a building line proceeding is set. The Board shall cause copies of the notice of the public hearings to be posted within 20 days after receiving the notification and at least 24 days prior to the date set for public hearing. The Board shall post at least three notices, not more than 300 feet apart, in front of each block or part of a block along the street involved in the building line proceeding.

(c) **Public Hearing for Certain Building Line Actions**. Notwithstanding the provisions of Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code, no separate public hearings will be required for the establishment, change or removal of a building line when it is incidental to subdivisions or zone changes as specified in Paragraphs (e) and (f) of this Subdivision.

(d) **Action on Building Line Change**. The procedures in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code shall be used for establishment or change to a building line.

(e) **Building Line Incident to Subdivision**. In connection with the consideration of a tentative subdivision map by the Advisory Agency, he or she may recommend to the Area Planning Commission or the City

Planning Commission, whichever is considering the matter, the establishment, change or removal of a building line on streets within the subdivision, if he or she finds it is necessary for the proper development and use of the lots or to achieve any purpose set forth in Subdivision 1 of this Subsection. The recommendation shall be in the form of a written report. Upon the receipt of the report, the Commission shall advise the subdivider that the proposed building line matter will be considered at a regular Commission meeting. The meeting shall constitute the required public hearing and no further notice need be given. If the Commission approves the establishment, change or removal of a building line, an ordinance in conformity with that recommendation shall be presented to the Council for adoption concurrently with its action on the final subdivision tract map.

(f) **Building Line Incident to Zone Change. (Amended by Ord. No. 173,754, Eff. 3/5/01.)** In connection with its hearing and consideration of a proposed zone change, the Area Planning Commission or the City Planning Commission may also consider the establishment, change or removal of a building line on the property involved or on adjoining property under the same ownership as the property involved in the zone change proceeding. If the Commission finds that it is necessary to establish, change, or remove a building line in order to give proper effect to the zoning proposed in the proceeding, or to achieve any purpose set forth in Subdivision 1 of this Subsection, the Commission may act upon the building line matter simultaneously with the zone change proposal. Only one notice of public hearing need be given concerning the proposed zone change and the building line proceeding and both matters may be considered at the one public hearing. If the Commission approves the establishment, change or removal of a building line, an ordinance in conformity with that recommendation shall be presented to the City Council for adoption concurrently with the ordinance involving the proposed zone change.

(g) **Notification to Building and Safety**. The Department of Building and Safety shall be notified relative to an initial City Council or Area Planning Commission approval of a building line proceeding, and whenever the proceeding is terminated by the City Council.

Sec. 77. Paragraph (e) of Subdivision 5 of Subsection R of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(e) **Enforcement**. The provisions of Div. 13B.10. (Department of Building and Safety) of Chapter 1A of this Code concerning enforcement of the zoning regulations shall also apply to the enforcement of the provisions of this article.

Sec. 78. Subdivision 3 of Subsection S of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

3. **Establishment of Districts.**

(a) **Requirements.** The procedure for initiation or an application to establish, change the boundaries of or repeal a supplemental use district shall be as set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code with the following additional requirements.

Sec. 79. Subdivision 4 of Subsection S of Section 12.32. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

4. **Administrative Review - Director Authority for Sign Off.** See Sec 13B.3.1. (Administrative Review) of Chapter 1A of this Code.

Sec. 80. Section 12.36. of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

SEC. 12.36. PROJECTS REQUIRING MULTIPLE APPROVALS. (CHARTER § 564).

See Sec. 13A.2.10. (Multiple Approvals) of Chapter 1A of this Code.

Sec. 81. Subsection D of Section 12.50. of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

D. General Provisions. Except where it is determined by a Zoning Administrator, or by the Area Planning Commission upon appeal pursuant to Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code, after consideration of any report and recommendation which might be submitted by the General Manager of the Department of Airports, that compliance with this section in a particular situation would result in practical difficulty or unnecessary hardship and that the proposed height of a structure or tree beyond that otherwise permitted by the provisions of this section will not constitute a hazard to aircraft or in any way interfere with air safety or the safety of persons and objects on the ground, no structure shall be erected, structurally altered, enlarged or maintained, and no tree shall be planted, allowed to grow or be maintained within the airport hazard areas surrounding the Van Nuys or Los Angeles International Airports which exceeds the heights as shown on the Airport Hazard Areas Map or as further provided in Subsection F for transitional surface areas. The procedure and fees for requesting and procuring a determination of an exception mentioned herein, for appealing from the determination or requesting a transfer of jurisdiction to the Area Planning Commission, and the time limitations applicable to those actions shall be the same as those provided in Sec. 13B.2.1. (Class 1 Conditional Use Permit of Chapter 1A of this Code; provided, however, that upon the filing of a request for exception with the Department of City Planning, the Department shall immediately request a report and recommendation from the General Manager of

the Department of Airports and time shall not commence to run for a Zoning Administrator to act until the report and recommendation has been received or 60 days have elapsed from the time of the request.

Sec. 82. Subsection G of Section 12.50. of Article 2 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

G. Interpretations. Where uncertainty exists in applying the provisions of this section, the Zoning Administrator, upon written request, shall determine the location of the boundary lines of the airport hazard areas or the height limits by written decision pursuant to Sec. 13B.2.1. (Class 1 Conditional Use Permit) of Chapter 1A of this Code. A copy of the decision shall be furnished to the Department of Building and Safety.

Sec. 83. Subdivision 2 of Subsection E of Section 12.70. of Article 2 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

2. A person possessing ownership or control of an adult entertainment business shall be permitted to transfer such ownership or control if such business is not within 500 feet of any religious institution, school or public park and the only other adult entertainment business or businesses within 1,000 feet of such business have been established under a variance from the requirements of this section, pursuant to the variance provisions set forth in Sec. 13B.5.3. (Variance) of Chapter 1A of this Code. This exception shall not, however, apply to an adult entertainment business which has been established under such a variance.

Sec. 84. Subsection H of Section 13.01. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

H. Drilling Site Requirements. Any person desiring to drill, deepen or maintain an oil well in an oil drilling district that has been established by ordinance, or to drill or deepen and subsequently maintain an oil well in the M3 Zone within 500 feet of a more restrictive zone shall file an application in the Department of City Planning on a form provided by the Department, requesting a determination of the conditions under which the operations may be conducted.

Where the district is in an urbanized or off-shore area, a Zoning Administrator, after investigation, may deny the application if he finds that there is available and reasonably obtainable in the same district or in an adjacent or nearby district within a reasonable distance one or more locations where drilling could be done with greater safety and security with appreciably less harm to other property, or with greater conformity to the comprehensive zoning map. A Zoning Administrator shall deny an application for a drill site in an urbanized or off-shore area unless the applicant first files with the Zoning Administrator in a form and executed in a manner approved by a Zoning Administrator

(1) either of the following continuing written offers

(a) to make the drill site available to competing operators upon reasonable terms, or

(b) to enter into or conduct joint operations for a unit or cooperative plan of development of hydrocarbon reserves upon reasonable terms, if whichever course offered is determined to be feasible by a Zoning Administrator, and is subsequently required by him or her in order to effectuate the above set forth purposes, and

(2) an agreement to abide by the determination of the Board of Public Works or its designee if any dispute arises as to the reasonableness of those terms after first having an opportunity to be heard. Where the district is in a non-urbanized area, in the Los Angeles City Oil Field Area, or in those cases where a Zoning Administrator approves an application in an urbanized or off-shore area, a Zoning Administrator shall determine and prescribe additional conditions or limitations, not in conflict with those specified in the ordinance establishing the district, which he or she deems appropriate in order to give effect to the provisions of this section and to other provisions of this chapter relating to zoning. Where the proposed operation is in the M3 Zone and is within 500 feet of a more restrictive zone, a Zoning Administrator shall prescribe conditions and limitations, if any, as he or she deems appropriate to regulate activity which may be materially detrimental to property in the more restrictive zone. All conditions previously imposed by a Zoning Administrator in accordance with the provisions of this chapter are continued in full force and effect.

A Zoning Administrator shall make his or her written determination pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

Sec. 85. Subsection E of Section 13.02. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

E. Development Plans. Prior to the erection or enlargement of any building in any animal slaughtering district and prior to the development of an animal slaughtering plant in a new district established in accordance with the provisions in this section, plans for the use shall first be submitted to and approved by the Zoning Administrator. In approving the plans, the Zoning Administrator may require changes and additional improvements in connection with the proposed development as he or she deems necessary in order to give effect to the provisions of this section and to other provisions of this chapter relating to zoning, and which are not in conflict with the conditions specified in the ordinance establishing the district. Any determination by the Zoning Administrator may be appealed to the Area Planning Commission as provided for in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

Sec. 86. Subdivision 1 of Subsection F of Section 13.03. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

1. The application for Permit shall be processed as provided in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code for conditional uses under the jurisdiction of the Commission, except that the notification radius shall be 1,500 feet from the exterior perimeter of the proposed project site. The application is further subject to the exceptions of Subdivisions 2. through 5. of this Subsection (procedures for state review).

Sec. 87. The first paragraph of Subsection G of Section 13.03. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

G. Findings. In addition to the findings set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, a Permit shall be approved if the Commission or Council finds:

Sec. 88. Subsection H of Section 13.03. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

H. Appeal.

1. The signing of statements required by Subsection G of this section shall not in any way affect rights to appeal the determination in whole or in part.

2. Appeals shall be processed as provided in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code for conditional uses under the jurisdiction of the Commission.

3. An applicant whose request for a Permit to conduct Surface Mining Operations in an area of statewide or regional significance (as determined by the State Board) has been denied, or any Person who is aggrieved by the granting of a Permit in an area of statewide or regional significance, shall have rights of appeal to the State Board as may be granted by the Act. In the case of conflicts between the determination of the Commission or Council and the determination of the State Board, the determination of the State Board shall control.

Sec. 89. Subdivision 3 of Subsection M of Section 13.03. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

3. If a Surface Mining Operation inspected by the Superintendent of Building is found to be in violation of any provision of the municipal code and/or its Permit, the Superintendent shall send a notice to comply to the Operator within two weeks of the inspection, in accordance with the provisions of Sec. 13B.10.1. (General Provisions) of Chapter 1A of this Code. The notice to comply shall clearly state the following:

(a) The violation shall be corrected by a compliance date specified in the notice, and shall be no more than 30 days from the date the notice is mailed.

(b) The compliance date as specified in the notice may be extended for no more than 45 days if the Operator presents satisfactory evidence to the Superintendent of Building that unusual difficulties prevent substantial compliance without an extension.

Sec. 90. Subdivision 1 of Subsection B of Section 13.07. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

1. **Requirements.** The procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code shall be followed except that each Pedestrian Oriented District (POD) shall include only lots which are zoned either CR, C1, C1.5, C2, C4 or C5. No District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual POD.

Sec. 91. Subsection F of Section 13.07. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

F. Director Determination. If a proposed Project fails to meet the development standards in Subsection E above, or the standards in a specific pedestrian oriented district ordinance, whichever are applicable, the applicant may apply to the Director of Planning for a Director Determination pursuant to Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code. Such application shall be filed in the public office of the Department of City Planning upon a form prescribed for that purpose. The filing fee shall be equivalent to that established for "**Approval of plan required for Supplemental Use District**", set forth in Section 19.01. A. of this Chapter. The application shall be accompanied by architectural, landscape and structural plans for the Project, or other information, to the satisfaction of the Director of Planning. All ground floor uses for the Project shall be clearly identified.

1. **Supplemental Findings.** In addition to the findings set forth in Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code, in order to approve a proposed construction project pursuant to this subsection, the Director must find that:

(a) If adjacent to a cultural resource that the project will be compatible in scale (i.e., bulk, height, setbacks) to that resource.

(b) The project conforms with the intent of the development regulations contained in Subsection E of this section.

(c) The project is compatible with the architectural character of the Pedestrian Oriented District where the character is defined pursuant to the ordinance establishing that district.

(d) The project complies with theme requirements or other special provisions when required in the individual Pedestrian Oriented District.

(e) The project is consistent with the General Plan.

2. **Notification to Department of Building and Safety.** When a determination of the Director becomes final, the Director or Director's designee shall send a written notice of the determination to the Department of Building and Safety. If the Director approves the Project, this approval shall be so indicated on the building permit application and building plans.

Sec. 92. Subsection B of Section 13.08. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

B. Establishment of District. The City Council may establish new districts, or change boundaries of districts, by following the procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code. A district may encompass all or portions of the area of a community plan, as recommended by the policies of that plan. Precise boundaries are required at the time of application or initiation of an individual Community Design Overlay District. A Community Design Overlay District shall not encompass an area designated as an Historic Preservation Overlay Zone pursuant to Sec. 13B.8.2. (Historic Preservation Overlay Zone Designation) of Chapter 1A of this Code.

Sec. 93. Subsection D of Section 13.08. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

D. Approval of Guidelines and Standards. In establishing any individual Community Design Overlay District, the Director of Planning shall prepare, and the City Planning Commission shall approve by resolution pursuant to Sec. 13B.1.5. (Policy Action) of Chapter 1A of this Code, Community Design Guidelines and Standards applicable to design overlay areas. These Guidelines and Standards shall be adopted or amended according to the following procedures and criteria:

1. **Initiation.** Preparation or amendment of the Guidelines and Standards may be initiated by the Director of Planning, the City Planning Commission or City Council.

2. **Preparation and Content**. Upon initiation, the Director shall prepare, or cause to be prepared, proposed Guidelines and Standards based on the design policies contained in the Community Plan. At the option of the Council District, the Director shall utilize Advisory Boards in the development of design standards for individual communities and neighborhoods. The Guidelines and Standards shall be organized into those which are anticipated to be superseded by future citywide standards, and those that are necessary to protect the unique architectural and environmental features of the Community Design Overlay District.

The Guidelines and Standards are in addition to those set forth in the planning and zoning provisions of Los Angeles Municipal Code (LAMC) Chapter 1, as amended, and any other relevant ordinances and do not convey any rights not otherwise granted under the provisions and procedures contained in that chapter and other relevant ordinances, except as specifically provided herein.

Furthermore, nothing in the Guidelines and Standards shall interfere with any previously granted entitlements, nor shall they restrict any right authorized in the underlying zone or height district.

At the option of the Councilmember(s), a Citizen Advisory Committee shall be appointed to assist in development of Guidelines and Standards. The Citizen Advisory Committee shall be appointed by the Councilmember in whose district the Community Design Overlay District is established, and the committee shall consist of a minimum of five and a maximum of seven voting members, each serving a term of office of four years, the terms being staggered so that at least one term becomes vacated on each successive year. The chairperson and vice chairperson shall be elected annually by a majority of the committee. The suggested composition of membership is as follows: two architects and two professionals from the following or related fields: planning, urban design and landscape architecture, or construction. The remaining member or members need not be design professionals. All members shall reside, operate a business, or be employed within the community plan area(s) in which the Community Design Overlay District is located.

3. **Procedures.** See Sec.13B.1.5. (Policy Action) of Chapter 1A

Sec. 94. Subsection E of Section 13.08. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

E. Director Determination. Within a Community Design Overlay District, no building permit shall be issued for any project, and no person shall perform any construction work on a Project, unless a Director Determination has been submitted and approved pursuant to Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code. No building permit shall be issued for any project, and no person shall do any

construction work on a project except in conformance with the approved Director Determination.

EXCEPTION: No Director Determination approval shall be required for any project until the Guidelines and Standards have been approved.

1. **Supplemental Findings.** In addition to the findings set forth in Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code, the Director of Planning, or the Area Planning Commission on appeal, shall approve a Director Determination as requested or in modified form if, based on the application and the evidence submitted, if the Director or Area Commission determines that it satisfies all of the following requirements:

(a) The project substantially complies with the adopted Community Design Overlay Guidelines and Standards.

(b) The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and in the vicinity.

2. **Notice of Director Determination.** In addition to the procedures set forth in Sec. 13B.2.5. (Director Determination) of Chapter 1A of this Code, within five working days following the decision, a Notice of the Director's Determination, and copies of the approved plans, shall be mailed to the applicant, the Councilmember in whose district the Project is located, the Citizen Advisory Committee, and any persons or organizations commenting on the application or requesting a Notice.

The Director of Planning shall also notify the Department of Building and Safety of the final approval action of the Director Determination.

Sec. 95. Subdivision 4 of Subsection B of Section 13.09. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

4. **Supplemental Findings.** In order to establish a Mixed Use District, the City Council must also find that adequate infrastructure exists (including, but not limited to, schools, streets, and sewers) to support any added development permitted by the district.

Sec. 96. Subsection B of Section 13.10. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

B. Establishment of Districts. The procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code 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. 97. Subsection B of Section 13.11. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

B. Establishment of Districts. The procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code shall be followed, however each "SN" Sign District shall include only properties in the C or M Zones, except that R5 Zone properties may be included in a "SN" Sign District provided that the R5 zoned lot is located within an area designated on an adopted community plan as a "Regional Center," "Regional Commercial," or "High Intensity Commercial," or within any redevelopment project area. No "SN" Sign District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual district.

Sec. 98. Subdivision 1 of Subsection B of Section 13.12. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

1. **Requirements.** Each application for the establishment of a "NSO" Neighborhood Stabilization Overlay District shall follow the procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code, except that each "NSO" Neighborhood Stabilization Overlay District shall include only properties in the R2, RD, R3, RAS, R4, R5, CR, C1, C1.5, C2, C4, C5 or CM zones.

Sec. 99. Subsection B of Section 13.13. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

B. Establishment of the District. The procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code shall be followed, however each "RFA" Residential Floor Area District shall include only properties in the RA, RE, RS, or R1 zones. The district shall not generally be less than 100 acres in area. The precise boundary of a district may be adjusted for urban features such as topography, freeways or streets/ highways. Boundaries shall be along street frontages and shall not split parcels. An "RFA" Residential Floor Area District may encompass an area, which is designated, in whole or in part, as a Historic Preservation Overlay Zone and/or Specific Plan. The "RFA" Residential Floor Area District shall include contiguous parcels, which may only be separated by public streets, ways or alleys or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual district.

Sec. 100. Subsection C of Section 13.14. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

C. Establishment of the District.

1. **Initiation.** The initiation of the establishment of a CPIO District or a change in boundaries of a district shall follow the procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code. In addition, each CPIO District shall have a minimum of one mapped CPIO District Subarea, as defined in Subsection D. of this section, to enable the initiation and activation of a CPIO District for an entire Community Plan Area.

2. **Zoning Classification.** At the time of establishment, the City Council may, pursuant to Sec. 13B.1.3. (Zoning Code Amendment) of Chapter 1A of this Code, adopt an ordinance to amend Section 12.04 of this Code to establish a zoning classification to indicate the Community Plan Area in which the CPIO is located and the corresponding Subarea as defined in Subsection E. of this section.

3. **Boundaries.** A CPIO District shall share the boundaries of a Community Plan and contain at least one Subarea. Precise boundaries of the Subarea are required at the time of application for or initiation of an individual District.

4. **Amendments to a CPIO.** The procedures for amending a CPIO District or its Subareas, or adopting additional Subareas within an established CPIO District, are set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code.

5 **Supplemental Findings.** In adopting a CPIO District, the City Council shall also find that the supplemental development regulations of the CPIO District are consistent with, and necessary to implement, the programs, policies, or urban design guidelines of the Community Plan for that area.

Sec. 101. Subsection F of Section 13.14. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

F. Issuance of Permits. For all Projects within a CPIO Subarea, the Department of Building and Safety shall not issue a grading, building or change of use permit unless an Administrative Review, CPIO Adjustment, or CPIO Exception has been obtained pursuant to the applicable procedures in Subsection G of this Section.

Sec. 102. Subsection G of Section 13.14. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

G. Review Procedures for Projects within a CPIO District. For all Projects within a CPIO District's Subarea(s), an applicant shall follow the applicable procedures set forth below:

1. **Administrative Review - Authority of the Director.** An applicant for a Project that complies with the provisions of an adopted CPIO District shall submit plans to the Director for an Administrative Review pursuant to Sec. 13B.3.1. (Administrative Review) of Chapter 1A of this Code. Projects which do not comply with the applicable CPIO District regulations may request relief through the procedures set forth in Subsections 2. and 3. of this section.

2. **Community Plan Implementation Overlay Adjustment - Director Authority with Appeals to the Area Planning Commission.** The Director or the Director's designee shall have initial decision-making authority to grant a CPIO Adjustment with an appeal to the Area Planning Commission in accordance with the procedures set forth in Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code.

(a) **Applicability.** Notwithstanding the provisions set forth in Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code, unless otherwise limited by a CPIO District or CPIO District Subarea, a CPIO Adjustment shall be limited to deviations of up to 20 percent from the quantitative supplemental development regulations or minor adjustments from the qualitative supplemental development regulations in an adopted CPIO Subarea.

Each adopted CPIO ordinance shall indicate those development regulations which are not eligible for an adjustment through this Section. If an application requests more than one CPIO Adjustment, the Director may advise the applicant, prior to the application being deemed complete, that the request be filed and processed as a Project Exception, pursuant to Subsection 43. of this section. To the extent that a CPIO contains sign regulations, signs shall not qualify for relief through a CPIO Adjustment. All other Projects seeking relief from any development regulation which contains prohibition language, or development regulations otherwise designated in the CPIO as not eligible for adjustments, shall be processed through the Project Exception procedures listed under Subsection 43. of this section.

(b) **Findings.** The Director's determination shall include written findings in support of the determination. Instead of the findings set forth in Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code, in order to approve a proposed project pursuant to this subsection, the Director must find that:

(i) There are special circumstances applicable to the project or project site which make the strict application of the CPIO regulation(s) impractical;

(ii) The project, as approved, is consistent with the purpose and intent of the CPIO and substantially complies with the applicable CPIO regulations;

(iii) In granting the adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties or public rights-of-way;

(iv) The project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible; and

(v) The project is compatible with the neighborhood character of the CPIO District Subarea.

3. **Exceptions from a "CPIO" - Area Planning Commission Authority with Appeals to the City Council.**

(a) **Area Planning Commission Authority.** The Area Planning Commission shall have initial decision-making authority for granting exceptions from CPIO regulations with an appeal to the City Council in accordance with the procedures set forth in Sec. 13B.4.5. (Project Exception) of Chapter 1A of this Code.

In granting an exception from CPIO regulations, the Area Planning Commission shall impose conditions to remedy any resulting disparity of privilege, to protect the public health, safety, welfare, and to assure compliance with the objectives of the General Plan and the purpose and intent of the CPIO District. An exception from a CPIO regulation shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.

(b) **Findings.** Instead of the findings set forth in Sec. 13B.4.5. (Project Exception) of Chapter 1A of this Code, the Area Planning Commission may permit an exception from a CPIO regulation not involving signage if it makes all the following findings:

(i) The strict application of the CPIO regulations to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the CPIO District and its regulations;

(ii) There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or

development of the subject property that do not apply generally to other properties in the CPIO District and/or Subarea;

(iii) An exception from the CPIO regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the CPIO District and/or Subarea in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

(iv) The granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and

(v) The granting of an exception will be consistent with the principles, intent and goals of the CPIO District and/or Subarea and any applicable element of the General Plan.

Instead of the findings set forth in Sec. 13B.4.5. (Project Exception) of Chapter 1A of this Code, the Area Planning Commission may permit an exception from a CPIO regulation concerning signage if it makes all the following findings:

(i) Strict compliance would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning restrictions due to unique existing physical circumstances on the subject property;

(ii) An exception from the CPIO regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the CPIO District and/or Subarea in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

(iii) The exception would not constitute a special grant of privilege.

Sec. 103. Subsection A of Section 13.15. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

A. **Establishment of Districts.** The procedures to establish a Modified Parking Requirement (MPR) District shall be as set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code. With the exception of the Adaptive Reuse Incentives Areas Specific Plan and the South Central Alcohol Sales Specific Plan, no MPR District shall be established in an area governed by a specific plan established

before or after the effective date of this ordinance. Each ordinance creating an MPR District shall establish one or more of the strategies listed in Subsection D. for the District area.

Sec. 104. Subsection C of Section 13.15. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

C. **Findings.** In making the report required by Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code, the City Planning Commission shall also report to the Council on whether the District, and the strategies included in the District, are appropriate considering such factors as local transit service and dependency, automobile usage, traffic, available parking, and the goals, policies, and objectives set forth in the applicable community plan.

Sec. 105. Subsection B of Section 13.16. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

B. **Establishment of the District.** The procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code shall be followed, however, each "HS" Hillside Standards Overlay District shall include only properties in the RA, RE, RS, or R1 zones. The overlay shall not generally be less than 100 acres in area; however, the 100 acres do not need to be within one contiguous boundary as long as no one subarea is less than 25 acres in area, and the entire 100 acres is located within an overall area of 200 contiguous acres. The precise boundary of a district may be adjusted for urban features such as topography, freeways or Streets/Highways. Boundaries shall be along Street Frontages and shall not split parcels. An "HS" Hillside Standards Overlay District may encompass an area, which is designated, in whole or in part, as a Historic Preservation Overlay Zone and/or Specific Plan. The "HS" Hillside Standards Overlay District shall include contiguous parcels, which may only be separated by public Streets, ways or alleys or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for, or initiation of, an individual overlay.

Sec. 106. Subsection B of Section 13.17. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

B. Establishment of Districts. The City Council may establish new districts, or change boundaries of districts, by following the procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code. Precise boundaries are required at the time of application to expand or create a RIO district. The RIO District shall include all public and private land uses within its boundaries.

Sec. 107. Subsection E of Section 13.17. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

E. Issuance of Building Permits. The Department of Building and Safety shall not issue a building permit for a Project within either the Inner or Outer Core area of a RIO district, unless an Administrative Review, RIO Adjustment or RIO Exception, whichever is applicable, has been obtained pursuant to the applicable procedures in Subsection G., below.

Sec. 108. Subsection G of Section 13.17. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

G. Administrative Review Procedures for any Project within a RIO District. A Project within a RIO District shall require an Administrative Review, as set forth below:

1. **Administrative Review – Authority of the Director.** A RIO approval shall be processed as an Administrative Review pursuant to Sec. 13B.3.1. (Administrative Review) of Chapter 1A of this Code. Projects which do not comply with the applicable RIO District regulations may request relief through the procedures set forth in Subdivisions 2. and 43. of this Subsection.

2. **Adjustments – Director Authority with Appeals to the Area Planning Commission.** The Director or the Director's designee shall have initial decision-making authority to grant a RIO Adjustment with an appeal to the Area Planning Commission in accordance with the procedures set forth in Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code.

(a) **Applicability.** Notwithstanding the provisions set forth in Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code, unless further limited by a RIO District, a RIO Adjustment shall be limited to deviations of up to 20 percent from the quantitative supplemental development regulations or minor adjustments from the qualitative supplemental development regulations in an adopted RIO Subarea.

Each adopted RIO ordinance shall indicate those development regulations which are not eligible for an adjustment through this section. If an application requests more than two RIO Adjustments, the request will be filed and processed as a RIO exception pursuant to Subdivision 43. of this Subsection. To the extent that a RIO contains sign regulations, signs shall not qualify for relief through a RIO Adjustment. All other Projects seeking relief from any development regulation which contains prohibition language, or development regulations otherwise designated in the RIO as not eligible for adjustments, shall be processed through the RIO Exception procedures listed under Subdivision 43. of this Subsection.

(b) **Findings.** Instead of the findings set forth in Sec. 13B.4.4. (Project Adjustment) of Chapter 1A of this Code, the Director may grant an adjustment upon making all of the following findings:

(i) There are special circumstances applicable to the project or project site which make the strict application of the RIO regulation(s) impractical;

(ii) The project, as approved, is consistent with the purpose and intent of the RIO and substantially complies with the applicable RIO regulations;

(iii) In granting the adjustment, the Director has considered and found no detrimental effects of the adjustment on surrounding properties or public right-of-way; and

(iv) The project incorporates mitigation measures, monitoring of measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

3. **Exceptions – Area Planning Commission Authority with Appeals to the City Council.**

(a) **Area Planning Commission Authority.** The Area Planning Commission shall have initial decision-making authority for granting exceptions from RIO regulations with an appeal to the City Council in accordance with the procedures set forth in Sec. 13B.4.5. (Project Exception) of Chapter 1A of this Code.

In granting an exception from RIO regulations, the Area Planning Commission shall impose conditions to protect the public health, safety and welfare, and to assure compliance with the objectives of the General Plan and the purpose and intent of the RIO District. An exception from a RIO regulation shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.

(b) **Findings for a Project not Involving Signage.** Instead of the findings set forth in Sec. 13B.4.5. (Project Exception) of Chapter 1A of this Code, the Area Planning Commission may permit an exception from a RIO regulation not involving signage if it makes all the following findings:

(i) The strict application of the RIO regulations to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the RIO District and its regulations;

(ii) There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or

development of the subject property that do not apply generally to other properties in the RIO District;

(iii) An exception from the RIO regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the RIO District within the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

(iv) The granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to, or in the vicinity of, the subject property; and

(v) The granting of an exception will be consistent with the principles, intent and goals of the RIO District and any applicable element of the General Plan.

Sec. 109. Subsection H of Section 13.17. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

H. River Design Guidelines. The Director of Planning shall prepare River Design Guidelines applicable to all RIO districts. The initial adoption and any subsequent amendment to these guidelines shall be made pursuant to the following procedures:

1. **Initiation.** The initial adoption or amendment of the guidelines may be initiated by the Director of Planning, the City Planning Commission or City Council.

2. **Preparation and Content.** Upon initiation, the Director shall prepare, or cause to be prepared, proposed guidelines based on the design policies contained in the Los Angeles River Revitalization Master Plan.

The guidelines are in addition to the regulations set forth in the planning and zoning provisions of Los Angeles Municipal Code Chapter 1, as amended, and any other relevant ordinances, and do not convey any rights not otherwise granted under the provisions and procedures contained in that chapter and other relevant ordinances, except as specifically provided herein.

Furthermore, nothing in the guidelines shall interfere with any previously granted entitlements, nor shall they restrict any right authorized in the underlying zone or height district.

3. **Procedures.** See Sec. 13B.1.5. (Policy Action) of Chapter 1A of this Code.

Sec. 110. The first, unnumbered paragraph of Subsection F of Section 13.18. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

F. Development Regulations. A project shall be subject to the following development regulations. A project that has been granted vested rights under Sec. 13B.10.1. (General Provisions) of Chapter 1A of this Code prior to the effective date of this ordinance is exempt.

Sec. 111. Subsections G and H of Section 13.18. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

G. Issuance of Building Permits. For any Project within a CUGU District, the Department of Building and Safety shall not issue any permits, including, but not limited to, grading, shoring or building unless an Administrative Review, CUGU Adjustment, or CUGU Exception has been obtained pursuant to the applicable procedures in Section 13.18 G. of this Code.

H. Review Procedures for Projects within CUGU District.

1. **Administrative Review – Authority of the Director.** An applicant who complies with the CUGU District regulations shall submit plans to the Director for an Administrative Review pursuant to Sec. 13B.3.1. (Administrative Review) of Chapter 1A of this Code. Applicants requesting an Adjustment shall submit plans per Subdivision 2. below. A project that cannot comply with the requirements of the CUGU District may request relief through the Exception procedures set forth in Subdivision 43. of this Subsection.

2. **Adjustments – Director Authority with Appeal to the Area Planning Commission.** The Director or the Director's designee shall have initial decision-making authority to grant a CUGU Adjustment with an appeal to the Area Planning Commission in accordance with the procedures set forth in Sec.13B.4.4. (Project Adjustment) of Chapter 1A of this Code.

(a) **Limitations.** Notwithstanding the provisions set forth in Sec.13B.4.4. (Project Adjustment) of Chapter 1A of this Code, unless otherwise limited by the CUGU District, a CUGU Adjustment shall be limited to deviations of up to 20 percent from each of the quantitative development regulations.

If applicable, each adopted CUGU District shall indicate those development regulations which are not eligible for an Adjustment through this section. If an application requests more than one CUGU Adjustment, the Director may advise the applicant, prior to the application being deemed complete, that the request be filed and processed as a CUGU Exception, pursuant to Subdivision 43. of this Subsection.

(b) **Findings.** Instead of the findings set forth in Sec.13B.4.4. (Project Adjustment) of Chapter 1A of this Code, the Director may grant an Adjustment upon making all of the following findings:

(1) Special circumstances applicable to the Project or project site exist which make the strict application of the CUGU regulation(s) impractical;

(2) The Project, as approved, is consistent with the purpose and intent of the CUGU District and substantially complies with the applicable CUGU regulations; and

(3) In granting the Adjustment, the Director has considered and finds no detrimental effects of the Adjustment on surrounding properties, the public, or public rights-of-way.

(c) All Projects seeking relief from any development regulation designated in the CUGU District as not eligible for Adjustment shall be processed through the CUGU Exception procedures listed in Subdivision 43. of this Subsection.

3. **Exceptions – Area Planning Commission Authority with Appeals to the City Council.**

(a) **Authority.** The Area Planning Commission shall have initial decision-making authority for granting an Exception from the CUGU District regulations with an appeal to the City Council in accordance with the procedures set forth in Sec. 13B.4.5. (Project Exception) of Chapter 1A of this Code.

In granting an Exception from CUGU regulations, the Area Planning Commission shall impose conditions to protect the public health, safety, and welfare; and to assure compliance with the objectives of the General Plan and the purpose and intent of the CUGU District. An Exception from a CUGU regulation shall not be used to grant a special privilege, nor to grant relief from a self-imposed hardship.

(b) **Findings.** Instead of the findings set forth in Sec. 13B.4.5. (Project Exception) of Chapter 1A of this Code, the Area Planning Commission may permit an Exception from a CUGU regulation if it makes all the following findings:

(1) The strict application of the CUGU regulations to the subject property would result in practical difficulties or an unnecessary hardship inconsistent with the general purpose and intent of the CUGU District and its regulations;

(2) Exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property exist that do not apply generally to other properties in the CUGU District;

(3) An Exception from the CUGU regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the CUGU District and in the same zone and vicinity but which, because of a special circumstance and practical difficulties or unnecessary hardship, is denied to the property in question;

(4) The granting of an Exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to, or in the vicinity of, the subject property; and

(5) The granting of an exception will be consistent with the principles, intent and goals of the CUGU District and any applicable element of the General Plan.

Sec. 112. Subsection B of Section 13.20. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

B. Establishment of the District. The procedures set forth in Sec. 13B.1.4. (Zone Change) of Chapter 1A of this Code shall be followed, however, each HCR District shall include only properties in residential zones. Boundaries shall be along street frontages and shall not split parcels. A HCR District may encompass an area which is designated, in whole or in part, as a Historic Preservation Overlay Zone (HPOZ) and/or Specific Plan. The HCR District shall include contiguous parcels, which may only be separated by Streets, ways or alleys or other physical features, or as set forth in applicable rules approved by the Director of Planning. Precise boundaries are required at the time of application to expand or create a HCR District.

Sec. 113. Subdivision 7 of Subsection D of Section 13.20. of Article 3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

7. **Review Procedures for single-family home developments larger than 17,500 square feet.** The construction, erection, addition to, enlargement of or reconfiguration of any one-family dwelling that has a cumulative Residential Floor Area of 17,500 square feet or larger shall submit an application for a Project Review before the issuance of related permits and entitlements. Application procedures and processing of the application shall be pursuant to Sec. 13B.2.4. (Project Review) of Chapter 1A of this Code.

Sec. 114. The first paragraph of Subsection A of Section 14.00. of Article 4 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

A. Public Benefit Projects and Performance Standards. Where not permitted by right or by Conditional Use Permit pursuant to Subsections U., or W. of Section 12.24. of this Chapter, the following public benefit uses are permitted in any zone, unless restricted to certain zones or locations. The uses shall meet the following performance standards or conditional use permit approved pursuant to Subsection B of this Section.

Sec. 115. Paragraph (g) of Subdivision 10 of Subsection A of Section 14.00. of Article 4 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(g) **Conditional Use Permit.** If compliance with the Performance Standards is not met, the applicant may apply for a conditional use permit pursuant to the procedures in Subsection B. of this Section. The eligibility criteria in Paragraph (c) and the zoning compliance standards in Paragraph (d) must be met in order to qualify for conditional use permit.

Sec. 116. Paragraph (f) of Subdivision 12 of Subsection A of Section 14.00. of Article 4 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(f) **Conditional Use Permit.** If compliance with the Performance Standards is not met, the applicant may apply for a conditional use permit pursuant to the procedures in Subsection B. of this Section. The requirements in Paragraphs (a) and (b), above, must be met in order to qualify for conditional use permit. In approving the conditional use permit application, the Director shall find that the Interim Motel Housing Project substantially meets the purposes of the Performance Standards, including that it provides an appropriate level of Supportive Services that is accessible to the residents of the Supportive Housing or Transitional Housing.

Sec. 117. The first paragraph of Subdivision 13 of Subsection A of Section 14.00. of Article 4 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

13. **Density Bonus for Qualified Permanent Supportive Housing.** This subdivision is intended to facilitate construction or maintenance of Supportive Housing units pursuant to Sec. 13B.3.1. (Administrative Review) of Chapter 1A of this Code in conformance with the State density bonus provisions in California Government Code Section 65915. The grant of any bonuses, incentives, or concessions under this subdivision shall not be considered an increase in density or other change which requires any corresponding zone change, general plan amendment, Project Exception or discretionary action.

Sec. 118. Paragraph (i) of Subdivision 13 of Subsection A of Section 14.00. of Article 4 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

(i) **Conditional Use Permit.** If compliance with Performance Standards is not met, the applicant may apply for a conditional use permit pursuant to the procedures in Subsection B. of this Section. The Application and Approval provisions in Paragraph (b) and the requirements in Paragraph (c) must be met in order to qualify for a conditional use permit. The Construction Performance Standards in Subparagraph (g)(13) must also be met unless the City makes the necessary findings to modify or delete one or more Standards which are also mitigation measures included in the mitigation and monitoring program adopted to approve this ordinance, through a subsequent environmental process prepared for the conditional use permit.

Sec. 119. Subsection B of Section 14.00. of Article 4 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

B. Conditional Use Permit for Public Benefit Projects.

1. **Applicability.** If a proposed public benefit project does not comply with the performance standards delineated in Subsection A, the applicant may apply for approval of a conditional use permit pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

2. **Supplemental Findings. (Amended by Ord. No. 173,492, Eff. 10/10/00.)** In approving any public benefit project, the Zoning Administrator shall also find that the proposed project substantially meets the purposes of the performance standards set forth in Subsection A.

3. **Fee Deferral for Density Increase for Affordable Housing Pursuant to Section 14.00 A.2.** The payment of filing fees may be deferred pursuant to the provisions of Sections 19.01 O. and 19.05 A.1. and 5 of this Chapter.

4. **Exceptions to Notice and Hearing Requirements in Subdivision 4.**

(a) **Shelter for the Homeless Pursuant to Subsection A.8.** An application for approval of an conditional use permit for a shelter for the homeless as defined in Section 12.03 of this Chapter shall be set for public hearing, and notice shall be given in the same manner as provided for in Section 13.7.3 (Variance) of Chapter 1A of this Code. However, in the M1, M2, M3 Zones, the Zoning Administrator may waive the public hearing if the applicant submits with the application the written approval of

all of the owners of all properties abutting, across the street or alley from or having a common corner with the subject property.

(b) **Temporary Accommodations for Homeless Persons Pursuant to Subsection A.9.** An application for approval of conditional use permit for temporary accommodations for homeless persons as defined in Section 12.03 of this Chapter need not be set for public hearing. The application shall be submitted on a form and shall be accompanied by information as required by the Zoning Administrator. There shall be no filing fee and no appeal fee in connection with an application.

Before approving an application pursuant to this section, the Zoning Administrator shall notify all adjacent property owners of the pendency of the application and shall provide them an opportunity to present their comments. After making a decision pursuant to this subdivision, the Zoning Administrator shall notify, in writing, the applicant and owners of all properties located within 300 feet of the subject property, of his or her decision.

5. **Revocation**. The revocation procedure that applies to conditional uses and other similar quasi-judicial approvals in Sec. 13B.6.1 (Evaluation of Non-Compliance) of Chapter 1A of this Code shall also apply to revocations of public benefits that were granted pursuant to the conditional use permits procedures in this Section.

Sec. 120. The second, unnumbered paragraph of Subsection B of Section 14.3.1. of Article 4.3 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

In addition, if the proposed Eldercare Facility is located within the boundaries of an adopted specific plan, notwithstanding the provisions of Sec. 13B.4.2. (Project Compliance) of Chapter 1A of this Code, the Zoning Administrator shall have the initial decision making authority to decide whether the proposed Eldercare Facility is in conformance with the applicable regulations of the specific plan. In making this determination, the Zoning Administrator shall make each of the findings set forth in Sec. 13B.4.2. (Project Compliance) of Chapter 1A of this Code, following the provisions set forth in this section. Further, if the proposed Eldercare Facility is subject to site plan review, notwithstanding the provisions of Sec. 13.2.4. (Project Review) of Chapter 1A of this Code, the Zoning Administrator shall have the initial decision making authority relating to site plan approval. In making this determination, the Zoning Administrator shall make each of the findings set forth in Sec. 13B.2.4. (Project Review) of Chapter 1A of this Code, following the provisions set forth in this Section.

Sec. 121. Subsections C thru M of Section 14.3.1. of Article 4.3 of Chapter 1 of the Los Angeles Municipal Code shall be deleted and replaced as follows:

C. Procedures. An application for an Eldercare Facility Unified Permit shall follow the procedures set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code.

D. Supplemental Findings for Approval. In addition to the findings set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code, the Zoning Administrator shall not grant the approval unless he or she also finds that the strict application of the land use regulations on the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The Zoning Administrator must also find:

1. that the project's location, size, height, operations and other significant features shall be compatible with and shall not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;

2. that the project shall provide services to the elderly such as housing, medical services, social services, or long term care to meet citywide demand;

3. that the project shall not create an adverse impact on street access or circulation in the surrounding neighborhood;

4. that the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood; and

5. that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and with any applicable specific plan.

E. Revocation. The revocation procedure that applies to conditional uses and other similar quasi-judicial approvals in Sec. 13B.6.1. (Evaluation of Non-Compliance) of Chapter 1A of this Code shall also apply to revocations of Eldercare Facilities that were granted pursuant to the procedures in this section.

Sec. 122. Subdivision 9 of Subsection B of Section 14.4.4. of Article 4.4 of Chapter 1 of the Los Angeles Municipal Code is amended to read as follows:

9. Are supergraphic signs.

EXCEPTIONS: This prohibition shall not apply to supergraphic signs that are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement. This exception shall become operative only to the extent that Subdivision

9. is deemed constitutional upon the reversal of the trial court decision in the case of *World Wide Rush, LLC v. City of Los Angeles*, United States District Court Case No. CV 07-238 ABC.

In addition, notwithstanding the provisions of Sec. 13B.10.1. (General Provisions) of Chapter 1A of this Code, this prohibition shall not apply to any building permit issued prior to the effective date of this ordinance if the Department of Building and Safety determines that both substantial liabilities have been incurred, and substantial work has been performed on site, in accordance with the terms of that permit pursuant to Section 91.106.4.3.1 of Chapter 9 of this Code.

Sec. 123. Section 15.00. of Article 5 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

SEC. 15.00. PROCEDURE.

See Sec. 13B.1.6. (Land for Public Use) of Chapter 1A of this Code.

Sec. 124. The first paragraph of Subsection B of Section 16.03. of Article 6 of Chapter 1 of the Los Angeles Municipal Code to read as follows:

B. Conditional Uses and Public Benefits. The following conditional uses and public benefits are considered to be of such importance and their expeditious replacement is of such value to the health and safety of the community that they are hereby granted an exemption from the plan approval process required by Subsection H. (Modification of Entitlement) of Sec. 13B.2.2. (Class 2 Conditional Use Permit) and 13B.3.3. (Class 3 Conditional Use Permit) of Chapter 1A of this Code, provided that the structures containing these uses are rebuilt as they lawfully existed prior to their destruction, with the same building footprint and height.

Sec. 125. Article 6.1 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

ARTICLE 6.1
REVIEW OF DEVELOPMENT PROJECTS

Section	
16.05	Site Plan Review.
16.10	Green Building Program.
16.11	Green Building Team.
16.50	Design Review Board Procedures.

SEC. 16.05. PROJECT REVIEW.

A. See Sec. 13B.2.4. (Project Review) of Chapter 1A of this Code.

B. Definitions. For the purpose of this Section and Sec. 13B.2.4. (Project Review) of Chapter 1A of this Code, the following words and phrases shall have the meanings specified below. Other terms used in this section shall have the meanings set forth in Section 12.03 of this Code if defined there.

1. **Development Project**. The construction of, addition to, or alteration of, any building or structure, or a change of use of an existing building or structure that requires a building permit and that results in an increase in floor area, or a net increase in average daily vehicle trips as determined by using trip generation factors promulgated by the Department of Transportation for the purpose of effectuating this section.

2. **Discretionary Approval.** An approval initiated by application of a property owner or representative related to the use of land including, but not limited to a:

(a) zone change;

(b) height district change;

(c) supplemental use district;

(d) conditional use approval;

(e) use, area or height variance;

(f) parcel map;

(g) tentative tract map;

(h) coastal development permit;

(i) development agreement;

(j) adjustments;

(k) density bonus greater than the minimums pursuant to Government Code Section 65915;

(l) density transfer plan;

(m) exception from a geographically specific plan;

(n) project permit pursuant to a moratorium or interim control ordinance;

(o) public benefit projects; or

(p) floor area deviation of less than 50,000 square feet pursuant to 14.5.7 of Article 4.5 of the Los Angeles Municipal Code.

(q) single-family dwelling with a cumulative Residential Floor Area of 17,500 square feet or larger within the HCR District pursuant to 13.20 of Article 3 of the Los Angeles Municipal Code.

3. **Fast-food Establishment.** Any establishment which dispenses food for consumption on or off the premises, and which has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers.

C. Project Review Requirements.

No grading permit, foundation permit, building permit, or use of land permit shall be issued for any of the following development projects unless a Project Review has first been obtained pursuant to Sec.13B.2.4. (Project Review) of Chapter 1A of this Code. This provision shall apply to individual projects for which permits are sought and also to the cumulative sum of related or successive permits which are part of a larger project, such as piecemeal additions to a building, or multiple buildings on a lot, as determined by the Director.

(a) Any development project which creates, or results in an increase of, 50,000 gross square feet or more of nonresidential floor area.

(b) Any development project which creates, or results in an increase of, 50 or more dwelling units or guest rooms, or combination thereof.

(c) Any change of use to a Drive-Through Fast-food Establishment or any change of use to a Fast-food Establishment, either of which results in a net increase of 500 or more average daily trips as determined by, and using the trip generation factors promulgated by the Department of Transportation.

(d) Any change of use other than to a Drive-Through Fast-food Establishment or to a Fast-food Establishment which results in a net increase of 1,000 or more average daily trips as determined by, and using the trip generation factors promulgated by the Department of Transportation.

(e) (This paragraph intentionally left blank.)

(f) Any single-family residential development with a cumulative Residential Floor Area of 17,500 square feet or larger located in the HCR District.

This subdivision shall not apply to one-family dwellings located outside of a HCR District.

D. Exemptions.

1. Unless made discretionary by any other provision of law, the approval of any building permit for a development project which does not exceed the thresholds set forth in this subsection and Section 12.24U.14 is ministerial and exempt from the requirements of the California Environmental Quality Act.

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 Project 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 remain current. The Director is authorized to establish procedures to process determinations required under this subdivision.

3. Any development project located within the boundaries of an adopted Redevelopment Project Area with an Unexpired Redevelopment Plan, as defined in Section 11.5.14, shall be exempt from site plan review when:

(a) The Community Redevelopment Agency of the City of Los Angeles (CRA) and the City Council approved an owner participation agreement, a disposition and development agreement, a loan agreement, a cooperation agreement or other discretionary agreement for the development project prior to February 1, 2012; and

(b) The project was considered during a public hearing prior to February 1, 2012, conducted in accordance with the CRA's adopted policies and procedures for public hearings.

4. Any development project within a specific plan area for which an EIR was certified by the City Council not more than six years prior to the date of

the present application for a building permit. The date of the application shall be the date on which architectural and structural plans sufficient for a complete plan check are accepted by the Department of Building and Safety. This exemption shall be applicable only if the Director determines in writing that the EIR considered significant aspects of the approved project's design (such as, but not limited to, building location, height, density, use, parking, access) and that it is adequate for the issuance of the present permit. The Director is hereby authorized to establish procedures to process determinations.

5. Any development project on a motion picture and/or television production lot that is industrially or commercially zoned and is enclosed by a minimum six foot high wall or other barrier (such as building walls, fences, topographical barrier, etc.) which separates the facility and the development from adjacent properties. However, all new office uses shall be directly related to motion picture and/or television production and shall not be rented or leased to other entities not directly related to motion picture and/or television production uses.

6. Adaptive Reuse Projects in the Downtown Project Area pursuant to Section 12.22 A.26.

7. Any residential (including Apartment Hotel or mixed use) building located within the Greater Downtown Housing Incentive Area that is subject to Section 12.22 A.30. of this Code.

8. A Qualified Permanent Supportive Housing Project as defined in Section 14.00 A.13.(a)(1) of this Code and containing no more than 120 units, or no more than 200 units if it is located either in the Greater Downtown Housing Incentive Area or on a lot with a general plan land use designation of Regional Center Commercial, Regional Commercial, or Regional Mixed Commercial.

9. Projects in those specific plan areas, as determined by the Director, where similar project site planning regulations are established by the specific plan and significant project environmental impacts, if any, are mitigated by the measures imposed in the Project Compliance.

G. Procedure. See Sec. 13B.2.4. (Project Review) of Chapter 1A of this Code.

I. Alternative Thresholds. A different threshold from that indicated in Section 16.05 C. of this Code may be established within a Community Plan or Specific Plan, or portion thereof, when specifically stated in the plan text and only when the plan area contains one or more of the following:

1. A transportation impacted area;

2. An environmentally sensitive area;

3. An historically sensitive area; or

4. Any other area of special significance which is clearly identified as to its significance and the need for a different threshold level.

SEC. 16.10. GREEN BUILDING PROGRAM.

(Intentionally left blank.)

SEC. 16.11. GREEN BUILDING TEAM.

(Intentionally left blank.)

SEC. 16.50. DESIGN REVIEW BOARD PROCEDURES.

A. Purpose and Objectives. See Sec. 13B.4.3. (Project Compliance (with Design Review Board)) of Chapter 1A of this Code.

B. (This subsection intentionally left blank.)

C. (This subsection intentionally left blank.)

D. Design Review Boards. See Sec. 13A.1.11 (Design Review Board) and Sec. 13B.4.3 (Project Compliance (with Design Review Board)) of Chapter 1A of this Code.

E. Design Review Procedure. See Sec. 13B.4.3. (Project Compliance (with Design Review Board)) of Chapter 1A of this Code.

1. **Application**. All applications for design review shall be submitted to the Department of City Planning on a form supplied by the Department.

(a) If an applicant requests an optional preliminary design review, the following materials must be submitted in addition to any material required by applicable specific plans or ordinances:

Conceptual drawings without finished details and plans and materials which include, but are not limited to the following:

(1) Proposed site plan showing proposed improvements;

(2) Building elevations;

(3) General description of materials and colors to be used;

(4) Proposed landscape plan;

(5) Photographs of the site and surrounding properties;

(6) Information on existing trees on the site and within 20 feet of the property; and

(7) Additional information that demonstrates adherence to the specific plan design criteria.

(b) An application for a mandatory final review shall be deemed complete only if it includes, in addition to any material required in the applicable specific plan or ordinance, the following materials:

(1) Drawings with finished details;

(2) Environmental review clearance;

(3) Results of technical review, if required;

(4) Written narrative addressing specific plan design criteria and guidelines - and a finding of the project's consistency with either the Specific Plan or an approved Project Exception;

(5) Vicinity map of appropriate scale, indicating the location of the project site in relation to nearby access streets, significant physical features of the project, and other relevant issues affecting the project. Where possible, the map shall show the location of buildings on adjoining properties having a bearing on the project;

(6) Color photographs of the site and surrounding area and buildings to clearly represent the context of the design;

(7) Site plan of appropriate scale that clearly represents all the features of the site and significant design issues;

(8) Plans of appropriate scale, including all significant items or floor levels necessary to clearly represent design intent;

(9) Elevations of appropriate scale, including all sides of the item or building to clearly represent design intent;

(10) Sections, as deemed necessary by the architect or designer, of appropriate scale to clearly represent design intent;

(11) Either perspective drawings or model material sample board to be presented at the design review board meeting;

(12) Sign plan, if applicable, indicating proposed sign(s) and all existing signs on the property;

(13) Landscape plans which shall include the approximate size, maturity and location of all plant materials, the scientific and common names of the plant materials, the proposed irrigation plan, and the estimated planting schedule. The plan shall specify the length of time required to attain plant maturity; and

(14) Mailing labels with the names of the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property. Should these properties not be owner-occupied, mailing labels shall also be provided for the occupants.

2. **Fees**.

(a) The filing fee for processing an optional preliminary application shall be one-half of the fee for processing a design review application.

(b) The filing fee for processing an optional technical review requested by the applicant shall be as set forth in Section 19.09.

(c) The filing fee for processing a final design review application shall be as set forth in Section 19.01.

(d) The filing fee for processing an applicant's appeal from the Director's decision shall be the fee for an appeal from a specific plan design review decision as set forth in Section 19.01. The filing fee for processing an appeal by a person other than the applicant shall be as provided in Section 19.01K2.

(e) The filing fee for processing a modification to a design review determination, if requested by the applicant, shall be one-half of the fee for processing a final design review application.

Sec. 126. Article 7 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

ARTICLE 7
DIVISION OF LAND REGULATIONS

Section	
17.00	Title.
17.01	Tract Maps – General Provisions.
17.02	Definitions.
17.03	Advisory Agency.
17.04	Subdivision Committee.
17.05	Design Standards.
17.06	Tentative Map and Appeals.
17.07	Final Map.
17.07.1	Notification Regarding Street Lighting Maintenance Assessments.
17.07.2	Notification Regarding Sewer Pumping and/or Drainage Facilities and Maintenance Districts.
17.08	Improvements.
17.09	Private Streets.
17.10	Reversion to Acreage.
17.10.1	Merger and Resubdivision.
17.10.5	Maps – Local Drainage Districts – Exemption from Fees.
17.11	Modifications.
17.12	Park and Recreation Site Acquisition and Development Provisions.
17.13	Subdivision Requiring Import or Export of Earth.
17.14	Modification of Recorded Final Maps.
17.15	Vesting Tentative Maps.
17.50	Parcel Maps – General Provisions.
17.51	Filing of Preliminary Parcel Maps.
17.52	Parcel Map – Authority of Advisory Agency.
17.53	Approval of Preliminary Parcel Map.
17.54	Appeals.
17.55	Map Identification and Reproduction.
17.56	Parcel Map.
17.57	Approval of Map Shall Not Authorize Violation of Other Laws.
17.58	Park and Recreation Site Acquisition and Development.
17.59	Modification of Recorded Parcel Maps.
17.60	Sales Contrary to Parcel Map Regulations Are Voidable.

SEC. 17.00. TITLE.

This Article shall be known as the Division of Land Regulations of the City of Los Angeles, and contains the City's regulations regarding Subdivision Maps for property subject to this Chapter.

SEC. 17.01. TRACT MAPS – GENERAL PROVISIONS.

A. Scope.

1. No person shall subdivide land in the City of Los Angeles into five or more parcels unless a Final Map has been recorded as provided in this Article and pursuant to Div. 13B.8. (Division of Land) of Chapter 1A of this Code.

2. No building or structure shall be constructed or enlarged on any land which has been subdivided in violation of the provisions of this Article and Div. 13B.8 (Division of Land) of Chapter 1A of this Code, nor shall any permit be issued therefor.

3. The provisions of this Article shall not be construed as preventing the recording of a final tract map containing less than five lots or creating fewer than five condominium units in accordance with the procedures outlined in Div. 13B.8 (Division of Land) of Chapter 1A of this Code and in the Subdivision Map Act.

4. (a) **General Rule.** The provisions of this Article shall be applicable to a commercial/industrial, commercial/industrial to residential, residential, or residential to commercial/industrial conversion project as defined in Section 12.03 (Definitions) of the Municipal Code, except as follows.

(b) **Stock Cooperative Conversions.** The provisions of this Article shall not apply to any conversion for stock cooperative purposes which satisfies either of the following criteria: (1) the application for stock cooperative (DRE Form 658 or its equivalent) was filed with the California Department of Real Estate prior to July 1, 1979, or (2) a subdivision public report for stock cooperative was issued pursuant to Business and Professions Code Section 11018 prior to November 10, 1979.

(c) **New Stock Cooperatives.** The provisions of this Article shall not apply to any stock cooperative project, other than a commercial/industrial, commercial/industrial to residential, residential, or residential to commercial/industrial conversion project, where the application for stock cooperative (DRE Form 658 or its equivalent was filed with the California Department of Real Estate prior to March 21, 1980.

(d) **Subdivision of Air Space.** The provisions of this Article shall apply to a division of the space above or below a lot with a definite width, length, and upper and lower elevation occupied or to be occupied by a use, group of buildings or portions thereof, and accessory buildings or portions thereof, or accessory uses, (Air Space Lot, as defined in Section 12.03 (Definitions) of this Code).

B. Purpose. The purpose of this Article is to regulate and control the division of land, within the City of Los Angeles, to provide for the dedication of land, the payment of fees in lieu thereof, or a combination of both, for the acquisition and development of park and recreation sites and facilities to serve the future inhabitants of the subdivision, to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of Tentative Maps and Final Maps. The establish procedure to be followed in securing the official approval of the City of Los Angeles on such maps must be done pursuant to Div. 13B.8 (Division of Land) of Chapter 1A of this Code, in a manner that is consistent with the applicable general and specific plans as well as the public health, safety and welfare.

It is also the intention of this Article that the subdividing of land in the City of Los Angeles be done in accordance with the grading regulations of the City contained and set forth in Article 1 (Building Code) of Chapter 9 (Building Regulations) of this Code and to establish when possible beauty and attractiveness in the hills consistent with watershed drainage, erosion and fire control requirements, and good engineering practices.

C. Interpretation. This Article and Div. 13B.8 (Division of Land) of Chapter 1A of this Code shall not be interpreted or construed to invalidate any previous act on the part of the City approving or authorizing private streets, or authorizing the issuance of building permits for structures on lots served by private streets.

SEC. 17.02. DEFINITIONS.

For the purpose of this Article the following words and phrases are defined as follows; for any words or phrases not defined here, see Div. 13C.1. (Administration Definitions) of Chapter 1A of this Code:

Alley – A public way, other than a street or highway, providing a means of vehicular access to abutting property;

Average Natural Slope – The average of the ungraded slopes at selected contours within a given parcel of land divided by its area as computed from either the City's Engineer's topographic maps or a topographic map prepared by a California registered civil engineer or California licensed land surveyor. Regardless of which map is used, calculations cannot be derived or interpolated from a map that originally had contour intervals of greater than 25 feet for

subdivisions or greater than five feet for parcel maps. Average natural slope shall be computed by the following formula:

$$S = \frac{C \times L}{A} \times 100$$

Where: S = average natural slope in percent.
C = contour interval in feet, at no greater than 25-foot intervals for subdivisions or five-foot intervals for parcel maps, resulting in at least five contour lines.
L = total accumulated length of all contours of interval "C" in feet.
A = the area being considered in square feet.

Slopes may be computed only by the entire subdivision or parcel map area. The calculation "L" (contour lengths) and "A" (area in square feet) can be computed by 500-foot grid increments, as shown on the City Engineer's topographic maps. The "L" for each grid increment must be added to the "L" for every other grid increment and the "A" for each grid increment must be added to the "A" for every other grid increment to determine the "L" and the "A" for the entire subdivision or parcel map, prior to calculating the average natural slope for that subdivision or parcel map. In any matter where the average natural slope is used to calculate density pursuant to Sections 17.05 (Design Standards) or 17.50 (Parcel Maps – General Provisions) of this Chapter, the subdivision file shall contain copies of all maps and all calculations so that the figures can be verified. All maps and all calculations are required to be submitted at the time of the filing of a subdivision application or the application is deemed incomplete.

Building Site - Any parcel of land which conforms to the definition of a lot as defined in this article.

City Engineer - The City Engineer.

Design - Design of a subdivision shall include:

(1) street alignments, grades and widths;

(2) drainage and sanitary facilities and utilities, including alignments and grades thereof;

(3) location and size of all required easements and rights–of–way;

(4) fire roads and firebreaks:

(5) lot and size configuration;

(6) traffic access;

(7) grading;

(8) land to be dedicated for park and recreation purposes, and

(9) such other specific requirements in the general plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or any adopted specific plan.

Drip Line – A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

Engineer – The Registered Civil Engineer employed by the owner or by the subdivider to prepare the Subdivision Maps and improvement plans.

Fire Protection – Such fire hydrants and other protective devices as required by the Chief Engineer of the Fire Department.

Flood Hazard – A hazard to land or improvements due to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Freeway – A highway in respect to which the owners of abutting land have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

Frontage Road – A street lying adjacent and approximately parallel to and separated from a freeway, and which affords access to abutting property.

Future Street or Alley – Any real property which the owner thereof has offered for dedication to the City for street or alley purposes but which has been rejected by the City Council of the City of Los Angeles, subject to the right of said Council to rescind its action and accept by resolution at any later date and without further action by the owner, all or part of said property as public street or alley.

Highway, Major – Any street designated as a major highway on the Highways and Freeways maps of the Transportation Element of the General Plan.

Highway, Secondary – Any street designated as a secondary highway on the Highways and Freeways maps of the Transportation Element of the General Plan.

Hillside Grading Areas – Hillside Grading Areas as defined in Section 91.7003 (Grading, Excavations and Fills; Definitions) of this Code.

Improvement – Such street work and utilities to be installed, or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs and required as a condition precedent to the approval and acceptance of the Final Map or Parcel Map. Such street work and utilities include necessary monuments, street name signs, guardrails, barricades, safety devices, fire hydrants, grading, retaining walls, storm drains and flood control channels and facilities, erosion control structures, sanitary sewers, street lights, street trees, traffic warning devices other than traffic signals and relocation of existing traffic signal systems directly affected by other subdivision improvements and other facilities as are required by the Bureau of Street Lighting or Bureau of Street Maintenance in conformance with other applicable provisions of this Code, or as are determined necessary by the Advisory Agency for the necessary and proper development of the proposed subdivision and to insure conformity to or the implementation of the general plan or any adopted specific plan.

Inundation – Ponded water or water in motion of sufficient depth to damage property due to the presence of the water or to deposit of silt.

Lot – A parcel of land conforming to the definition of Lot contained in Section 12.03 (Definitions) of this Chapter, which is identified on a final Map or a Parcel Map recorded in the Office of the County Recorder with a separate and distinct letter or number.

Model Dwelling – A one–family residential unit having all the following characteristics:

(a) Said unit is constructed upon a proposed lot or in a proposed building previously designated as a model dwelling site by the Advisory Agency in a subdivision or a multiple unit development for which the Advisory Agency has approved or conditionally approved a tentative map, but for which a final map has not yet been recorded.

(b) The proposed lot upon which the unit is constructed is recognized as a legal building site for the duration of the model dwelling permit.

(c) No Certificate of Occupancy for such unit has been issued by the Superintendent of Building.

(d) Where applicable, temporary access thereto is permitted over future streets previously restricted to public access.

(e) Said unit is intended to be temporarily utilized as an example of the dwellings which have been built or which are proposed to be built in the same subdivision or multiple dwelling development.

Problem Areas – Those portions of the City of Los Angeles determined by resolution of the Board of Public Works to be actually or potentially dangerous by reason of geological conditions, being subject to inundation or overflow by storm water, or because of any other potentially dangerous condition, including but not limited to areas subject to rapid spread of fire.

Protected Tree – Any of the following Southern California native tree species, which measures four inches or more in cumulative diameter, four and one half feet above the ground level at the base of the tree:

(a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the Scrub Oak (*Quercus dumosa*).

(b) Southern California Black Walnut (*Juglans californica var. californica*).

(c) Western Sycamore (*Platanus racemosa*).

(d) California Bay (*Umbellularia californica*).

This definition shall not include any tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.

Public Way – Any street, channel, viaduct, subway, tunnel, bridge, easement, right of way or other way in which a public agency has a right of use.

Residential Planned Development – A group of residential buildings and appurtenant structures located and arranged in accordance with the requirements of the RPD residential planned development district Sec. 13.04 ("PRD" Residential Planned Development Districts) of this Chapter in which the property is located. A residential planned development may include schools. It may also include churches, hospitals, infirmaries, recreational and commercial uses, as an integral part of the development and intended for use by its occupants, to an extent commensurate with the planned population of the RPD district.

Roadway – That portion of a right of way for a street or alley used or intended to accommodate the movement of vehicles.

Service Road – That part of a major or secondary highway, containing a roadway which affords access to abutting property and is adjacent and approximately parallel to and separated from the principal roadway.

Slope. The plane or incline of land usually expressed as a percentage where % slope =

$$\frac{\text{vertical distance}}{\text{horizontal distance}} \times 100$$

Street, Collector – A street (including the principal access streets of a subdivision which carries traffic from local streets either directly or via other existing or proposed collector streets to a major or secondary highway.

Street, Local – Any street other than a collector street, major or secondary highway, or freeway, providing access to abutting property and serving local as distinguished from through traffic.

Surveyor – A licensed land surveyor authorized to practice in California.

Tree Expert – A person with at least four years of experience in the business of transplanting, moving, caring for and maintaining trees and who is (a) a certified arborist with the International Society of Arboriculture and who holds a valid California license as an agricultural pest control advisor or (b) a landscape architect or (c) a registered consulting arborist with the American Society of Consulting Arborists.

Water Supply – Such water system supply and distribution facilities as are necessary to provide a reliable and adequate water supply for private use and public fire protection purposes.

Vehicular Access Rights – The right or easement for access of owners or occupants of abutting lands to a public way other than as pedestrians.

SEC. 17.03. ADVISORY AGENCY.

A. Authority and Duties. See Sec. 13B.7.1.C. (General Provisions; Advisory Agency) of Chapter 1A of this Code.

When the Advisory Agency approves or conditionally approves a tentative map, it may also designate certain lots or proposed buildings, whether existing or to be constructed on a lot shown on said map, as sites for the construction of model

dwellings. The Advisory Agency is authorized to designate said sites only if it determines that they comply, or can be made to comply with the design standards for sites for model dwellings as hereinafter set forth in Section 17.05 of this article.

In addition to the authorities established in Div. 13B.7. (Division of Land) of Chapter 1A of this Code, the Advisory Agency, acting in the capacity of an Associate Zoning Administrator, shall also have the authority to reduce the width of required passageways pursuant to Section 12.21 C.2.(b) (Spaces Between Buildings – Passageways) of this Chapter to no less than five feet between habitable buildings and detached condominiums, unless the Fire Department determines that the reduction would result in a safety hazard. And shall have the authority to grant deviations of no more than 20 percent from the applicable area, yard, and height requirements. The subdivider must ask for adjustments at the time of filing. In permitting adjustments, the Advisory Agency shall make the findings contained in Sec. 13B.5.2. (Adjustment) of Chapter 1A of this Code.

The reductions/deviations shall be included in the written decision of the Advisory Agency. Notification and appeal rights to such reductions/deviations shall conform to Sec. 13B.7.2. (Tentative Tract Map) of Chapter 1A of this Code.

B. (This subsection intentionally left blank.)

C. (This subsection intentionally left blank.)

D. Subdivision of Air Space. Notwithstanding any provision of this chapter to the contrary, in any zone, the Advisory Agency is authorized to approve, conditionally approve or disapprove a preliminary parcel map or a tentative tract map showing one or more air space lots (as defined in Section 12.03 of this Code), provided that such air space lots are created in accordance with the provisions of Chapter 1, Article 7 of this Code.

The Advisory Agency shall require, as a condition of approval of any tentative tract map or preliminary parcel map showing one or more air space lots, that the final map or parcel map showing such air space lots be based upon a site plan which accurately describes the location of such lots. After recordation of such map and upon construction of the buildings or structures within the air space lots, if it is determined by the Department of Building and Safety that there are minor discrepancies between the site plan and the actual physical location of the air space lots in such buildings or structures, lot lines for the air space lots may be adjusted as necessary through the parcel map exemption procedure set forth in Los Angeles Municipal Code Section 17.50B.3.c.

SEC. 17.04. SUBDIVISION COMMITTEE.

See Sec. 13B.7.1.D. (General Provisions; Subdivision Committee) of Chapter 1A of this Code.

SEC. 17.05. DESIGN STANDARDS.

A. Street Standards Committee. There is hereby created a Street Standards Committee (Committee) to be composed of the Director of Planning, as Chair, the City Engineer and the General Manager of the Department of Transportation, or their designees.

This Committee shall:

1. Recommend to the Commission minimum width and improvement standards for all classes of public and private streets and alleys. The Commission shall adopt such minimum width and improvement standards as it determines are necessary for the safe and adequate movement of pedestrians, bicyclists, transit service and vehicular traffic, the increased retention and detention of stormwater, the installation of necessary utilities and for reasonable and proper access to abutting properties. Such standards shall not be applicable to any street or alley for which the City Council, by ordinance, adopts specific standards.

2. Modify the Complete Street Design Guide (CSDG) on an as-needed basis to align the CSDG with current and innovative street design practice.

B. Adoption of Standards. A public hearing shall be conducted by the Commission prior to the approval of any change in the standards, pursuant to the procedures in Sec. 13B.1.5. (Policy Action) of Chapter 1A of this Code.

C. Conformance To General Plan. Each Tentative Map shall be designed in compliance with the zoning applying to the property or approved by the City Council for change or shall be subject to a condition requiring compliance with such zoning prior to the recordation of the final map.

In addition, where a Tentative Map involves land for which a General Plan including dwelling unit densities has been adopted by the Council, and said land is also in an "H" Hillside or Mountainous Area established by Article 2 (Specific Planning – Zoning Comprehensive Zoning Plan) of this Chapter, the number of lots on said map shall be limited so that the number of dwelling units permitted by the applicable zoning regulations shall not substantially exceed the dwelling unit densities shown on said plan.

Each Tentative Map shall substantially conform to all other elements of the General Plan. In computing the number of dwelling units, only the area being designated for residential use and land that is being dedicated for public uses shall be considered, excepting, however, land set aside for street purposes, or land required to be dedicated for park and recreation purposes pursuant to Ordinance 141,422. However, in the Greater Downtown Housing Incentive Area, the area used for

computing the allowable floor area of a residential (including Apartment Hotel or mixed-use) building shall be the lot area including any land to be set aside for street purposes.

In Hillside Grading Areas, as defined in Section 17.05 (Definitions) of this Article, which are designated in the Minimum Density housing category by the applicable element of the General Plan adopted by the City Council, the dwelling unit density shall not exceed that allowed by the following formula: **(Paragraph and following formula Amended by Ord. No. 179,035, Eff. 9/17/07.)**

$$D = \frac{50 - S}{35}$$

Where: D = the maximum number of dwelling units per gross acre allowable, and
S = the average natural slope of the land in percent.

Where the total allowable number of dwelling units per parcel map or tentative tract map calculated under the above formulas results in a number other than a whole number, it shall be rounded to the nearest whole number as follows: where the fractional portion of the total allowable number of dwelling units equals .5 or more, the total number of allowable dwelling units shall be rounded to the next larger whole number; where the fractional portion of the total allowable number of dwelling units equals less than .5, the total number of allowable dwelling units shall be rounded to the next smaller whole number.

In no case shall the permitted density be less than 0.05 dwelling units per gross acre. Where the total allowable number of dwelling units per tentative tract map calculated under the above formula results in a number less than one, it shall be rounded up to allow one dwelling unit per tentative tract map. Where previous grading on a site makes it difficult to determine average natural slope using the above formula, the Director of Planning shall determine the average natural slope in a manner to carry out the purpose and intent of this Subsection.

D. Streets.

1. **Right-of-Way and Roadway Widths.** All streets and alleys shall be designed to conform with the Commission's adopted standards. The requirements and exceptions set forth in Section 12.37 (Highway and Collector Street Dedication and Improvement), however, shall apply.

2. **Street Grades.** Grades of all streets shall be as flat as consistent with adequate surface drainage requirements and the approved development of the proposed subdivision. The minimum grade permitted shall be four–tenths of one per cent, except in extremely flat areas where a grade of two–tenths of one per cent may be used. The maximum grade permitted for major and secondary highways shall be six per cent, except where a grade not to exceed ten percent

will eliminate excessive curvature, fill or excavation. The maximum grade permitted for collector streets shall be ten per cent and for local streets shall be 15 per cent. Variations from these requirements may be granted by the Advisory Agency upon recommendation by the City Engineer in individual cases in accordance with the provisions of Section 17.11.

Changes in grade greater than four–tenths of one per cent shall be connected by vertical curves. The length of vertical curves shall conform to standards for sight distance and riding qualities established by the City Engineer.

3. **Future Streets.** In the event certain streets or alleys in a subdivision are to be reserved for future public use and they have been approved as to location and width, they shall be indicated on the Final Map and offered for dedication as future streets or future alleys. Certificates providing that the City may accept the offer to dedicate such easement at any time shall be shown on the Final Map.

4. **Corner Cut-Off.** At all block corners the property line shall be rounded. On all major and secondary highways, the corner shall have a 20–foot radius curve and on all other streets, a 15–foot radius curve; provided, however, that where commercial development is permitted, a diagonal cutoff of 15–feet × 15–feet in lieu of a 20–foot radius curve and a 10–foot × 10–foot cutoff in lieu of a 15–foot radius curve may be used. In industrial zones the curves shall have a minimum radius of at least 40 feet.

5. **Curves – Horizontal.** The center line radii of curves shall be as large as possible, consistent with conditions. All curves shall have sufficient length to avoid the appearance of an angle point. Reversing curves shall be connected by tangents of length approved by the City Engineer as sufficient to safely reverse the unbalanced centrifugal force. In any case, horizontal curves shall have the following minimum center line radii:

Major and Secondary Highways.....1,000 feet
Collector Streets.....500 feet
Local Streets, Not Hillside.....300 feet
Local Streets, Hillside Area.....125 feet

6. **Intersections.** Street intersections shall be at as near to a right angle as possible. No jogs shall be allowed in the continuity of an arterial street. Jogs in a non-arterial street where crossing an arterial street shall be held to a minimum. Multiple intersections of more than four approaches should be avoided. In hillside areas special conditions may be required.

7. **Cul-de-sac Streets.** Cul-de-sac streets should be avoided except in locations where physical constraints prohibit the continuation of the street (such as where a river or railroad infrastructure is present) or where made

necessary by historical development patterns. Where cul-de-sac streets are approved, they shall be terminated by a turning area conforming to the latest standards approved by the Commission. Where feasible, existing cul-de-sacs should be modified and new cul-de-sacs should be designed to include a passageway for bicycles and pedestrians to access the surrounding area.

8. **General.** All streets within and/or immediately adjacent to the subdivision shall be improved with curbs and gutters, unless not required by the Advisory Agency upon recommendation of the City Engineer.

Streets within and/or immediately adjacent to the subdivision shall be improved with sidewalks, except that in mountainous, hillside or rural areas, sidewalks may be omitted or may be provided on only one side of the street with the approval of the Advisory Agency.

E. Alleys.

1. Alleys shall be not less than 20 feet in width. Alleys serving industrial zones shall be 30 feet wide, unless otherwise approved by the Advisory Agency. All dead-end alleys shall be constructed with adequate turning areas. Whenever practicable, alleys shall be required at the rear of all lots that are in residential zones and that front an arterial street. Alleys may also be required at the rear of lots in commercial and industrial zones.

2. **Alley Intersections.** Where two alleys intersect, a triangular corner cut-off of not less than 10 feet along each alley line shall be provided.

F. Pedestrian Walks. If the Advisory Agency determines that inner-block pedestrian walks are necessary for the public health, safety or welfare, they shall be dedicated to a width of not less than 12 feet. The Advisory Agency, however, shall only impose such a dedication requirement after finding that the dedication bears an essential nexus and rough proportionality to a project impact.

G. Blocks. Blocks in residentially and industrially zoned areas shall not exceed 1,700 feet in length, except in hilly areas. Commercial blocks shall not exceed 800 feet in length except in locations where the prevailing block length (within 1/2 mile) is less than 800 feet. In such instance, the new block shall not exceed the average prevailing block length.

H. Lot Size. Every lot shall have a minimum width and area to comply with the requirements as specified in Article 2 (Specific Planning – Zoning Comprehensive Zoning Plan) of this Chapter for the zone in which the lot is located, provided, however, that every lot located in a "C" Commercial Zone and for which no minimum width is specified in said article shall have a minimum width of 40 feet. All lots in a residential planned development shall comply with the standard residential conditions of Sec.

13.04 ("RPD" Residential Planned Development Districts) of this Code, and the conditions of approval of the development.

1. When the Advisory Agency determines that traffic access, topography, and drainage conditions will safely allow lot averaging, and when the subdivider has demonstrated to the satisfaction of the Advisory Agency in a written report that such averaging is consistent with proper subdivision design, and in addition will produce, one or more of the following benefits: require less grading than would a subdivision of conventional design not utilizing lot averaging; result in improved lot design; or produce other environmental benefits; the Advisory agency may permit the width and area of not more than 20 percent of the lots in a subdivision located in the "H" Hillside or Mountainous Area to be reduced as specified below, provided that the average area of all lots in said subdivision is not less than the following requirements:

[LOT AREA IN SQUARE FEET]

[Zone]	Minimum to Which Lot Width May Be Reduced	Minimum to Which Area May Be Reduced	Average Requirement
RA-H	63 feet	14,000	17,500
RE40-H	No Reduction	32,000	40,000
RE20-H	72 feet	16,000	20,000
RE15-H	72 feet	12,000	15,000
RE11-H	63 feet	8,800	11,000
RE9-H	60 feet	7,200	9,000

In computing such average, that portion of any lot exceeding 150 percent of the average requirement shall not be included, provided however, that in the RA Zone the maximum area of any lot that may be used in computing the average shall be 24,500 square feet.

In a tract wherein one or more lots have less than the average requirement for the zone, no lot shall be rearranged or divided unless: (1) the average requirement for the original Final Map is maintained, and (2) such rearrangement or division is accomplished by recording a new Final Map or a Parcel Map, or by securing determination that said proposed rearrangement or division is exempt from the Parcel Map procedure as provided for in Section 17.50. B.3.(c) (Parcel Maps General Provisions; Scope).

2. Where it finds it necessary in order to promote the general welfare, the Advisory Agency may require that lots which are contiguous or nearby to existing lots on the same street may be increased in size so as to be compatible with the size of such existing lots. However, in no case may the Advisory Agency require such lots to contain an area of over 50 percent more than that required by the applicable provisions of Article 2 (Specific Planning – Zoning Comprehensive Zoning Plan) of this Chapter.

3. Property in commercial or industrial ones need not be divided into more than one lot where such property is to be operated as a unit.

4. Each portion of the lot which is platted so as to be divided by a City or County boundary line shall be given a separate letter or number on the recorded tract map.

5. The side lines of lots shall be approximately at right angles to the streets, or radial to the street on curved streets, except where topography or other conditions make this impracticable.

6. Where it finds that there will be no material increase in the dwelling unit density permitted by the zone, and that the public health, safety or welfare and good subdivision design would be promoted by the dedication of public streets to a width in excess of the approved standards provided for in this section, or the dedication of service roads, or the dedication or reservation of land for public parks, public uses or other open areas, the Advisory Agency may permit the required area of one or more of the lots in a subdivision in an RA, RE, or RS Zone to be reduced to the extent of such dedication or reservation. Provided however, that in no event shall such a reduction exceed 15%; and, no lot in a RA-H or RE-H Zone shall be permitted to be reduced below the minimum area specified therefor in Subdivision 1. of this Subsection.

7. Where the Advisory Agency finds the project is consistent with the dwelling unit density permitted by the General Plan, and that the public health, safety or welfare and good subdivision design will be promoted by the preservation of protected trees, the Advisory Agency may permit the required area of one or more of the lots in a subdivision in an "RA," "RE," "RS" or "R1" Zone to be reduced by an amount sufficient to provide for protected tree preservation in accordance with Subsection P (Protected Tree Regulations) of this Section. Provided, however, that in no event shall the reduction exceed 50 percent of the required lot area; no "RA" or "RE" lot shall be reduced below 50 feet in width; no "RS" or "R1" lot shall be reduced below 40 feet in width; and no lot in a designated "K" Horsekeeping District shall be reduced below 17,500 square feet.

8. Notwithstanding any other provision of this Chapter, where the Advisory Agency finds that there will be no increase in density and that the density provisions of the General Plan will not be exceeded, it may approve subdivisions in the R2, RD, R3, R4 and R5 zones, meeting the requirements of Section 12.22 C.25. (Exceptions; Area; Zero Side and Rear Yard Development in Multiple Residential Zones) of this Chapter. The minimum lot area of lots in any such subdivision shall be 2,500 square feet.

9. In calculating the density of a subdivision proposed to be developed with residences permitted by Sections 12.08.3 B.1. (RZ Residential Zero Side

Yard Zone; Use) and 12.22 C.25. (Exceptions; Area; Zero Side and Rear Yard Development in Multiple Residential Zones) of this Chapter, the area contained within public streets shall be deducted from the gross area of the subdivision; however, the area contained within private streets, public alleys and driveways shall not be deducted from the gross area of the subdivision.

10. In calculating the allowable floor area of a subdivision proposed to be developed as a residential (including Apartment Hotel or mixed use) building in the Greater Downtown Housing Incentive Area, any land required to be dedicated for street purposes shall be included as part of the lot area of the subdivision.

I. Easements. Easements for public utilities, water system, sewers, street lights, storm drains or flood control channels, and slope rights shall be provided wherever determined necessary by the Advisory Agency upon recommendations of the City Engineer.

Wherever it is determined that future easements are necessary, a certificate shall be placed on the Final Map indicating that the City may accept such easements at any time.

J. Hillside Grading Areas. Design requirements for subdivisions in Hillside Grading Areas shall meet the grading standards established by the Board of Public Work and the grading regulations established by Article 1 (Building Code) of Chapter 9 (Building Regulations) of this Code. Such requirements may also include providing soil reports prepared by a Registered Civil Engineer specializing in Soil Mechanics and/or reports on geological investigations.

K. Problem Areas. Areas designated by resolution of the Board of Public Works as problem areas shall not be subdivided except when approved by the Advisory Agency upon recommendation of the Superintendent of Building and the City Engineer.

L. Grading Plans. The Advisory Agency may require a proposed grading plan with the Tentative Map of any subdivision. Upon recommendation of the Superintendent of Building or the City Engineer, or where it appears that cuts and fills will occur in the grading of the property which may be contrary to the objectives of this Article, the Advisory Agency shall require the subdivider to submit grading plans for all or part of the tract before action on the Tentative Map will be taken. Any grading plan submitted shall contain thereon a statement of the quantities (in cubic yards) of cut and fill and quantities of export or import material involved. If the amount of earth material to be imported to or exported from a subdivision site is 1,000 cubic yards or more, statements of the following shall also be included: the proposed borrow or disposal site; the proposed haul route; the total gross weight with load of the proposed haul vehicles; as well as other pertinent data which the Advisory Agency may require.

Failure to furnish such a grading plan (where necessary to complete the investigation of the Tentative Map within the time specified in the written notice

requesting its submission) shall be cause for the disapproval of the Tentative Map unless an extension of the time for acting on said map is mutually agreed upon between the subdivider and the Advisory Agency.

If changes in the design of the lots or street system can be made to correct the conditions set forth in Subsection J. of this section, either by increased lot sizes or changes in grades, such modifications shall be made.

M. Storm Drains. Storm drains shall be designed in conformance with standards approved by the City Engineer. Storm drain facilities to intercept and convey all runoff to a suitable point of disposal shall be required when runoff from the entire area tributary to and including the subdivision exceeds the limiting depth of street flow as determined by the City Engineer. These storm drain requirements shall also include the following:

1. In areas without sumps, storm drains shall be designed to remove all runoff from a storm of 10-year frequency.

2. In sump areas, storm drains shall be designed to remove all runoff from a storm of 50-year frequency.

3. Storm drains shall be of sufficient capacity in all cases to prevent flooding of building sites from a storm of 50-year frequency.

4. On sidehill streets, the maximum depth of water as determined by the City Engineer shall be based on a storm of 50-year frequency.

N. Installation Of Utilities. Utility lines, including but not limited to those required for electricity, communication, street lighting and cable television services necessary for the general use of the lot owners in the subdivision, shall be installed or guaranteed to be installed in the same manner as other required improvements.

In all portions of a Tract Map area classified in the A, R or C zones, all such utility lines shall be installed underground, provided, however, that incidental, appurtenant equipment such as transformers, terminal boxes and meter cabinets may be placed above ground but shall conform with regard to placement and height with those standards adopted by the Commission as it determines are necessary to safeguard the public against hazards created by said equipment and to further the purposes of this article. The Subdivision Committee shall make its report and recommendation of the Commission prior to the adoption of said standards.

The subdivider shall make the necessary Cost and other arrangements for such underground installation and for relocation of existing facilities with each of the persons, firms, or corporations furnishing utility services involved.

O. Sites for Models. Not more than 15% of the lots and in no case more than 20 lots at any one time in a subdivision may be designated as sites for the construction of models, and, with respect to multiple unit structures, not more than 15% of the units and in no case more than 20 units at any one time in a proposed building designated as a model site, may be designated as models.

Each of the sites shall be located in a manner as to not adversely affect existing developed residential properties. Further, each of the sites shall be easily accessible and provision for the accessibility shall be assured at the time that the tentative map is conditionally approved.

P. Park And Recreation Sites. Park and recreation sites to serve the future inhabitants of each new subdivision shall be provided and located in conformance with the standards contained in the Recreation Element of the General Plan.

Q. Where Subdivision Includes Land Within Drainage District. Whenever a Subdivision or a portion thereof includes land which is within a Local Drainage District, the provisions and requirements of the ordinance establishing such District shall be complied with.

R. Protected Tree Regulations. No protected tree may be relocated or removed except as provided in this Article or Article 6 (Preservation of Protected Trees) of Chapter 4 (Public Welfare) of this Code. The term "removed" or "removal" shall include any act that will cause a protected tree to die, including but not limited to acts that inflict damage upon the root system or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

1. **Required Determinations.** Subject to historical preservation requirements set forth in Subdivision 3. of this Subsection, when a protected tree exists within a proposed subdivision, the tree may be relocated or removed if the Advisory Agency, in consultation with the City's Chief Forester, determines the existence of either (a) or (b) below:

(a) There has been prior applicable government action in which:

(i) The removal of the tree had been approved by the Advisory Agency; or

(ii) The property upon which the protected tree is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator, or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the determination, the protected tree's removal would be permissible; or

(iii) A building permit has been issued for the property upon which the protected tree is located, the permit is still in effect, and the removal or relocation is not prohibited by the permit.

(b) The removal of the protected tree would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters that cannot be mitigated to the satisfaction of the City's Chief Forester, and the physical condition or location of the tree is such that:

(i) Its continued presence in its existing location prevents the reasonable development of the property; or

(ii) According to a report required pursuant to Section 17.06 C. (Protected Tree Report for Tentative Tract Maps), acceptable to the Advisory Agency and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or

(iii) It is in danger of falling due to an existing and irreversible condition.

(iv) Its continued presence at its existing location interferes with proposed utility services or roadways within or without the subject property, and the only reasonable alternative to the interference is the removal of the tree; or

(v) It has no apparent aesthetic value, which will contribute to the appearance and design of the proposed subdivision; or it is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at the location.

2. **Supplemental Authority.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1.(b) above, that a protected tree may be removed or relocated, the Advisory Agency may:

(a) Require relocation elsewhere on the same property where a protected tree has been approved for removal, and where the relocation is economically reasonable and favorable to the survival of the tree. Relocation to a site other than upon the same property may be permitted where there is no available or appropriate location on the property and the owner of the proposed off-site relocation site consents to the placement of

a tree. In the event of relocation, the Advisory Agency may designate measures to be taken to mitigate adverse effects on the tree.

(b) Permit protected trees of a lesser size, or trees of a different species, to be planted as replacement trees for protected trees permitted by this Code to be removed or relocated, if replacement trees required pursuant to this Code are not available. In that event, the Advisory Agency may require a greater number of replacement trees.

3. **Historical Monuments.** The Advisory Agency, except as to Subdivision 1.(b)(iii) above, shall require retention of a protected tree at its existing location, if the tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone.

4. **Requirements.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1.(b) above that a protected tree may be removed or relocated, the Advisory Agency shall require that:

(a) The protected tree is replaced within the property by at least two trees of a protected variety included within the definition set forth in Section 17.02 (Definitions) of this Article, except where the protected tree is relocated pursuant to Subdivision 2.(a) above. The size of each replacement tree shall be a 15-gallon, or larger, specimen, measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

(b) The subdivider record those covenants and agreements approved by the Advisory Agency necessary to assure compliance with conditions imposed by the Advisory Agency and to assure protected tree preservation.

(c) The subdivider provide protected tree maintenance information to purchasers of lots within the proposed subdivision.

(d) The subdivider post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees required to be replaced or permitted or required to be relocated, in a manner to assure the existence of continuously living trees at the approved replacement or relocation site for three years from the date that the trees are replaced or relocated. The City Engineer shall use the provisions of Section 17.08 G (Improvements; Guarantees) of this Article. as its procedural guide in satisfaction of the bond requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar

value of the replacement tree or of the tree that is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency, the City's Chief Forester, the evaluation of trees guidelines approved and adopted for professional plantsmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information or guidelines.

5. **Grading.** The Advisory Agency is authorized to prohibit grading or other construction activity within the drip line of a protected tree.

S. Mulholland Scenic Parkway. Notwithstanding the street standards adopted by the City Planning Commission pursuant to this section, the width and improvement standards for the Mulholland Scenic Parkway shall be substantially as follows: two travel lanes, one in each direction, each 15 feet wide; passing lane segments and turn pockets where necessary to facilitate movement of traffic; substantial conformance to existing roadway alignment; no median strip except to facilitate turning movements; hard surfaced shoulders but with a natural look, separated from the roadway by a painted line where the shoulder is utilized for bikeway purposes; minimum street and driveway access to the Parkway; reasonable protection of a scenic corridor 500 feet more or less, depending on topography, from each side of the existing right-of-way, to preserve the scenic quality and for the development of parks, vista points, parking facilities, and continuous bicycle, equestrian and hiking trails; all utilities to be underground; all necessary signs and road related fixtures to be of a special design to blend with the scenic character of the Parkway; grading to be kept to an absolute minimum; all necessary grading to be gently contoured and fully landscaped with fire–resistant plants to present a natural appearance.

It shall be the duty of the Advisory Agency to interpret and apply these standards in conformance with the spirit and intent of the Report of the Citizens' Advisory Committee on the Mulholland Scenic Parkway as adopted as City policy by the City Council on March 26, 1973, under Council File No. 70-5000, or with such Parkway plans as may subsequently be adopted.

Said standards are applicable to any subdivision or parcel map within 500 feet of the right-of-way of Mulholland Drive between the Hollywood Freeway on the west and Mulholland Highway on the west and along Mulholland Highway to the southerly city boundary, as shown on the City Engineer's official cadastral or district maps.

T. Valley Circle Boulevard – Plummer Street Scenic Corridor. Notwithstanding the street standards adopted by the City Planning Commission pursuant to this section, the width and improvement standards for Valley Circle Boulevard from Roscoe Boulevard to Plummer Street and for Plummer Street from Valley Circle Boulevard to Topanga Canyon Boulevard shall be substantially as follows:

1. Two travel lanes, one in each direction;

2. Left turn pockets as needed;

3. 48 feet of paved roadway, including 2–foot wide concrete gutters and curbs;

4. No continuous raised median strip;

5. Wide shoulders to accommodate recreation trails;

6. Minimum street and driveway access to the roadway;

7. All utilities to be underground;

8. Lighting only at intersections and parking areas, and kept to a minimum useful Intensity;

9. Fire Hydrants and light standards located away from the roadway for increased safety;

10. Picnic areas, drinking fountains, restrooms facilities, watering troughs, hitching rails and simple shade structures provided at suitable locations;

11. The general design and development of the roadway, trails, turnouts, and all appurtenant fixtures, facilities and amenities to be rustic, natural and in keeping with the scenic character of the corridor;

12. Reasonable protection of a scenic corridor, 1500 feet more or less depending on topography, from each side of the existing rights–of–way, to preserve the scenic quality, protect long–distance views, and for the development of parks, vista points, parking facilities, and continuous trails;

13. Specific dimension standards for a 100-foot-wide right-of-way, the preferred width, shall be a 14-foot-wide two-way bicycle path, a hiking trail meandering in a 10-foot–wide landscaped parkway, a 16-foot-wide equestrian trail bordered by bolted wood fences and a 12-foot-wide parkway on the opposite side of the roadway;

14. The dimension standards for an 86-foot-wide right-of-way shall be a 12- foot-wide two-way bicycle path, hiking trail meandering in an 8-foot-wide landscaped parkway, a 12-foot-wide equestrian trail bordered by bolted wood fences and a 6-foot-wide parkway on the opposite side of the roadway;

15. Trails to be built prior to or concurrently with the roadway, and to have suitable crossings and access to areas of interest;

16. Attractively designed masonry walls and/or screening landscaping along the edges of private developments adjacent to the scenic corridor;

17. Maximum preservation of natural terrain and vegetation;

18. Grading to be kept to an absolute minimum; all necessary grading to be gently contoured and fully landscaped with native, low-water-need, fire-resistant plants to present a natural appearance;

19. All buildings in the corridor to be placed so as to preserve a clear line of sight from the roadway to the visible mountain crest;

20. Off-site advertising signs to be prohibited within the corridor;

21. On-site advertising, traffic, informational and regulatory signs to be kept to a minimum number and size, and to be of special rustic design.

It shall be the duty of the Advisory Agency to interpret and apply these standards in conformance with the spirit and intent of the Valley Circle Boulevard Plummer Street Scenic Corridor Study adopted as City policy by the City Council on March 28, 1977, under Council File No. 77-82, or with such parkway plans as may subsequently be adopted.

The standards stated herein are applicable to any subdivision or parcel map within 1500 feet of the right-of-way of Valley Circle Boulevard from Roscoe Boulevard to Plummer Street and of Plummer Street from Valley Circle Boulevard to Topanga Canyon Boulevard as shown on the City Engineer's official cadastral or district maps.

U. Preliminary Soils Report. A preliminary soils report, prepared by a civil engineer registered in California, and based upon adequate test borings is required with the Tentative Map of any subdivision. Provided that the Advisory Agency may waive the preliminary soils report upon its determination that no preliminary analysis is necessary due to its knowledge of the soils qualities of the soils of the subdivision.

If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required. Such soils investigation shall be done by a civil engineer registered in California, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists. The Advisory Agency may approve the subdivision or a portion thereof where such soils problems exist if it determines that the recommended corrective action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

SEC. 17.06. TENTATIVE MAP STANDARDS AND APPEALS.

A. Procedure.

1. **Filing Notice and Reports.** The subdivider shall pay the necessary fees for and file with the City Planning Department at least 25 copies of the Tentative Map, two copies of an area map showing the location of ownerships which are located within the area covered by the Tentative Map and within a 500-foot radius of the proposed subdivision; and two copies of a certified list showing the names and addresses of owners of all property and the addresses of all residential, commercial, and industrial occupants of all property located within 500 feet of the proposed subdivision.

2. **Action of Advisory Agency.** The Advisory Agency shall approve, conditionally approve or disapprove the Tentative Map pursuant to Sec. 13B.7.3. (Tentative Tract Map) of Chapter 1A of this Code.

(a) The Advisory Agency may disapprove a Tentative Map because of the flood hazard, inundation, lack of adequate access, lack of adequate water supply or fire protection, insufficient sewerage facilities, potentially hazardous geological conditions or non–compliance with the requirements of this Article, the Subdivision Map Act, or the standards, rules or regulations adopted by the Commission pursuant to the provisions of Section 17.05 (Design Standards) of this Article.

(b) Whenever two or more lots are to be created on a common slope and the City Engineer or Superintendent of Building determines that conditions so dictate, the Advisory Agency may require as a condition of approval of the Tentative Map that appropriate deed covenants, on a form approved by the City Attorney, be recorded which provide to each owner of said common slope a joint right of entry for necessary access of men and equipment, and a joint easement over the slope area to maintain and repair any portions of said common slope.

(c) All streets on the Tentative Map shall be identified by their proposed names. All proposed street names shall be approved by the City Engineer. The Advisory Agency may withhold approval of the map if the City Engineer has determined that a proposed street name would create confusion, be misleading, be unduly long or carry connotations offensive to good taste and decency.

(d) The Department of Building and Safety may issue a building permit for a small lot subdivision if the applicant for the permit has received a vesting Tentative Tract Map approval or Preliminary Parcel Map approval for the project and has submitted proof to the satisfaction of the Department of Building and Safety that a covenant and agreement has

been recorded. This covenant and agreement shall state that the applicant and the applicant's successors and assignees agree that the building permit is issued on the condition that a certificate of occupancy (temporary or final) for the building cannot be issued until after the final map has been recorded. The Department of Building and Safety shall then issue the building permit based upon the approved Tentative or Preliminary Map and its conditions of approval. The dedication, improvement, and sewer requirements identified in the approved Tentative or Preliminary Map or its conditions of approval must be guaranteed to the satisfaction of the Bureau of Engineering at the time of building permit issuance. Projects with the following features are not eligible to receive building permits prior to the recordation of a final map: off-site common access or a street or alley vacation or merger.

B. Map Requirement. Tentative Maps filed with the City Planning Department shall be prepared by or under the direction of a licensed surveyor or registered civil engineer. Such maps shall clearly show all information required by this article, and shall be drawn to an engineer's scale of not less than one inch equals 200 feet.

The Tentative Map shall contain all the following:

1. The tract number.

2. Sufficient legal description of the property to define its boundaries.

3. Names, addresses and telephone numbers of the record owner, subdivider, and person preparing the map.

4. North point, engineering scale, date and area.

5. The widths and approximate locations of all existing and proposed public easements or rights of way, or private street easements, within and adjacent to the property involved.

6. Locations, widths and approximate grades of existing and proposed highways, streets, alleys or ways, whether public or private within and adjacent to the property involved.

7. Existing street names, and names or designations for all proposed streets and highways.

8. Approximate radii of all center line curves for streets, highways, alleys or ways.

9. Lot layout, approximate dimensions of each lot and number of each lot.

10. The locations of potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width and direction of flow of all watercourses, flood control channels, and mud or debris paths where ravines or swales will exist within and adjacent to the property involved; building setbacks from such hazards, the proposed method of providing flood, erosion and mud or debris control; and areas where access and emergency paths will be located in the event flood design capacity is exceeded. Lot lines shall be located so that the flow of watercourses and mud and debris paths, access and emergency paths, and setbacks shall be adjacent to lot lines or in areas or restrictions against construction.

11. The existing contour of the land at intervals of not more than five feet, and of not more than two–foot intervals if the slope of the land is less than five per cent.

12. The approximate location of all buildings or structures on the property involved which are to be retained, notations concerning all buildings which are to be removed, and approximate locations of all existing wells.

13. The approximate location and general description of any large or historically significant trees and of any protected trees and an indication as to the proposed retention or destruction of the trees.

14. If any streets shown on the Tentative Map are proposed to be private streets, they shall be clearly indicated. Such streets shall conform to the requirements of Article 8 (Private Street Regulations) of this Chapter or shall have been previously approved in accordance with the then applicable provisions of the said article.

15. The proposed method of providing sewage disposal and drainage for the property.

16. A statement regarding existing and proposed zoning.

C. Protected Tree Reports for Tentative Tract Maps. No application for a tentative tract map approval for a subdivision where a protected tree is located shall be considered complete unless it includes a report, in a form acceptable to the Advisory Agency and the City's Chief Forester, which pertains to preserving the tree and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation of the tree. The report shall be prepared by a tree expert and shall include all protected trees identified pursuant to Subdivision 13 of Subsection B (Map Requirements) of this Section.

In the event the subdivider proposes any grading, land movement, or other activity within the drip line of a protected tree referred to in the report, or proposes to relocate or remove any protected tree, the report shall also evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving the tree.

SEC. 17.07. FINAL MAP STANDARDS.

A. Time Limit. See Sec. 13B.7.3.F.2. (Tentative Tract Map; Scope of Decision; Time Limit for Final Map Filing) of Chapter 1A of this Code.

B. Procedure. See Sec. 13B.7.4. (Final Tract Map) of Chapter 1A of this Code.

C. Final Map Requirements. The following information shall be submitted with the Final Map: names, addresses and telephone numbers of the record owners, subdivider and person preparing the Final Map. The general form and layout of the map, including size and type of lettering, drafting and location of acknowledgments, etc. shall be determined by the City Engineer. The map shall be prepared on high–quality tracing cloth or other material approved by the City Engineer.

1. Each sheet of said Final Map shall be 18 × 26 inches. A marginal line shall be drawn completely around each sheet, leaving a blank margin of one inch. The scale of the map shall be such as to show all details clearly. Each sheet shall be numbered, and its relation to other sheets clearly shown. The tract number, scale and north point shall be shown on each sheet. If more than three sheets are necessary to show the entire subdivision, an index map shall be included on one of the sheets. The boundary line of a subdivision shall be indicated by distinctive symbols and clearly so designated.

2. Where any land to be subdivided is separated or divided into two or more parcels or portions by any parcel of land other than a street, highway, or other public way, or a railroad, public utility or flood control right of way, each separate parcel or portion thereof shall be subdivided as a separate parcel and shown on a separate subdivision map.

D. Boundary Evidence. Such stakes, monuments or other evidence determining the boundaries of the subdivision as are found on the ground, together with sufficient designations of adjoining subdivisions by lot and tract number and page of record, or by section, township and range, or other proper legal description as may be necessary to locate precisely the limits of the subdivision, shall be clearly and fully shown on the Final Map.

E. Monuments.

1. **Boundary.** Each Final Map shall show durable monuments of not less than two–inch steel pipe at least 24 inches long found or set at or near each boundary corner and at intermediate points, approximately 1,000 feet apart, or at such lesser distance as may be necessary by topography or culture to assure accuracy in reestablishment of any point or line without unreasonable difficulty. The precise position and character of each monument shall be shown on the Final Map. Where the elevation of the top of each such monument is not approximately level with the surface of the ground, its relative position shall be indicated.

The establishment of boundary monuments may be required by the Advisory Agency, the Appeal Board or the City Council upon appeal, prior to the recordation of the Final Map, however, such requirement may be modified to accept the submission of complete field notes as evidence of a thorough survey, or the setting of only a portion of the boundary monuments, or the referencing of monuments to adjacent reference points. The City Engineer shall submit a recommendation concerning this matter. Said reference points shall be indicated in a set of field notes showing clearly the ties between such monuments and sufficient number to set accurately each boundary monument after recordation of the Final Map. Said boundary monuments shall be properly located by coordinates in the California Coordinate System or in such manner as determined by the City Engineer to be suitable and sufficient.

2. **Center Line.** Complete center line data, including lengths of tangents and semi-tangents, shall be shown on the map for all streets within or adjoining the tract where no official center line has been previously established. In locations where the point of intersection falls on private property, chords shall be shown instead of semi-tangents. The subdivider shall have approved monuments placed with permanent references thereto and furnish a set of field notes to the City Engineer.

3. **Deferment.** In the event any or all of the monuments required to be set are subsequent to the recordation of the Final Map, the map shall clearly show and describe such monuments. All such monuments or the furnishing of notes thereon so deferred shall be agreed to be set and furnished by the subdivider.

When the placement of monuments is to be deferred, the Bureau of Engineering shall charge and collect a fee of $443 for the service of receiving and processing a bond to guarantee placement of the monuments.

4. **Geodetic Controls.** Ties to the Geodetic Triangulation System shall be provided where stations thereof have been established within

reasonable distance from the subdivision boundary, and such ties are deemed necessary by the City Engineer.

F. Surveys.

1. **Requirements.** The procedure and practice of all survey work, done on any subdivision, shall conform to the accepted standards of engineering and surveying professions. The Final Map shall close in all its parts.

In the event the City Engineer shall have established the center line of any street or alley in or adjoining a subdivision, the Final Map shall show such center line together with the reference to a field book or map showing such center line and the monuments which determine its position. If determined by ties, that fact shall be stated on the Final Map.

2. **Notes to be Furnished.** For such center line monument set, the engineer or surveyor under whose supervision the survey has been made shall furnish to the City Engineer a set of notes showing clearly the ties such monument and a sufficient number (normally four) of durable distinctive reference points or monuments. Such reference points may be lead and tacks in sidewalks, or curbs, or 2–inch × 2–inch stakes set back of the curb line and below the surface of the ground or such substitute thereof as appears to be not more likely to be disturbed.

Such set of notes shall be of such quality, form and completeness, and shall be on paper of such quality and size as may be necessary to conform to the standardized office records of the City Engineer. All such notes shall be indexed by the City Engineer as part of the permanent public records of his office.

3. **Identification Marks.** All monuments set as required herein shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor under whose supervision the survey was made.

G. Bearings.

1. **Basis.** The Final Map shall indicate thereon the basis of bearings, making reference to some recorded subdivision map, or other record acceptable to the City Engineer.

The Final Map shall have as the basis of bearings a line based on the Geodetic Triangulation System where ties to said system are deemed feasible by the City Engineer.

2. **Distances**. The bearing and length of each lot line, block line and boundary line shall be shown on the Final Map, and each required bearing and distance shall be indicated.

H. Lot Numbers. The lots shall be numbered consecutively commencing with the number 1, except as otherwise provided herein, with no omissions or duplications. Each numbered lot shall be shown entirely on one sheet.

I. Curve Data. The length, radius and total central angle and bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve, and the central angle of each segment within each lot shall be shown on the Final Map.

J. Easements.

1. **Lines**. The Final Map shall show all the necessary data including width and side lines of all public easements to which the lots in the subdivision are subject. If the easement is not definitely located on record, a statement as to the easement shall appear on the title sheet.

2. **Designation.** Easements shall be denoted by broken lines.

3. **Identification**. Each easement shall be clearly labeled and identified and, if already of record, proper reference to the records given. Easements being dedicated shall be so indicated in the Certificate of Dedication.

K. City Boundary Lines. City boundary lines crossing or abutting the subdivision shall be clearly designated and tied in.

L. Natural Water Course Designation. In the event that a dedication of right of way for flood control or storm drainage is not required, the location of any natural water course shall be shown on the Final Map, unless such natural water course, channel, stream or creek is , shown on the grading plans to be filled or otherwise eliminated by the grading of the tract.

M. Title Sheet. The title sheet for each Final Map of a subdivision shall contain all the certificates and acknowledgment required by the Subdivision Map Act. The wording of such certificates and acknowledgments shall be approved by the City Attorney. Forms of certificates and acknowledgment may be obtained from the City Engineer.

N. (This subsection intentionally left blank.)

SEC. 17.07.1. NOTIFICATION REGARDING STREET LIGHTING MAINTENANCE ASSESSMENTS.

The City Engineer shall cause to be filed, at the time of filing of any subdivision map with the County Recorder, a notice or notices which shall provide information with respect to each parcel in the subdivision regarding the obligation of any purchaser of such property to pay street lighting maintenance assessments pursuant to the provisions of Article 1 (Lighting District Procedures) of Chapter 3 (Street Lighting Improvements) of Division 6 (Special Assessment District Procedures) of the Los Angeles Administrative Code.

SEC. 17.07.2. NOTIFICATION REGARDING SEWER PUMPING AND/OR DRAINAGE FACILITIES AND MAINTENANCE DISTRICTS.

The subdivider shall execute and record with the County Recorder a notice identifying all sewer pumping and/or drainage facilities within the subdivision, either in existence or to be constructed, which could be maintained under maintenance district procedures authorized by Division 6 (Special Assessment District Procedures) of the Los Angeles Administrative Code. Such notice shall provide information regarding the possible obligation of each lot owner for assessments and shall be recorded at the time the final subdivision map is filed with the County Recorder.

SEC. 17.08. IMPROVEMENTS.

A. Requirements. The streets, alleys, lots and easements in all subdivisions subject to the provisions of this Article shall be laid out to provide for sewer and drainage facilities. All streets and alleys and other public ways and easements within and immediately adjoining the subdivision, together with any drainage and sanitary sewer easements, shall be graded and improved to a width and grade in accordance with plans approved by the City Engineer. Other improvements as authorized by the Subdivision Map Act may be required.

1. In addition to permanent improvements, temporary improvements may be required to be made prior to or concurrent with permanent improvements. In Hillside Grading Areas, temporary erosion control devices shall be designed and installed in a manner approved by the Board of Public Works and the Department of Building and Safety.

2. If the subdivision has been submitted only for the purpose of clarifying records by consolidating existing lots and/or metes and bounds parcels, or for the purpose of absorbing vacated streets or alleys or for the purpose of reversion to acreage, the Advisory Agency upon the recommendation of the City Engineer may waive all or a portion of the improvements which otherwise would be required.

B. Improvement Plans. Final plans, profiles and specifications for improvements shall be furnished to the City Engineer for approval and processing concurrently with the checking of the Final Tract or Parcel Map. Such plans, profiles

and specifications shall show full details for such improvements, and shall be in accordance with the standards adopted by the City of Los Angeles.

In lieu of final plans, profiles and specifications, the subdivider may furnish preliminary plans for improvements in a form satisfactory to the City Engineer, provided the subdivider agrees to furnish final plans, profiles and specifications to the City Engineer not later than six months from the date the Final Map or Final Parcel Map is filed for recording with the County Recorder. Preliminary plans shall be of sufficient detail and extent so as to permit the City Engineer to determine the type, extent, quantity and estimated cost of the required improvements.

C. Street Lighting. Plans for a street lighting system shall be submitted to and be approved by the Bureau of Street Lighting. The time requirement for submittal shall be as prescribed in Subsection B of this Section.

D. (This subsection intentionally left blank.)

E. (This subsection intentionally left blank.)

F. Street Trees. Arrangements between the subdivider and the City shall be made whereby the subdivider either places street trees in subdivisions to the satisfaction of the Bureau of Street Maintenance of the Department of Public Works, or makes a cash payment to the City. The amount of cash payment shall be in accordance with rates established by the Board of Public Works. When planted by the City, street trees may be planted under contract or by City forces.

Any street tree planted by a subdivider, or for which a payment is made to the City of Los Angeles to provide such tree, shall be subject to the street tree maintenance fee set forth in Section 62.176 (Street Maintenance Fee) of Article 2 (Streets and Sidewalks) of Chapter 6 (Public Works and Property) of this Code.

G. Guarantees.

1. No Final Tract or Final Parcel Map shall be presented to the Council for approval until the subdivider/owner has completed the improvements, or has guaranteed that all improvements will be constructed and installed within a specified time. The requirement of guaranteeing the construction and installation of improvements shall not be waived under any condition except as provided herein. Final Parcel Maps, the preliminary maps for which have been approved by the Advisory Agency specifying that improvements are not required until such time as a building permit or other grant of approval for development is issued, are exempt from this provision. California non–profit corporations shall be exempt from these requirements to the extent provided in the Subdivision Map Act.

2. The guarantee shall be furnished in accordance with the provisions of this subsection:

a. **Improvement Agreement.** The subdivider/owner shall execute an Improvement Agreement. Under the terms of this agreement, the subdivider/owner shall, among other things, agree to construct and install the improvements at the subdivider/owner's expense; shall warrant all work performed against any defective work or labor done, or defective materials furnished for a period of one year following acceptance by the City Engineer of all improvements; and shall agree to reimburse the City for all costs and reasonable expenses and fees incurred by the City in enforcing the terms of the agreement including reasonable attorney's fees.

b. **Improvement Security.** Performance of the Improvement Agreement shall be guaranteed by one of the following, at the option of and subject to the approval of the City:

(1) A surety bond or bonds payable to the City, executed by the subdivider/owner as principal and one or more corporate sureties authorized to act as surety under the laws of the State of California and having a certificate of authority as acceptable surety on Federal bonds; or

(2) A deposit of cash; or

(3) A deposit of negotiable United States Treasury bonds or notes, for which the faith and credit of the United States are pledged for the payment of principal and interest, payable to the bearer; or

(4) A deposit of fully insured certificates of deposit issued by a financial institution whose deposits are insured by an instrumentality of the Federal Government, together with a nonrevocable assignment to the City that pledges that the funds are on deposit and guaranteed for the performance of the Improvement Agreement. Such certificates of deposit may provide that interest shall be paid to the depositor. The assignment shall allow the City to withdraw the principal amount, or any portion thereof, upon declaration of default by the Board of Public Works without the necessity of any further consent by the depositor. The Improvement Security shall be on a form prepared by the City Engineer, shall be a joint and several obligation, and shall be in an amount estimated by the City Engineer to be reasonably necessary to complete the construction and installation of all of the improvements required to be done pursuant to the Improvement Agreement and to warrant the work against defective work or labor done, or defective materials furnished in the performance of the work.

The term of the Improvement Security shall begin on the day it is approved by the City Council and shall continue until the work is accepted by the City Engineer.

The Improvement Security shall contain the further conditions that in addition to the face amount, all parties executing the security shall be firmly bound under a continuing obligation for payment of all reasonable costs, expenses and fees, including reasonable attorney's fees incurred by the City in enforcing the obligation secured thereby; that all parties agree to any extensions of time within which to construct and install the improvements; and that all parties further agree to such alterations of or additions to the work as may be deemed necessary by the City Engineer provided the cost increase does not exceed 10 percent of the value of the Improvement Security.

c. **Improvement Warranty Guarantee**. As a part of the Improvement Security there shall be included an amount to be determined by the City Engineer sufficient for the guarantee and warranty of the work for a period of one year following the date of acceptance of the work by the City Engineer against any defective work or labor done, or defective materials furnished in the performance of the work.

d. **Labor and Material Payment Security.** Security shall be furnished for payment of labor and materials furnished in the construction and installation of the improvements. The security shall be furnished in one of the forms described in Paragraph b of Subdivision 2 of this Section, and shall be in an amount equal to not less than 50 percent of the Improvement Security as estimated by the City Engineer. The security shall inure to the benefit of all persons, and entities furnishing services, supplies or equipment for the improvements as referenced in Sections 3110, 3111 and 3112 of the California Civil Code. All claims under this labor and materials payment security must be filed with the City Clerk on or before the expiration of 90 days after the completion of the improvements.

e. **Existing Security.** Notwithstanding the foregoing requirements, if the subdivider/owner already has on file with the City Engineer an Improvement Security in one of the forms described in Paragraph b of Subdivision 2 of this Section, posted pursuant to Section 62.111 (Class "B" Permits-Plans-Bonds-Insurance) of Article 2 (Streets and Sidewalks) of Chapter 6 (Public Works and Property) of this Code which guarantees completion of all of the improvements designated in the Improvement Agreement and in an amount at least equal to the amount determined by the City Engineer to be necessary to complete all of the improvements, no additional Improvement Security shall be required;

however, improvement warranty guarantee and labor and material security may be required.

3. **Extension of Time.** If it appears that the improvements cannot be completed by the date specified in the Improvement Agreement, written application may be made to the City Engineer for an extension of the completion date. One extension of time shall be granted to a time at which the City Engineer determines the work of improvement should reasonably be completed. Further extensions of time may be granted at the discretion of the City Engineer. If the subdivider disagrees with the determination of the City Engineer such decision may be appealed to the Board of Public Works. Any extension may be considered upon agreement by the surety and principal to:

a. Begin or resume construction of the improvements on a schedule to be specified by the City Engineer, and/or

b. Update the estimated cost of construction and installation of the improvements with an adjustment in the Improvement Security commensurate with the updated estimates, and/or

c. To the extent possible, construct and install the required improvements in accordance with the standards and specifications of the Board of Public Works in effect at the time such extension of time is granted; and/or

d. Comply with other conditions as may be deemed necessary by the City Engineer to insure diligent prosecution of the work.

4. **Reduction of Improvement Security.** When a portion of the improvements have been completed to the satisfaction of the City Engineer, the City Engineer may consent to a reduction in the amount of the Improvement Security upon written request from the subdivider/owner. The City Engineer may consent to two reductions provided the original security for the improvements exceeds $200,000 and the work completed is identifiable, capable of being maintained by the City, and accepted by the City Engineer. In extreme hardship circumstances the City Engineer may consent to one reduction without regard to the preceding provisions. The remaining security shall be adequate to cover the estimated cost of completing the remaining improvements, the improvement warranty guarantee, and reasonable expenses and fees for enforcement of the terms of the Improvement Agreement. If a cash deposit or negotiable security is on deposit, that portion of the cash or negotiable security not required as a guarantee for the remaining improvements, improvement warranty guarantee and reasonable expenses and fees for enforcement of the terms of the Improvement Agreement, shall be returned to the depositor. If a certificate of deposit is on file, reduction in the Improvement Security will be accomplished by the City Engineer issuing a notice of reduction to the depositor and financial

institution. If a surety bond is on file, reduction in the Improvement Security will be accomplished by the execution of a rider to the improvement surety bond by the principal and surety thereon and shall be effective upon approval by the City Engineer and the City Attorney.

5. **Release of Improvement Security.** When all of the requirements of the Improvement Agreement and the Improvement Security have been completed to the satisfaction of the City Engineer and the improvement warranty guarantee has expired, the City Engineer shall issue a Certificate of Acceptance and Termination of Improvement Warranty Bond to the subdivider/owner and a copy thereof shall be sent to the surety company if a surety bond is on file. However, if the improvement warranty guarantee has not expired, the City Engineer may issue a Certificate of Acceptance, which exonerates the portion of the Improvement Security guaranteeing completion of the construction and installation of the improvements, but not the improvement warranty guarantee. Said warranty guarantee shall thereafter be released in total by the City Engineer on or after one year from the date of the completion notice from the Bureau of Engineering, provided no claims against said guarantee have been made by the City.

6. **Release of Labor and Material Payment Security.** On or after ninety (90) days from the date of completion notices from both the Bureau of Contract Administration and the Bureau of Engineering, security posted under Paragraph d of Subdivision 2 of this Section to secure payment for labor and materials may be released by the City Engineer in whole if no claims are filed or reduced to an amount equal to one–hundred and fifty (150) percent of those claims filed with the City Clerk. If a cash, negotiable security, or certificate of deposit payment security is on file, the City Engineer shall:

a. Release the cash, negotiable security or certificate of deposit payment bond in total, if no claims have been filed; or

b. Reduce the cash or negotiable security or certificate of deposit payment bond to an amount equal to one–hundred and fifty (150) percent total amount of the claims filed with the City Clerk.

H. Enforcement. If the subdivider/owner neglects, refuses or fails to construct the improvements with such diligence as to insure completion within the time specified, or within such extensions of said time as may have been granted by the City Engineer or the Board of Public Works or if the subdivider/owner neglects, refuses or fails to perform satisfactorily any act required under the Improvement Agreement, the Board of Public Works may declare the Improvement Agreement in default, and shall take whatever actions are necessary to enforce the terms and conditions of the Improvement Security. The Board is hereby empowered to order all or any part of the work to be done either by City forces or by separate contract, and the City shall be entitled to reimbursement for all costs and expenses as a result of such construction. If

the Improvement Security is a cash deposit, negotiable security or certificate of deposit the Board is empowered to deduct therefrom, on behalf of the City, an amount sufficient to reimburse and to indemnity the City for any and all damages, costs and expenses sustained or incurred by the City in enforcing the terms and conditions of the Improvement Agreement.

SEC. 17.09. PRIVATE STREETS.

A. Whenever a private street is proposed to be used or included in a subdivision, the private street shall conform in all respects with all the requirements contained and set forth in Article 8 (Private Street Regulations) of this Chapter. A Private Street Map need not be filed with the Advisory Agency in addition to the maps required by the provisions of this Article, however, provided that the maps filed in conformance with the provisions of this Article show such street and contain the information pertaining thereto which is required to be provided in such Private Street Maps.

B. If a private street located within the proposed subdivision has been approved in accordance with the then applicable regulations prior to filing the Tentative Map of the subdivision, such street shall be deemed to comply with the requirements of this Section and Article 8 (Private Street Regulations) of this Chapter and no further approval thereof shall be required.

SEC. 17.10. REVERSION TO ACREAGE.

A. Proceedings for reversion to acreage of subdivided real property may be initiated by the City Council on its own motion or by petition of all of the owners of record of the real property within the subdivision pursuant to Sec. 13B.7.3. (Tentative Tract Map) of Chapter 1A of this Code.

1. The petition shall take the form of a tentative tract map application to the Department of City Planning in a form prescribed by the Department. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "A reversion to acreage of....". Any map so submitted shall be accompanied by evidence of title and non-use or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map.

2. Notice shall be given and a public hearing shall be held in accordance with the procedures set forth in Sec. 13B.7.3. (Tentative Tract Map) of Chapter 1A of this Code.

3. A tentative tract map shall be filed under the provisions of this section for the purposes of reverting to acreage land previously subdivided. A final parcel map may be recorded in lieu of a final tract map, if the property involved originally consisted of four or fewer parcels or condominium units or if

the project meets the exception criteria of Section 66426 of the State Government Code and Section 17.50 C of the Los Angeles Municipal Code. Except as provided in Government Code Section 66445 (e), a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

4. Maps recorded solely for the purpose of combining portions of vacated streets with adjoining lots shall be treated in procedure as Reversion to Acreage Maps.

B. Subdivided real property may be reverted to acreage only if the City Council finds that:

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

2. Either:

(a) All owners of an interest in the property within the subdivision have consented to reversion; or

(b) None of the improvements required to be made have been within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement with the City Engineer for completion of the improvements, whichever is the later; or

(c) No lots shown on the final or parcel map have been sold within five years from the date the map was filed for record.

C. As conditions of reversion the City Council shall require:

1. Dedications or offers of dedications necessary following reversion;

2. Retention of all previously paid fees necessary to accomplish the purposes of this article;

3. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this article.

D. When a reversion is effective, all fees and deposits shall be returned and all improvement security released, except those retained pursuant to Subdivisions 2 and 3 of Subsection C above.

E. After approval of the reversion by the City Council, the final map or parcel map shall be delivered to the county recorder. The filing of the final tract map or parcel map shall constitute legal reversion to acreage of the land affected thereby and shall also constitute abandonment of all streets and easements not shown on the map.

SEC. 17.10.1. MERGER AND RESUBDIVISION.

Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by this Article. The filing of the final map or parcel map, pursuant to Div. 13B.7. (Division of Land) of Chapter 1A of this Code, shall constitute legal merging of the separate parcels into one parcel and the resubdivision of the parcel. Any unused fees or deposits previously made pursuant to this Article pertaining to the property shall be credited pro rata towards any requirements which are applicable at the time of resubdivision. Any streets or easements to be left in effect after the resubdivision shall be adequately delineated on the map. After approval of the merger and resubdivision by the City Council, the map shall be delivered to the County Recorder. The filing of the map shall constitute legal merger and resubdivision of the land affected thereby and shall also constitute abandonment of all streets and easements not shown on the map.

SEC. 17.10.5. MAPS – LOCAL DRAINAGE DISTRICTS – EXEMPTION FROM FEES.

A. Payment of fees shall be required in the sums fixed by ordinance for local drainage districts involved and as a condition to approval of final subdivision maps, parcel maps and private street maps, except as provided in Subsection B of this Section, whenever the City Council determined such need pursuant to former Section 11543.5 of the Business and Professions Code of the State of California or finds and determines such need pursuant to Section 66483 of the Government Code of the State of California, effective March 1, 1975 for a local drainage district, and finds:

1. that subdivision and development of property requires or will require construction of facilities described in the local drainage plan, and

2. that the fees are fairly apportioned within the area on the basis of benefits conferred on the property proposed for subdivision or on the need for facilities created by the proposed subdivision and development of other property within such area.

B. In the event the owner filing the map petitions the City Council for an exemption from payment of fees required by ordinances to be paid to defray actual or estimated costs of constructing planned drainage facilities for removal of surface and storm waters from local or neighborhood drainage areas, and the City Council finds and determines that the final subdivision map, or the parcel map, or the private street map filed for approval is not filed for subdivision or development purposes, the City Council may thereupon exempt that map from payment of said fees or other consideration notwithstanding provisions of Section 17.05 O. (Design Standards; Where Subdivision

Includes Land Within Drainage District), Section 17.53. B. (Approval of Preliminary Parcel Map; Where Parcel Map Includes Land Within Drainage District), or Section18.05. J.4. (Private Street, Lot or Building Site Standards; Improvements, Drainage And Sewage) of this Chapter or requirements of Subsection A of this Section or of said ordinance for such payment.

1. For purposes of this Subsection the term "subdivision" and the term "development" shall neither include nor apply to final subdivision maps, parcel maps or private street maps that are filed within the City:

(a) in connection with a sale of land which is to be further divided by the filing of either a subdivision map, parcel map or private street map prior to development occurring,

(b) solely for the purposes of reversion to acreage, or to combine portions of vacated streets with adjoining lots or parcels, or to make boundary line adjustments without creating any new lots or parcels, or to effect technical corrections on existing recorded maps in order to cause those maps to conform to actual fact, clarify the record, and cause them to read correctly, provided however that approval or recordation of such new maps does not or will not otherwise change or amend any existing recorded map or any legend thereon.

SEC. 17.11. MODIFICATIONS.

See Sec. 13B.7.3.H. (Tentative Tract Map; Modification of Entitlement) of Chapter 1A of this Code.

SEC. 17.12. PARK AND RECREATION SITE ACQUISITION AND DEVELOPMENT PROVISIONS.

See Sec. 13B.7.4.E. (Final Tract Map; Standards for Review and Required Findings) of Chapter 1A of this Code.

SEC. 17.13. SUBDIVISION REQUIRING IMPORT OR EXPORT OF EARTH.

Upon the filing of a Tentative Map which requires for its implementation the import and/or export of more than 1,000 cubic yards of earth materials, the Advisory Agency shall request that the Superintendent of Building and the General Manager of the Department of Transportation investigate the circumstances of the proposed import or export of earth materials and the effect thereof upon the public health, safety, and welfare. The Advisory Agency shall request the City Engineer to determine the effect of any import and export on the structural integrity of the public streets and to determine the effect on public safety relative to street alignment, width, and grade.

In taking action on such Tentative Map, the Advisory Agency shall impose conditions of approval to mitigate any detrimental effects of the hauling operations necessary to import or export earth, including but not limited to: designating routes to be followed by trucks hauling earth materials; limiting truck weight, length and/or speed; and other conditions of approval as may be necessary to insure repair of damages to public streets along the hauling route that may reasonably be expected to be caused by hauling operations. Such additional conditions may include a condition that the developer shall file a bond for the benefit of the City. Any such bond shall be in a form approved by the City Attorney, executed by the developer and a corporate surety authorized to do business in the State in an amount sufficient to cover the repair of any damage to the public streets reasonably expected to be caused by the hauling operations. The conditions of the bond shall guarantee to indemnify the City for all costs and expense in repairing the damaged streets or other public facilities. In lieu of a surety bond, the developer may file a cash bond with the Department upon the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit submitted may be in the form of cash or negotiable United States securities. The term of such bond shall begin on the date of filing and shall remain in effect until the completion of the hauling operations and subsequent inspection of the affected public streets by the Department of Public Works. The Advisory Agency may disapprove the Tentative Map as provided in Section 17.06. A.2.(a) (Tentative Map Standards; Tentative Map Requirements; Action of Advisory Agency) of this Article.

SEC. 17.14. MODIFICATION OF RECORDED FINAL MAPS.

See Sec. 13B.7.4.H. (Final Tract Map; Modification of Recorded Final Tract Map) of Chapter 1A of this Code.

SEC. 17.15. VESTING TENTATIVE MAPS.

See Sec. 13B.7.3.I. (Tentative Tract Map; Vesting Tentative Map) of Chapter 1A of this Code.

SEC. 17.50. PARCEL MAPS – GENERAL PROVISIONS.

A. Purpose. The following parcel map regulations are intended to assure compliance with the Subdivision Map Act, Article 2 (Specific Planning-Comprehensive Zoning Plan) of this Chapter, and the City's General Plan, to assure lots of acceptable design and of a size compatible with the size of existing lots in the immediate neighborhood; to preserve property values; to assure compliance with the Design Standards for Streets and Alleys as specified in Section 17.05 (Design Standards) of this Chapter where street or alley dedication and/or improvement are required; and to prevent interference with the opening or extension of streets necessary for emergency vehicle access, proper traffic circulation and the future development of adjacent properties; and to provide that the dividing of land in the Hillside Grading Areas be done

in a manner which will assure that the separate parcels can be safely graded and developed as building sites.

B. Scope.

1. See Sec. 13B.7.5.A. (Preliminary Parcel Map; Applicability) of Chapter 1A of this Code.

2. See Sec. 13B.7.5.F. (Preliminary Parcel Map; Scope of Decision) of Chapter 1A of this Code.

3. These regulations shall not apply to the leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building or mobilehome park, nor to mineral, oil or gas leases, nor shall they apply to the following divisions of land, except as may be required by Subsection C. of this Section.

(a) Those made in compliance with the Subdivision Map Act and the subdivision regulations contained in this Article.

(b) Those divisions of land made solely because of the sale, acquisition, lease or combining of lands by governmental agencies, including City of Los Angeles and any department thereof, or any further division of such lands by a lessee of such governmental agency.

(c) Those where the Advisory Agency or the Appeal Board determines that all the following conditions exist:

(1) A lot line adjustment is made between four or fewer existing adjoining lots or parcels and the land taken from one lot or parcel is added to an adjoining lot or parcel;

(2) The resulting number of lots or parcels remains the same or is decreased;

(3) The parcels or lots resulting from the lot line adjustment will conform to the General Plan, any applicable coastal plan, and zoning and building ordinances.

(d) Those involving land dedicated for cemetery purposes under the applicable provisions contained in the Health and Safety Code of the State of California.

C. Parcel Maps – Divisions of Land of Five or More Parcels not Subdivisions.

1. No parcel of land shall be separated in ownership or otherwise divided into five or more parcels, where such a division is not a subdivision by reason of the exceptions contained in Subdivisions (a), (b), (c) and (d) of Section 66426 of the Subdivision Map Act, and no such divided parcel shall be separately maintained unless a Tentative Map of such division has been approved by the Advisory Agency and a Parcel Map prepared in conformity therewith and has been recorded in the office of the county recorder.

2. Where the Advisory Agency determines that a Tentative Map filed for the division of land described in Subdivision (b) and (c) of Section 66426 of the Subdivision Map Act complies with all the requirements of this Article, but that dedication for street opening or widening or easements is necessary, it shall require that an offer to dedicate such additional land as is necessary therefor to be made in a manner provided by Section 17.53 C.1. of this Chapter.

3. Where the Advisory Agency determines that a Tentative Map filed for the division of land described in Subdivision (c) of Section 66426 of the Subdivision Map Act complies with all of the requirements of this Article, but that improvement of public or private streets, highways, ways or easements is necessary for local traffic, drainage or sanitary needs, such improvements shall be constructed, or their construction and completion guaranteed in the manner provided by Section 17.08 (Improvements) of this Code, as a condition of approval of the Tentative Map.

4. No building permit shall be issued, and no building or structure shall be constructed, altered or maintained on any land which has been separated in ownership or otherwise divided into five or more parcels, where a final map is not required for such a division by reason of the exceptions contained in Subdivision (a), (b), (c) and (d) of Section 66426 of the Subdivision Map Act, in violation of the provisions of this Article. All conditions of approval shall be completed prior to submitting the parcel map to the City Engineer.

D. Waiver of Parcel Maps. See Sec. 13B.7.5.A.4. (Preliminary Parcel Map; Applicability; Waiver of Parcel Map) of Chapter 1A of this Code.

E. Slope Density. In Hillside Grading Areas, as defined in Section 17.02 (Definitions) of this Article, which are designated in the Minimum Density housing category by the applicable element of the General Plan adopted by the City Council, the dwelling unit density shall not exceed that allowed by the following formula:

$$D = \frac{50 - S}{35}$$

Where: D = the maximum number of dwelling units per gross acre allowable, and
S = the average natural slope of the land in percent.

Where the total allowable number of dwelling units per parcel map or tentative tract map calculated under the above formulas results in a number other than a whole number, it shall be rounded to the nearest whole number as follows: where the fractional portion of the total allowable number of dwelling units equals .5 or more, the total number of allowable dwelling units shall be rounded to the next larger whole number; where the fractional portion of the total allowable number of dwelling units equals less than .5, the total number of allowable dwelling units shall be rounded to the next smaller whole number

In no case shall the permitted density be less than 0.05 dwelling units per gross acre. Where the total allowable number of dwelling units per parcel map calculated under the above formula results in a number less than one, it shall be rounded up to allow one dwelling unit per parcel map. Where previous grading on a site makes it difficult to determine average natural slope using the above formula, the Director of Planning shall determine the average natural slope in a manner to carry out the purpose and intent of this subsection.

F. Public Notice and Hearing. See Sec. 13B.7.5. (Preliminary Parcel Map) of Chapter 1A of this Code.

SEC. 17.51. FILING OF PRELIMINARY PARCEL MAPS.

A. Forms and Map Requirements. Each person applying for approval of a parcel map required by reason of Subsection B. of this Section shall submit a reproducible preliminary Parcel Map to the City Planning Department showing the land to be divided and its proposed division. The map may be prepared by the applicant, except that the Advisory Agency may require the map to be prepared by a licensed land surveyor or registered civil engineer and that it be based upon a field survey when it determines that such is necessary to provide the information required by this section. The map shall be made on one or more sheets of tracing paper or cloth at least 8 1/2 inches by 11 inches but shall not exceed 18 × 26 inches. It shall be legibly drawn using a decimal or an engineer's scale and shall clearly show the following information:

1. The dimensions and record boundaries of the total parcel together with a legal description of the total parcel attached to the map.

2. The dimensions and boundaries of each proposed parcel.

3. The names, addresses and telephone number of the property owners, the person filing the map, and the registered civil engineer or licensed land surveyor, if any, who prepared the map.

4. The abutting streets and alleys and existing surface improvements and proposed dedications and improvements.

5. The location of other existing public easements and/or private street easements.

6. In Hillside Grading Areas, the existing contours of the land at intervals of not more than five feet.

7. The accurate location of any structures on the property.

8. Names or designations for all proposed streets.

9. Such other information as the Advisory Agency determines is necessary to properly consider the proposed division.

B. Incomplete Map. If at any time during the processing of the map it is discovered that the map has been improperly prepared or required pertinent information has not been submitted, the applicant shall be promptly notified in writing by mail of the defect and of further information or correction required. The time limits specified hereinafter shall not begin until the omitted or inaccurate information is furnished in a proper manner.

C. Additional Reports. In addition to the preliminary Parcel Map, and when determined by the Superintendent of Building or the City Engineer to be necessary, the following reports shall be submitted to the City Planning Department by the applicant when the property is located in a Hillside Grading Area, as defined in Article 1 (Building Code) of Chapter 9 (Building Regulations) of this Code.

1. A geologic report prepared by an engineering geologist, as defined in Article 1 (Building Code) of Chapter 9 (Building Regulations) of this Code, setting forth all relevant geologic data pertaining to the proposed separate parcels and including separately stated conclusions listing any potential hazards to public health, safety or welfare which may exist on the proposed parcels or which could result from grading or building upon the proposed separate parcels

2. A report prepared by a soils engineer, as defined in Article 1 (Building Code) of Chapter 9 (Building Regulations) of this Code, setting forth sufficient engineering data to explain the proposed solutions to:

(a) Any potential geologic hazards disclosed by the geologic report; and

(b) Any potential geologic hazards that could be created by the proposed grading.

D. Protected Tree Reports for Parcel Maps. No application for a preliminary parcel map approval for a parcel where a protected tree is located shall be considered complete unless it includes a report pertaining to preserving the tree. The

report shall be prepared by a tree expert and shall evaluate the subdivider's proposals for protected tree preservation, removal, replacement and/or relocation. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of any protected tree referred to in the report, or proposes to relocate or remove any tree, the report shall also evaluate any mitigation measures proposed by the subdivider and the anticipated effectiveness in preserving the tree.

SEC. 17.52. PARCEL MAP – STANDARDS OF REVIEW AUTHORITY OF ADVISORY AGENCY.

A. Disapproval of Maps.

1. No preliminary Parcel Map shall be approved which violates or would result in a violation of, or fails to comply with, the Subdivision Map Act or any other applicable law of this City or State.

2. In addition the Advisory Agency may disapprove a preliminary Parcel Map if, after investigation, it determines that said map does not substantially comply with the various elements of the City's General Plan, or does not provide such street or alley dedication or improvements as are necessary to achieve the purposes of these regulations, or fails to provide acceptable lot design or lot sizes which closely conform to the size of the contiguous or nearby lots on the same street, or results in reorientation of a lot or parcel in such a manner as to be detrimental to adjoining properties or the surrounding neighborhood.

3. Where a Parcel Map involves land for which a General Plan, including dwelling unit densities, has been adopted by the Council, and said land is also in an "H" Hillside or Mountainous Area established by Article 2 (Specific Planning-Zoning Comprehensive Zoning Plan) of this Chapter, the number of lots or parcels on said map shall be limited so that the number of dwelling units permitted by the applicable zoning regulations shall not substantially exceed the dwelling unit densities shown on said plan.

4. Where a Parcel Map includes land upon which either a combination of parking and commercial zones or a combination of parking and industrial zones has been established, the Parcel Map shall not be approved unless each parcel being created substantially conforms to the established ratio of space for parking to space for commercial use or space for parking to space for industrial use as such ratio existed immediately prior to the land division.

5. The Advisory Agency shall disapprove a preliminary Parcel Map when the property is situated in a Hillside Grading Area as defined in Article 1 (Building Code) of Chapter 9 (Building Regulations) of this Code and the Department of Building and Safety or the Bureau of Engineering has submitted a report in writing to the Advisory Agency recommending disapproval of the

preliminary Parcel Map because of any existing or potential geologic hazards lacking satisfactory engineering solutions.

6. The Advisory Agency may disapprove a preliminary Parcel Map unless the proposed name of each street thereon has been approved by the City Engineer. Advisory Agency approval shall be withheld if the City Engineer has determined that a proposed street name would create confusion, be misleading, be unduly long or carry connotations offensive to good taste and decency.

B. Lots May Be Increased In Size.

1. Where the Advisory Agency finds it necessary in order to promote the general welfare, to provide for a more consistent development for the area, and to preserve property values, it may require that lots or parcels described in a Parcel Map and located in an RA or R Zone be increased in size from that proposed so as to more closely conform to the size of existing contiguous lots or nearby parcels on the same street. However, in no case may the Advisory Agency require such parcels in the aforementioned zones other than RA, RE20 and RE40 to contain an area of more than 20,000 square feet.

2. Where the Advisory Agency finds that a future public easement will be needed on a portion of such lots or parcels for street or other public uses, it may require that such lots or parcels be increased in size from the proposed so as to provide space for such easement; and in addition, it may impose conditions prohibiting or restricting the erection for buildings, or structures on that portion needed for such easement.

C. Maps Involving Private Road Easements. Whenever a proposed division of land involves one or more parcels which are contiguous or adjacent to a private road easement with the remaining parcel contiguous or adjacent to a dedicated street, only the Parcel Map need be filed, without requiring the payment of additional fees or the filing of a Private Street Map. The Advisory Agency may approve, conditionally approve, or disapprove the map subject to the applicable provisions of this Article or Article 8 (Private Street Regulations) of this Chapter.

D. Lots In The Very High Fire Hazard Severity Zone.

1. Advisory Agency may disapprove a preliminary Parcel Map for land located in the Very High Fire Hazard Severity Zone, pursuant to Section 57.4908 of Chapter 5 (Fire Code) of this Code, because of inadequate fire protection facilities unless:

(a) The designated area in which buildings are to be erected on each proposed parcel or lot, as shown on said map, are located not more than 1,000 feet from a fire hydrant, said distance to be measured along a

route providing reasonable access, as determined by the Fire Chief, for the laying of fire hoses in an emergency, or

(b) Said Fire Chief reports that adequate fire protection exists, or is in the process of being provided, for said parcels or lots.

2. Upon proper application to the City Council, and upon recommendation of the Chief Engineer of Waterworks of the Department of Water and Power, the City may provide for contribution toward the cost of installation of water mains and hydrants necessary to comply with this Subsection where said Chief Engineer determines that the cost of such installation is greatly in excess of normal charges for providing like facilities.

E. Maps Involving Future Streets. In the event that the Advisory Agency determines that certain streets or alleys in a proposed division of land must be reserved for future public use, they shall be indicated on the preliminary Parcel Map and offered for dedication as future streets or future alleys prior to recording the Parcel Map. The applicant shall furnish the Bureau of Right of Way and Land an offer of dedication therefor in accordance with the provisions of Section 17.53 of this Article.

F. (This subsection intentionally left blank.)

G. Maintenance Of Accessory Structures. Where the Advisory Agency determines that a proposed Parcel Map complies with all provisions of these Parcel Map Regulations, but finds that the proposed division of land will result in an accessory building or structure being on a parcel separated from the main building or a residential building being on a parcel without the required off-street parking spaces and, in order to afford the applicant time to properly provide a main building on the same parcel with the accessory structure or building, or to remove same, or to provide the required off-street parking spaces with the residential building, the Advisory Agency may approve the proposed Parcel Map and the continued use and maintenance of said accessory structures or buildings separated from the main building for a period of time not to exceed one year and the residential building without the off-street parking spaces for a period of time not to exceed 90 days subject to the following conditions:

1. That as a prerequisite to the filing of the final Parcel Map with the City Engineer, the owner or owners of record of the subject property shall record in the office of the County Recorder of Los Angeles County, California, a covenant running with the and in which such owner or owners agree to comply with an the conditions imposed by the Advisory Agency in approving the Parcel Map.

2. That upon approval of the proposed Parcel Map, in addition to the permanent copy placed on file in the City Planning Department, the Advisory Agency shall furnish a copy of said action to the applicant and to the Department of Building and Safety.

H. Lots Involving a Common Slope. Whenever two or more lots are to be created on a common slope and the City Engineer or Superintendent of Building determines that condition so dictate, the Advisory Agency may require as a condition of approval of the preliminary Parcel Map that appropriate deed covenants on a form approved by the City Attorney be recorded which provide to each owner of said common slope a joint right on entry for access of men and equipment, and a joint easement over the slope area to maintain and repair said common slope.

I. When a protected tree exists on a proposed parcel, the preservation of the tree at its existing location, its relocation for preservation purposes, or the removal of the tree shall be regulated in the same manner as that provided under subdivision regulations set forth in this Article.

J. Greater Downtown Housing Incentive Area. In calculating the allowable floor area of a parcel map proposed to be developed as a residential (including Apartment Hotel or mixed use) building in the Greater Downtown Housing Incentive Area, any land required to be dedicated for street purposes shall be included as part of the lot area of the parcel map.

SEC. 17.53. APPROVAL OF PRELIMINARY PARCEL MAP STANDARDS OF REVIEW.

A. Processing. See Sec. 13B.7.5.D. (Preliminary Parcel Map; Decision) of Chapter 1A of this Code.

B. Approval. See Sec. Sec. 13B.7.5.D.5. (Preliminary Parcel Map; Decision; Action of Advisory Agency) of Chapter 1A of this Code.

C. Conditional Approval. When the Advisory Agency determines that the preliminary Parcel Map complies with all of the provisions of these parcel map regulations, but that street or alley dedications or improvements, storm drain easements, sanitary sewer easements or slope easements are necessary, or that grading or construction of an engineered retaining structure as specified in this Section is necessary. It may approve the proposed preliminary Parcel Map subject to the following conditions being complied with to the satisfaction of the City Engineer:

1. That an offer be made to dedicate such land as is necessary for street or alley purposes in compliance with the applicable street and alley design standards established in Section 17.05 (Design Standards) of this Article and such storm drain easements, sanitary sewer easements and slope easements as are deemed necessary. The offer shall be properly executed by all parties having a record interest therein including beneficiaries under deeds of trust as shown by a current preliminary title report prepared by a title company approved by the City Engineer for that purpose. The trustee under said deed of trust shall not be required to execute the dedicatory instrument, unless, in the view of the City Engineer, such execution is necessary to satisfactorily dedicate the land.

This report shall be on a form approved by the City Attorney and the City Engineer; be in such terms as to be binding on the owner, his heirs, assigns or successors in interest; and shall continue until the City Council accepts or rejects it. The offer shall provide that the dedication will be complete upon acceptance by the City Council. The City Engineer or a designated deputy shall approve or disapprove the offer for recordation within ten days after it is filed with the City Engineer. The offer shall be recorded by the City Engineer in the Office of the County Recorder upon its approval by the City Engineer or said deputy. If the streets, alleys and easements being offered for dedication are required for immediate public use as streets, alleys and easements, a resolution of acceptance shall thereafter be submitted to the City Council concurrently with the final Parcel Map in order to complete the dedication. Offers to dedicate which are not required for immediate public use will be retained by the City until such time as acceptance for public use occurs. If an offer is rejected by the City Council, the City Engineer shall issue a release from such offer which shall be recorded in the office of the County Recorder.

(a) When it is determined that additional street dedication for widening will be required from property adjoining that depicted in the preliminary Parcel Map in order to comply with the applicable street standards provided for in Section 17.05 (Design Standards) of this Article, the offer of dedication provided for hereinabove shall include an agreement as a covenant running with the land that upon completion of the dedication, a one–foot wide portion of the property included within the dedication and abutting such adjoining property shall not be used for access thereto. This agreement shall be in the form of a covenant running with the land and shall be recorded, but shall by its own terms become null and void upon the completion of the dedication of the additional land needed for street purposes from the adjoining property. The City Engineer shall show that portion of the dedication which is subject to the recorded covenant on the District Maps of the City of Los Angeles. As long as said agreement remains in effect, the aforesaid one–foot strip shall not be used as a means of access to said adjoining property, nor shall any permits be issued by any City Department permitting its use for access purposes.

2. That such improvements as are required be constructed and installed to the satisfaction of the City Engineer or that construction and installation of such improvements be guaranteed in accordance with the provisions of Section 17.08 G. (Improvements; Guarantees) of this Article. Said improvements shall be limited to grading and the installation of local drainage and sewer facilities, curbs, gutters, sidewalks, street lights, street trees and roadway surfacing. In addition, the City Engineer may also require such other incidental improvements as are essential to the proper installation of the required public street or alley improvements. All such improvements shall be graded and improved in accordance with plans approved by the City Engineer. When the conditions of approval of the Preliminary Parcel Map specify that improvements

are required to be constructed prior to the grant of any development right, no building permit shall be issued until the improvements have been constructed or suitably guaranteed in accordance with Section 17.08 G. (Improvements; Guarantees) of this Article.

2.5. That if grading or construction of an engineered retaining structure is required by the Advisory Agency to remove potential geologic hazards, such grading or construction shall be completed or guaranteed to the satisfaction of the City Engineer and/or the Superintendent of Building.

3. When recommended by the Fire Department, the Advisory Agency may as a condition of approval of the preliminary Parcel Map, require the installation of fire hydrants to the satisfaction of the Fire Department.

(a) Upon proper application to the City Council, and upon recommendation of the City Engineer of Waterworks of the Department of Water and Power, the City may provide for contribution toward the costs of installation of water mains and hydrants necessary to comply with this subsection where said Chief Engineer determines that the cost of such installation is greatly in excess of normal charges for providing like facilities.

4. Failure to fulfill all conditions of a conditional approval within one year after the date of such approval shall automatically terminate and void the proceedings. Upon application, prior to the expiration of the original one–year period, an extension of time for a period not exceeding one year may be granted by the Advisory Agency. The Advisory Agency's determination on an application for a time extension shall be subject to the appeal provision of Section 13B.7.8 (Subdivision Appeal) of Chapter 1A of this Code.

D. Modification of Requirements.

See Sec. 13B.7.5.D. (Preliminary Parcel Map; Decision) of Chapter 1A of this Code.

E. (This subsection intentionally left blank.)

F. (This subsection intentionally left blank.)

G. Where Parcel Map Includes Land Within Drainage District. Whenever a Parcel Map, or a portion thereof includes land which is within a Local Drainage District, the provisions and requirements of the ordinance establishing such District shall be complied with.

H. Modifications of Approved Preliminary Parcel Maps. See Sec. 13B.7.5.H. (Preliminary Parcel Map) of Chapter 1A of this Code.

I. (This subsection intentionally left blank.)

J. Further Authority. The Advisory Agency, acting in the capacity of an Associate Zoning Administrator, shall have the authority to reduce the width of required passageways pursuant to Section 12.21 C.2.(b) (Spaces Between Buildings – Passageways) of this Chapter to no less than five feet between habitable buildings and detached condominiums, unless the Fire Department determines that the reduction would result in a safety hazard. And shall have the authority to grant deviations of no more than 20 percent from the applicable area, yard, and height requirements. The subdivider must ask for adjustment(s) at the time of filing. In permitting adjustments, the Advisory Agency shall make the findings contained in Section 12.28 C.4.

The reductions/deviations shall be included in the written decision of the Advisory Agency. Notification and appeal rights to such reductions/deviations shall conform to Section 17.54 A.

SEC. 17.54. APPEALS.

See Sec. 13B.7.8. (Subdivision Appeal) of Chapter 1A of this Code.

SEC. 17.55. MAP IDENTIFICATION AND REPRODUCTION.

Each preliminary Parcel Map shall be identified with a number assigned by the City Planning Department and the date of filing. Said number shall be shown on the recorded Parcel Map.

SEC. 17.56. PARCEL MAP.

A. Time Limit. See Sec. 13B.7.5.F. (Preliminary Parcel Map; Scope of Decision) of Chapter 1A of this Code.

B. Procedure. See Sec. 13.B.7.6. (Final Parcel Map) of Chapter 1A of this Code.

C. Final Parcel Map Requirements.

1. The following information shall be submitted with the Parcel Map: names, address and telephone number of the record owners, and person preparing the Parcel Map. The general form and layout of the map, including size and type of lettering, drafting and location of acknowledgment, etc., shall be determined by the City Engineer. The map shall be prepared on high quality tracing cloth or other material approved by the City Engineer.

1.5 The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey but only by reference to

the existing record boundaries of such remainder if such remainder has a gross area of five acres or more.

2. Each sheet of said Parcel Map shall be 18 × 26 inches. A marginal line shall be drawn around each sheet, leaving a blank margin of one inch. The scale of the map shall be such as to show all details clearly. Each sheet shall be numbered, and its relation to other sheets clearly shown. The Parcel Map number, scale and north point shall be shown on each sheet. If more than three sheets are necessary to show the entire division of land, an index map shall be included on one of the sheets.

The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. Each parcel shall be identified by a letter.

3. Where the division of land creates four or less parcels, the Parcel Map may be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one of these boundary lines can be established from an existing monumented line.

4. All other Parcel Maps shall be based upon a field survey made in conformance with the Land Surveyor's Act.

5. The Parcel Map shall be prepared by a registered civil engineer or licensed land surveyor. A signed Surveyor's Certificate as required by the Subdivision Map Act shall appear on the Parcel Map.

5.5 Where there are no dedications being made by the Parcel Map, a certificate signed and acknowledged by the fee owners only, of the real property being subdivided, consenting to the preparation and recordation of the parcel map, shall be required.

SEC. 17.57. APPROVAL OF MAP SHALL NOT AUTHORIZE VIOLATION OF OTHER LAWS.

See Sec. 13B.7.5.F.(Preliminary Parcel Map; Scope of Decision) of Chapter 1A of this Code.

SEC. 17.58. PARK AND RECREATION SITE ACQUISITION AND DEVELOPMENT.

See Sec. 13B.7.E. (Final Parcel Map; Standards for Review and Required Findings) of Chapter 1A of this Code.

SEC. 17.59. MODIFICATION OF RECORDED PARCEL MAPS – STANDARDS OF REVIEW.

See Section 13B.7.6.H (Final Parcel Map; Modification of Recorded Final Parcel Map) of Chapter 1A of this Code.

SEC. 17.60. SALES CONTRARY TO PARCEL MAP REGULATIONS ARE VOIDABLE.

Any deed of conveyance, sale or contract to sell made contrary to the provisions of these Parcel Map regulations is voidable to the extent and in the same manner as is provided for violation of Section 66499.32 of the Subdivision Map Act.

Sec. 127. Subsection C. of Section 18.00. of Article 8 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

C. When a developed residential lot or building site has its access driveway located within a private road easement that existed and was recorded prior to September 6, 1961, said private road easement shall be deemed to have been approved in accordance with the provisions of this article and may be continued. Further, on such lot or building site additions and alterations may be made to such dwelling, and accessory buildings may be erected on said lot if no additional dwelling units or guest rooms are created.

Sec. 128. The definition of "Private road easement" in Section 18.01. of Article 8 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

"Private road easement" See Div. 13C.1. (Administration Definitions) of Chapter 1A of this Code.

Sec. 129. The definition of "Private street" in Section 18.01. of Article 8 of Chapter 1 of the Los Angeles Municipal Code shall be amended to read as follows:

"Private street" See Div. 13C.1. (Administration Definitions) of Chapter 1A of this Code.

Sec. 130. Section 18.02. of Article 8 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

SEC. 18.02. [RESERVED.]

Sec. 131. Section 18.03. of Article 8 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

SEC. 18.03. PROCEDURE.

See Sec. 13B.7.7. (Private Street Map) of Chapter 1A of this Code.

Sec. 132. Section 18.08. of Article 8 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

SEC. 18.08. DIRECTOR APPROVAL AND APPEALS.

See Sec.13B.7.7. (Private Street Map) of Chapter 1A of this Code.

Sec. 133. Section 18.10. of Article 8 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

SEC. 18.10. BUILDING PERMITS.

See Sec. 13B.7.7.F. (Private Street Map; Scope of Decision) of Chapter 1A of this Code.

Sec. 134. Section 18.12. of Article 8 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

SEC. 18.12. MODIFICATIONS.

See Sec. 13B.7.7. H. (Private Street Map; Modification of Entitlement) of Chapter 1A of this Code.

Sec. 135. Section 19.00. of Article 9 of Chapter 1 of the Los Angeles Municipal Code shall be amended in its entirety to read as follows:

SEC. 19.00. FILING OF APPLICATIONS AND APPEALS

A. Filing Date. See Sec. 13A.2.3. (Applications) of Chapter 1A of this Code.

B. Time Limit - Appeals. See Sec. 13A.2.8. (Appeals) of Chapter 1A of this Code.

C. Place of Filing. See Sec. 13A.2.3. (Applications) of Chapter 1A of this Code.

D. See Sec. 13A.2.4. (Notice of Public Hearing) of Chapter 1A of this Code.

Sec. 136. Chapter 1A of the Los Angeles Municipal Code is hereby established and shall read as shown in the document attached to this ordinance as Exhibit A.

Sec. 137. **OPERATIVE DATE.** The operative date for this ordinance shall be 180 days after the effective date.

Sec. 138. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this

ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 139. 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 at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the 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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
ADRIENNE S. KHORASANEE
Assistant City Attorney

Date 11/8/22

File No. 12-0460-S4

Pursuant to Charter Section 559, I **approve** this ordinance on behalf of the City Planning Commission and recommend that it be adopted.

_____ for
VINCENT P. BERTONI, AICP
Director of Planning

Date 11/08/22

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

_____

Ordinance Passed December 6, 2022

MAYOR

_____

Approved 12/08/2022

Posted Date: 12/14/2022
Ordinance Effective Date: 01/23/2023

EXHIBIT A

CHAPTER 1A

LOS ANGELES ZONING CODE

ARTICLE 1. INTRODUCTORY PROVISIONS .....
ARTICLE 2. FORM .....
ARTICLE 3. FRONTAGE .....
ARTICLE 4. DEVELOPMENT STANDARDS .....
ARTICLE 5. USE .....
ARTICLE 6. DENSITY .....
ARTICLE 7. ALTERNATE TYPOLOGIES .....
ARTICLE 8. SPECIFIC PLANS & SUPPLEMENTAL DISTRICTS .....
ARTICLE 9. PUBLIC BENEFIT PROGRAMS .....
ARTICLE 10. STREETS & PARKS .....
ARTICLE 11. DIVISION OF LAND .....
ARTICLE 12. NONCONFORMITIES .....
ARTICLE 13. ADMINISTRATION .....
ARTICLE 14. DEFINITIONS & MEASUREMENT .....
ARTICLE 15. FEES .....

ARTICLE 1 ARTICLE 1. INTRODUCTORY PROVISIONS

[Reserved]

ARTICLE 2 ARTICLE 2. FORM

[Reserved]

ARTICLE 3 ARTICLE 3. FRONTAGE

[Reserved]

ARTICLE 4 ARTICLE 4. DEVELOPMENT STANDARDS

[Reserved]

ARTICLE 5 ARTICLE 5. USE

[Reserved]

ARTICLE 6 ARTICLE 6. DENSITY

[Reserved]

ARTICLE 7 ARTICLE 7. ALTERNATE TYPOLOGIES

[Reserved]

ARTICLE 8 ARTICLE 8. SPECIFIC PLANS & SUPPLEMENTAL DISTRICTS

[Reserved]

ARTICLE 9 ARTICLE 9. PUBLIC BENEFIT PROGRAMS

[Reserved]

ARTICLE 10 ARTICLE 10. STREETS & PARKS

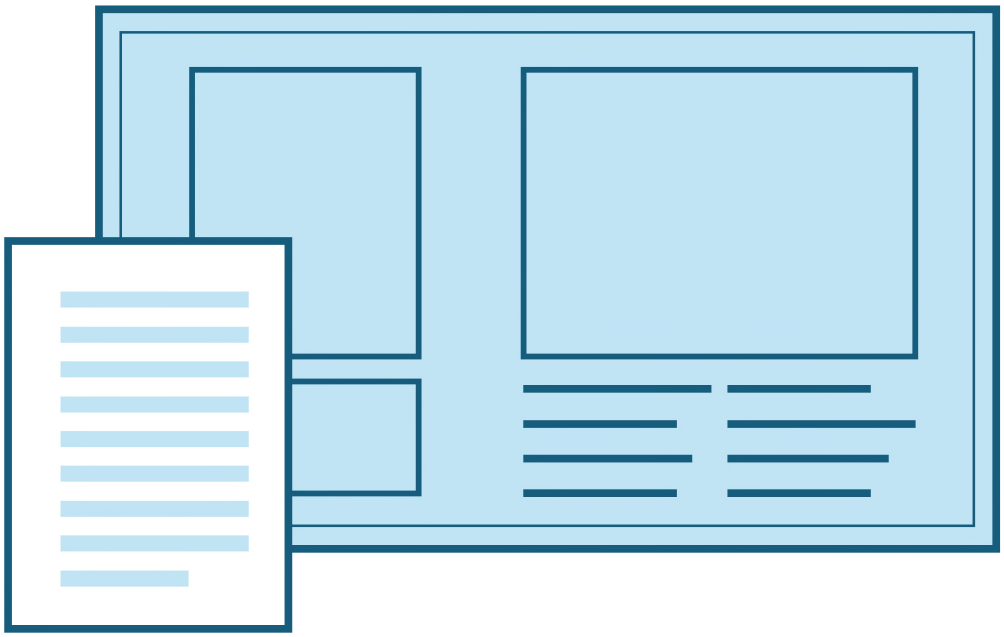
[Reserved]

ARTICLE 11 ARTICLE 11. DIVISION OF LAND

[Reserved]

ARTICLE 12 ARTICLE 12. NONCONFORMITIES

[Reserved]



ARTICLE 13 ADMINISTRATION

PART 13A: **General Administration Provisions**

PART 13B: **Processes & Procedures**

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PART 13A. GENERAL ADMINISTRATION PROVISIONS

DIV. 13A.1. AUTHORITIES

This Division recognizes or identifies the agencies involved in administering the Zoning Code, this Chapter and Chapter 1 (General Provisions and Zoning) of this Code. This Division also describes how the agencies are composed, and their powers and duties. If the agency is established by another body of law, such as the City Charter, cross-references to those laws are provided. All City Charter provisions still apply.

SEC. 13A.1.1. MAYOR

A. Establishment

See Sec. 200 (City Officers) of the City Charter.

B. Composition

See Sec. 201 (City Offices) of the City Charter.

C. General Authority

See Sec. 230 (Mayor) and 231 (Powers and Duties) of the City Charter.

D. Specific Authority

Consistent with the duties set forth in the City Charter, the Mayor exercises the following specific authority:

1. Review and submit recommendations pertaining to an amendment, in whole or in part, of the General Plan.
2. Approve or veto pursuant to the City Charter:
    b. A Specific Plan;
    c. A Zoning Code Amendment; and
    d. A Zone Change (including Supplemental Use Districts).
3. Exercise any other authority delegated by this Code or the City Charter.

SEC. 13A.1.2. CITY COUNCIL

A. Establishment

See Sec. 200 (City Officers) of the City Charter.

B. Composition

See Sec. 204 (Election and City Council Members; Redistricting), 205 (Term of Office), 206 (Term Limits), and 241 (Council Size) of the City Charter.

C. General Authority

See Sec. 240 – 254 (Legislative Branch) of the City Charter.

D. Specific Authority

Consistent with the duties set forth in the City Charter, the City Council exercises the following specific authority:

1. Adopt or amend the General Plan;
2. Adopt or amend a specific plan;
3. Adopt or amend the Zoning Code, this Chapter or Chapter 1 (General Provisions and Zoning) of this Code;
4. Adopt or amend a Zone Change (including Supplemental Use Districts);
5. Approve, conditionally approve, or deny a Class 3 Conditional Use Permit on appeal from the City Planning Commission;
6. Approve, conditionally approve, or deny a Project Exception on appeal from an Area Planning Commission;
7. Approve, conditionally approve, or deny a Nuisance Abatement/Revocation on appeal from the Zoning Administrator;
8. Accept Final Maps and dedications pursuant to a Final Map;
9. Accept Final Parcel Maps and dedications pursuant to a Final Parcel Map;
10. Adopt or amend a Historic Preservation Overlay Zone ("HPOZ") designation or boundary change;
11. Approve, conditionally approve, or deny a Certificate of Appropriateness (Demolition, Removal, or Relocation) on appeal from an Area Planning Commission; and
12. Exercise any other authority delegated by the Zoning Code, this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, or the City Charter.

SEC. 13A.1.3. CITY PLANNING COMMISSION

A. Establishment

See Sec. 551 (City Planning Commission) of the City Charter.

B. Composition

See Sec. 551 (City Planning Commission) of the City Charter.

C. General Authority

See Sec. 551 (City Planning Commission) and 559 (Delegation of Authority) of the City Charter.

D. Specific Authority

Consistent with the duties set forth in the City Charter, the City Planning Commission exercises the following specific authority:

1. Review and submit recommendations to the City Council on:
    a. The adoption or amendment of the General Plan;
    b. The adoption or amendment of a specific plan;
    c. The adoption or amendment of the Zoning Code, this Chapter or Chapter 1 (General Provisions and Zoning) of this Code;
    d. Any Zone Change (including Supplemental Use Districts); and
    e. Any Historic Preservation Overlay Zone ("HPOZ") designation or boundary change.
2. To render a final decision on any:
    a. Class 3 Conditional Use Permit;
    b. Preservation Plan Adoption / Amendment; and
    c. Guidelines or Standards Adoption / Amendment.
3. To approve or deny, on appeal, any:
    a. Project Review relating to a Density Bonus;
    b. Specific Plan Interpretation (which affects an entire specific plan area or any of its subareas);
    c. Appeals of Department of City Planning action on LADBS Appeal (which have a Citywide impact);
    d. Subdivision Approval, as provided in Div. 13B.7. (Division of Land); and
    e. Zoning Administrator Interpretation.
4. Make decisions on any matter that would otherwise be heard by an Area Planning Commission if the matter involves a project which crosses the boundaries of the area served by more than one Area Planning Commission.
5. Adopt guidelines for the administration of the provisions of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code if it determines that guidelines are necessary and appropriate. Authority to adopt guidelines for the administration of the provisions of these Chapters may be delegated to others by adoption of a resolution by City Council. Existing provisions of these Chapters that delegate authority for the adoption of guidelines to others shall continue to apply with respect to those provisions.
6. No ordinance, order or resolution referred to in Sec. 555 (General Plan – Purpose and Contents) or 558 (Procedure for Adoption, Amendment or Repeal of Certain Ordinances, Orders and Resolutions) of the City Charter shall be adopted by the Council, unless it shall have first been submitted to the City Planning Commission or the Area Planning Commission for report and recommendation, in the manner set forth in those Sections. The report and recommendation shall indicate whether the proposed ordinance, order, or resolution is in conformance with the General Plan, any applicable specific plans, any plans being

prepared by the Department of City Planning, and any other applicable requirement set forth in those City Charter Sections.

7. Exercise any other authority delegated by the Zoning Code, this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, or the City Charter.

SEC. 13A.1.4. AREA PLANNING COMMISSION

A. Establishment

1. Creation of Area Planning Commissions

In accordance with Sec. 552 (Area Planning Commissions) of the City Charter, there are established seven Area Planning Commissions as set out in Subsection A.2 (Boundaries) below.

2. Boundaries

The Area Planning Commissions and their boundaries are as follows:

Area Planning Commission	Boundaries (as set out in the designated community plans)
North Valley Area Planning Commission	• Arleta. Pacoima Community Plan, as adopted on November 6, 1996, the boundaries of which are shown on a map in Council File No. 95-1396. • Chatsworth. Porter ranch Community Plan, as adopted on July 14, 1993, the boundaries of which are shown on a map in Council File No. 91-1045- 43. • Granada Hills. Knollwood Community Plan, as adopted on July 10, 1996, the boundaries of which are shown on a map in Council File No. 95-0994. • Mission Hills. Panorama City - North Hills Community Plan, as adopted on June 9, 1999, the boundaries of which are shown on a map in Council File No. 97-0706. • Northridge Community Plan, as adopted on February 24, 1998, the boundaries of which are shown on a map in Council File No. 98-0027. • Sun Valley - La tuna Canyon Community Plan, as adopted on August 13, 1999, the boundaries of which are shown on a map in Council File No. 98- 2025. • Sunland - Tujunga - Lakeview terrace - Shadow Hills - East La Tuna Canyon Community Plan, as adopted on November 18, 1997, the boundaries of which are shown on a map in Council File No. 97-0703. • Sylmar Community Plan, as adopted on August 6, 1997, the boundaries of which are shown on a map in Council File No. 96-0429.
South Valley Area Planning Commission	• Canoga Park - Winnetka - Woodland Hills - West Hills Community Plan, as adopted on August 17, 1999, the boundaries of which are shown on a map in Council File No. 98-1957. • Encino - Tarzana Community Plan, as adopted on December 16, 1998, the boundaries of which are shown on a map in Council File No. 98-1823. • North Hollywood - Valley Village Community Plan, as adopted on May 14, 1996, the boundaries of which are shown on a map in Council File No. 95-0830.

Area Planning Commission	Boundaries (as set out in the designated community plans)
	• Reseda - West Van Nuys Community Plan, as adopted on November 17, 1999, the boundaries of which are shown on a map in Council File No. 96- 1597. • Sherman Oaks - Studio City - Toluca Lake - Cahuenga Pass Community Plan, as adopted on May 13, 1998, the boundaries of which are shown on a map in Council File No. 97-0704. • Van Nuys - North Sherman Oaks Community Plan, as adopted on September 9, 1998, the boundaries of which are shown on a map in Council File No. 98-0572. • Mulholland Scenic Parkway Specific Plan, as adopted by Ordinance No. 167,943 on June 29, 1992, the boundaries of which are shown in the map attached to that ordinance. To the extent any area included within the boundaries of the Mulholland Scenic Parkway Specific Plan is also included within a community plan, that area shall be served by the South Valley Commission, and not by any other Area Planning Commission that would otherwise be authorized to serve that area under this subsection.
West Los Angeles Area Planning Commission	• Bel Air - Beverly Crest Community Plan, as adopted on November 6, 1996, the boundaries of which are shown on a map in Council File No. 95-1386; except for that area within the boundaries of the Mulholland Scenic Parkway Specific Plan, which area shall be served by the South Valley Area Planning Commission as provided in paragraph 2 of this subsection. • Brentwood - Pacific Palisades Community Plan, as adopted on June 17, 1998, the boundaries of which are shown on a map in Council File No. 98- 0771; except for that area within the boundaries of the Mulholland Scenic Parkway Specific Plan, which area shall be served by the South Valley Area Planning Commission as provided in paragraph 2 of this subsection. • Palms - Mar Vista - Del Rey Community Plan, as adopted on September 17, 1998, the boundaries of which are shown on a map in Council File No. 97-0705. • Venice Community Plan, as adopted on October 14, 1970, the boundaries of which are shown on a map in Council File No. 76-1403. • West Los Angeles Community Plan, as adopted on July 27, 1999, the boundaries of which are shown on a map in Council File No. 98-2024. • Westchester - Playa Del Rey Community Plan, as adopted on June 13, 1974, the boundaries of which are shown on a map in Council File No. 72- 2670. • Westwood Community Plan, as adopted on July 27, 1999, the boundaries of which are shown on a map in Council File No. 98-1534. • Interim Plan for the Los Angeles International Airport, as adopted by the City Council on January 12, 1981, the boundaries of which are shown on the map in Council File No. 82-4283-S1.

Area Planning Commission	Boundaries (as set out in the designated community plans)
Central Area Planning Commission	• Central City Community Plan, as adopted on May 2, 1974, the boundaries of which are shown on a map in Council File No. 72-1723. • Central City North Community Plan, as adopted on February 5, 1985, the boundaries of which are shown on a map in Council File No. 84-1717. • Hollywood Community Plan, as adopted on December 13, 1988 the boundaries of which are shown on a map in Council File No. 86-0695- S1; except for that area within the boundaries of the Mulholland Scenic Parkway Specific Plan, which area shall be served by the South Valley Area Planning Commission as provided in paragraph 2 of this subsection. • Westlake Community Plan, as adopted on September 16, 1997, the boundaries of which are shown on a map in Council File No. 95-1234. • Wilshire Community Plan, as adopted on May 17, 1976, the boundaries of which are shown on a map in Council File No. 75-2828-S1.
East Area Planning Commission	• Boyle Heights Community Plan, as adopted on November 10, 1998, the boundaries of which are shown on a map in Council File No. 95-1302. • Northeast Los Angeles Community Plan, as adopted on June 15, 1999, the boundaries of which are shown on a map in Council File No. 99-0711. • Silver Lake - echo Park Community Plan, as adopted on February 17, 1984, the boundaries of which are shown on a map in Council File No. 83-0071.
South Los Angeles Area Planning Commission	• South Central Los Angeles Community Plan, as adopted on March 22, 2000, the boundaries of which are shown on a map in Council File No. 98-1192. • Southeast Los Angeles Community Plan, as adopted on March 22, 2000, the boundaries of which are shown on a map in Council File No. 99-0496. • West Adams - Baldwin Hills - Leimert Community Plan, as adopted on May 6, 1998, the boundaries of which are shown on a map in Council File No. 97-0534.
Harbor Area Planning Commission	• Harbor Gateway Community Plan, as adopted on December 6, 1995, the boundaries of which are shown on a map in Council File No. 95-1394. • San Pedro Community Plan, as adopted on March 24, 1999, the boundaries of which are shown on a map in Council File No. 98-1771. • Wilmington - Harbor City Community Plan, as adopted on July 14, 1999, the boundaries of which are shown on a map in Council File No. 98-1619. • Port of Los Angeles Plan, as adopted by the City Council on September 28, 1982, the boundaries of which are shown on the map in Council File No. 82-0400.

3. Change in Boundaries

If the boundaries of any community plan or specific plan mentioned in Subsection A.2 (Boundaries) above are changed, that change will not affect the boundaries of the areas to be served by each Area Planning

Commission as prescribed by this Section. A change in the boundaries of the area to be served by any Area Planning Commission are affected only by a specific amendment or repeal of this Section.

B. Composition

See Sec. 552 (Area Planning Commissions) of the City Charter.

C. General Authority

See Sec. 552 (Area Planning Commissions) of the City Charter.

D. Specific Authority

Consistent with the duties set forth in the City Charter, an Area Planning Commission exercises the following specific authority:

1. Review and submit recommendations to the City Council on a Zone Change (including Supplemental Use Districts).
2. To render a final decision on any:
    a. Project Exception; and
    b. Certificate of Appropriateness (Demolition, Removal, or Relocation).
3. To approve or deny, on appeal, any:
    a. Class 2 Conditional Use Permit;
    b. Project Review;
    c. Project Compliance;
    d. Project Compliance (Design Review Board);
    e. Project Adjustment;
    f. Specific Plan Interpretation (which is applicable only on a site specific basis);
    g. Alternative Compliance;
    h. Adjustment;
    i. Variance;
    j. Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction);
    k. Certificate of Compatibility for Non-Contributing Elements;
    l. Appeals of Department of City Planning action on LADBS Appeal (which do not have a Citywide impact);
    m. Subdivision Approval, as provided in Div. 13B.7. (Division of Land);
    n. Coastal Development Permit; and
    o. Zoning Administrator Interpretation on a site specific issue.

4. Despite the above provisions, the City Planning Commission shall make decisions on any matter that would otherwise be heard by an Area Planning Commission if the matter involves a project which crosses the boundaries of the area served by more than one Area Planning Commission.

5. Exercise any other authority delegated by the Zoning Code, this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, or the City Charter.

SEC. 13A.1.5. CULTURAL HERITAGE COMMISSION

See Article 1 (Cultural Heritage Commission) of Chapter 9 (Department of City Planning) of Div. 22 (Departments, Bureaus and Agencies Under the Control of the Mayor and Council) of the Los Angeles Administrative Code.

SEC. 13A.1.6. DIRECTOR OF PLANNING

A. Establishment

See Sec. 553 (Director of Planning) of the City Charter.

B. Composition

See Sec. 508 (Appointment and Removal of Chief Administrative Officers) of the City Charter.

C. General Authority

See Sec. 553 (Director of Planning) of the City Charter.

D. Specific Authority

Consistent with the duties set forth in the City Charter, the Director of Planning exercises the following specific authority:

1. Review and submit recommendations on:
    a. The adoption or amendment of the General Plan;
    b. The adoption or amendment of a specific plan;
    c. A Zoning Code Amendment;
    d. A Zone Change (including Supplemental Use Districts);
    e. The adoption or amendment of a Preservation Plan; and
    f. Any other decision within the original jurisdiction of the City Planning Commission or an Area Planning Commission.

2. To render a decision on any:
    a. Project Review;
    b. Director Determination;
    c. Administrative Review;

d. Project Compliance;

e. Project Compliance (Design Review Board);

f. Project Adjustment;

g. Specific Plan Interpretation;

h. Alternative Compliance;

i. Adjustment;

j. Reasonable Accommodation - Fair Housing Protections for Individuals with Disabilities;

k. Private Street Map;

l. Review of Conforming Work in an Historic Preservation Overlay Zone, where delegated by a Preservation Plan;

m. Certificate of Appropriateness (Construction, Addition, Alteration, Reconstruction) in an Historic Preservation Overlay Zone;

n. Certificate of Compatibility for Non-Contributing Elements in an Historic Preservation Overlay Zone;

o. Appeals from LADBS Determinations; and

p. Coastal Development Permit.

3. Interpret the meaning of the General Plan and specific plans in instances when there is a lack of clarity in the meaning of those regulations, subject to appellate review.

4. Appoint a designee to act on his or her behalf, in which case references in this Code and other land use ordinances to Director shall include this designee, unless otherwise stated.

5. Require the modification, discontinuance, or revocation of any conditional use or other similar quasi-judicial approval granted in accordance with the procedures in Sec. 13B.2.1. (Class 1 Conditional Use Permit), Sec. 13B.2.2. (Class 2 Conditional Use Permit), or Sec. 13B.2.3. (Class 3 Conditional Use Permit) in the manner prescribed in Sec. 13B.6.2. (Nuisance Abatement/Revocation). In the event of a revocation, the property affected by the revocation shall be subject to all the regulations of the zone in which the property is located.

6. Exercise any other authority delegated by the Zoning Code, this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, or the City Charter.

SEC. 13A.1.7. ZONING ADMINISTRATOR

A. Establishment

See Sec. 561 (Office of Zoning Administration) of the City Charter.

B. Composition

See Sec. 561 (Office of Zoning Administration) of the City Charter.

C. General Authority

See Sec. 561 (Office of Zoning Administration) of the City Charter.

D. Specific Authority

Consistent with the duties set forth in the City Charter, the Zoning Administrator exercises the following specific authority:

1. To render a decision on any:
    a. Variance;
    b. Class 1 Conditional Use Permit;
    c. Class 2 Conditional Use Permit;
    d. Evaluation of Non-Compliance; and
    e. Nuisance Abatement/Revocation.
2. Zoning Administrator Interpretation
    a. The Zoning Administrator shall have authority to determine other uses, in addition to those listed in this Chapter and Chapter 1 (General Provisions and Zoning), 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.
    b. 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.
    c. 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.
    d. 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. Anyone aggrieved by the Zoning Administrator's determination may file an appeal within 15 days of the issuance of the written decision.
    f. 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.
3. Exercise any other authority delegated by the Zoning Code, this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, or the City Charter.

SEC. 13A.1.8. DEPARTMENT OF BUILDING AND SAFETY

A. Establishment

See Sec. 22.12 (Creation of the Department) of the Los Angeles Administrative Code.

B. Specific Authority

Consistent with the powers established in Chapter 2 (Department of Building and Safety) of Div. 22 (Departments, Bureaus and Agencies Under the Control of the Mayor and Council) of the Los Angeles Administrative Code, and Chapter 9 (Building Regulations) of this Code, the Department of Building and Safety has the powers listed below of its authority and jurisdiction for purposes of the Zoning Code, this Chapter and Chapter 1 (General Provisions and Zoning) of this Code.

1. Enforcement

The Department of Building and Safety is granted the power to enforce the zoning ordinances of the City.

2. Zoning Information

The Department of Building and Safety shall maintain a public information bureau relative to zoning matters.

3. Nonconforming Use

The Department of Building and Safety has the authority to issue an order to comply to an owner of any building or structure who is in violation of Sec. 12.23 (Nonconforming Building and Uses) of Chapter 1 or Article 12 (Nonconformities) of this Chapter and advise the owner of the required discontinuance of the nonconforming use of the building or structure.

a. A provision advising the owner of the right to apply to the Department of City Planning within 90 days for permission to continue the nonconforming use of the building or structure as provided in this Subdivision shall be included in the order, but the failure to include that provision does not nullify the order or provide a basis for the continued use of the building or structure.

b. The Department of Building and Safety shall record a notice of any order issued pursuant to this Subsection with the Office of the Los Angeles County Recorder, but the failure to so record does not nullify the order or provide a basis for the continued use of the building or structure by any owner, purchaser, or lessee who was not aware of the order.

4. Issuance of Citations by Designated Employees

Employees of the Department of Building and Safety specified in Sec. 98.0408. (Issuance of Citations by Designated Employees) of Chapter 9 (Building Regulations) of this Code shall have the powers, duties, and immunities as set forth in said Section.

SEC. 13A.1.9. ADVISORY AGENCY

See Div. 13B.7. (Division of Land).

SEC. 13A.1.10. SUBDIVISION COMMITTEE

See Div. 13B.7. (Division of Land).

SEC. 13A.1.11. DESIGN REVIEW BOARD

A. Establishment

1. Formation

Certain specific plans call for design review boards. A design review board shall only be established for specific plans that expressly provide for one.

2. Name of Board

Each design review board shall have, as part of its name, words linking it to its area of administration and distinguishing it from other similar associations and boards.

B. Composition

1. Number of Members

Design review boards shall consist of a minimum of five and maximum of seven voting members.

2. Appointment of Members

With the exception of the Mulholland Specific Plan, the members of design review boards shall be appointed by the Councilmember(s) of the Council District(s) in which the specific plan area is located.

3. Qualifications of Membership

a. Unless otherwise specifically required by a specific plan, to the maximum extent practicable, each design review board shall be composed of two architects and two professionals from the following or related fields: planning, urban design, and landscape architecture. The remaining member or members need not be design professionals. All members shall reside, operate a business, or be employed within the specific plan area. If no eligible person is known to be available for appointment in the designated disciplines who resides, operates a business, or is employed within the specific plan area, then the Councilmember(s) may make the appointment from the community plan area(s) in which the specific plan area is located. If a specific plan is located in more than one community plan area, then the members may be chosen from any of those community plan areas.

b. If the design review board area is represented by more than one Councilmember, then the President of the City Council shall determine the number of members appointed by the Councilmember of each Council District based on the percentage of design review board area located in each Council District.

4. Terms of Membership

a. A term of office of a member of a design review board is four years.

b. The members of design review boards shall be appointed to staggered terms so that at least one term becomes vacant on each successive year.

c. The chairperson and vice-chairperson shall be elected annually by a majority of the design review board members.

d. Upon expiration of the term of any member of the design review board, the appointment for the next succeeding term shall be made by the appointing authority. Appointments are limited to two consecutive four-year terms. Members of the board whose terms have expired shall remain members until their replacements have been appointed.

5. Vacancies

In the event of a vacancy occurring during the term of a design review board member, the Councilmember(s) who appointed the member, or the Councilmember(s)' successor, shall make an appointment to serve the unexpired term of that member. Where the member is required to have specific qualifications, the vacancy shall be filled by a person having similar qualifications.

6. Organization

a. Design review boards shall schedule regular meetings at fixed times within the month with a minimum of two meetings a month.

b. Meetings may be canceled if no applications which have been deemed complete are received at least 14 calendar days prior to the next scheduled meeting.

7. Quorum

The presence of a simple majority of the appointed members shall constitute a quorum. If a design review board cannot obtain a quorum for action within the stated time limits, the application shall be transferred to the Director for action with no recommendation from the design review board. An action by the board requires a majority vote of the members of the board. An action by the board cannot be made by a simple majority of those members present.

C. Specific Authority

Design review boards shall review applications and accompanying materials in relation to compliance with the design components and criteria set forth in Sec. 13B.4.3. (Project Compliance (Design Review Board)), any applicable specific plan, and adopted design guidelines, and provide their recommendations to the Director.

D. Conflict of Interest

No design review board member shall discuss with anyone the merits of any matter either pending or likely to be pending before the board other than during a duly called meeting of the board or subcommittee of the board. No member shall accept professional employment on a case that has been acted upon by the board in the previous 12 months or is reasonably expected to be acted upon by the board in the next 12 months.

SEC. 13A.1.12. HISTORIC PRESERVATION OVERLAY ZONE (HPOZ) BOARD

See Div. 13B.8. (Historic Preservation).

DIV. 13A.2. GENERAL PROCEDURAL ELEMENTS

SEC. 13A.2.1. APPLICABILITY

A. General

This Article applies to any application for:

1. An amendment to any part of the Zoning Code (Chapters 1 and 1A of the LAMC), including the text or Zoning map;
2. Any other activity that is subject to the provisions of this Article.
3. Projects shall not be subject to the provisions of this ordinance if a complete application for an entitlement was filed and fees were paid prior to the date on which this ordinance becomes operative. Any such project shall be subject to the administrative regulations in Chapter 1 of the Los Angeles Municipal Code that were in effect on the date on which the application was filed. Projects for which a complete application for an entitlement has been filed and for which fees were paid prior to this ordinance's operative date may opt to proceed under the provisions of this ordinance if a required public hearing has not yet been held for the project. Notwithstanding the forgoing, any appeal filed on or after the operative date of this ordinance shall be subject to the appellate standard of review established in this ordinance.

B. Procedural Categories

This Article establishes procedures for land development decisions made under this Article. These include:

1. Legislative Decisions

Examples of legislative decisions include Zone Changes, and amendments to the General Plan, a specific plan, and other ordinances. These may involve a new policy or rule, or a change in land use regulation and development regulation.

2. Quasi-Judicial Decisions

Examples of quasi-judicial decisions include Director Determinations, Conditional Use Permits and Variances. These proceedings involve the exercise of discretion by the decision making body, which requires a weighing of evidence, an application of rules, regulations and ordinances to facts and a resolution of specific issues. These may involve a public hearing (unless the hearing is waived).

3. Ministerial Decisions

Examples of ministerial decisions include clearances or reviews of projects for compliance with provisions of the Code or any applicable conditions of approval. Because these involve the application of non-discretionary rules to projects, these applications are reviewed by City staff without a public hearing.

SEC. 13A.2.2. PROCESS ELEMENTS

A. Overview

This Article establishes rules for procedures, such as applications, notices, appeals, and public hearings. It then describes the processes for specific land use decisions. The procedures all have a common workflow and description, as follows:

Table 1 - Procedure Workflows

Element	Description
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the application process begins, where the application is filed and the department or official who conducts initial processing (such as completeness review).
Notice	This describes the type of notice, and how it is provided.
Decision	This states who approves the application and the type of proceeding that leads to the decision.
Review Criteria	These are any particular standards or findings that determine whether the application is approved. All applications are subject to this Chapter or Chapter 1 (General Provisions and Zoning) and the applicable zoning regulations.
Appeals	This provides a way to review an application that is approved, denied, or that has conditions disputed by the applicant or a party with standing to appeal.
Scope of Decision	This refers to the activities that the application authorizes. For example, some approvals send the applicant to the next step in the overall process or only require compliance review, while others authorize construction or use.
Modification	This describes how the decision can be revised, changed, amended, or modified after final approval or conditional approval.

Note: Flowcharts illustrating the general steps for each procedure are included in this Article. In the case of a conflict between the text of the Article and any illustration or flowchart, the text controls.

The processes established in this Chapter are summarized below.

Table 2 - Process Summary

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Legislative Action													
General Plan Adoption / Amendment		R†						[R]†	[D]†	R/SV†			
Specific Plan Adoption / Amendment		R						[R]†	[D]†	SV†			
Zoning Code Amendment		R						[R]†	D†	SV†			
Zone Change		R					*[R]*	***[R]****	[D]†	SV†			
Guidelines or Standards Adoption / Amendment		R						[D]					
Land for Public Use								R	D				
Quasi-Judicial Review													
Class 1 Conditional Use Permit			<D>				[A]						
Class 2 Conditional Use Permit			[D]†				[A]†						
Class 3 Conditional Use Permit		[R] ‡						[D]†	[A]				
Project Review		<D>					[A]						
Director Determination		D					[A]	*[A]*					
Ministerial Action													
Administrative Review		D											
Specific Plan Implementation													
Project Compliance		<D>					[A]						
Project Compliance (Design Review Board)		D					[A]				[R]		
Project Adjustment		<D>					[A]						
Project Exception							[D]		[A]				
Specific Plan Interpretation		<D>					*[A]*	*[A]*					
Quasi-Judicial Relief													
Alternative Compliance		D					[A]						
Adjustment		<D>					[A]						

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Variance			[D]†				[A]†		[A]				
Modification of Entitlement		↔					↔					↔	
Reasonable Accommodation		D							[A]				
Non-Compliance													
Evaluation of Non-Compliance			[D]				[A]	[D]	[A]				
Nuisance Abatement/Revocation			[D]						[A] †				
Division of Land													
Parcel Map Exemption/ Lot Line Adjustment		D					*[A]*	*[A]*					
Tentative Tract Map		[D]		R			*[A]*	*[A]*					
Final Tract Map					C				D				
Preliminary Parcel Map		[D]		R			*[A]*	*[A]*					
Final Parcel Map					C				D				
Private Street Map		<D>		R			*[A]*	*[A]*					
Subdivision Appeal							*[D]*	*[D]*					
Historic Preservation													
Historic Preservation Overlay Zone Designation								[R]	[D]				C
Preservation Plan Adoption / Amendment		R				[R] ‡		[D]					[R]
Review of Conforming Work	D											D	
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)		D					[A]					[R]	
Certificate of Appropriateness (Demolition, Removal, or Relocation)							D		[A]			[R]	
Certificate of Compatibility for Non-Contributing Elements		D					[A]					[R]	

Entitlement Review	Ministerial	Director	Zoning Administrator	Subdivision Committee	City Engineer	Hearing Officer	Area Planning Commission	City Planning Commission	City Council	Mayor	Design Review Board	HPOZ Board	Cultural Heritage Commission
Coastal Development													
Coastal Development Permit (Pre-Certification)		↔					↔					↔	
Coastal Development Permit (Post-Certification)		<D>			<D>		[A]						
Department of Building and Safety													
Appeals from LADBS Determination		<D>					*[A]*	*[A]*					
California Environmental Quality Act (CEQA) Provisions													
CEQA Appeal									D				

Key

C	Certification	‡	Optional or where directed by decision maker
R	Review & Recommendation	Blank Cell	Not required
D	Decision or Acceptance	†	Required by City Charter
SV	Signature / Veto	*Italics*	Action only under certain conditions (such as project size, type, or transfer from another agency, etc.)
A	Appeal	↔	Varies with underlying process
[ ]	Public Hearing	*	If filed by application and CPC recommends disapproval, its decision is appealable to CC.

< > Public Hearing optional or waivable

Note: This table is a general summary. Refer to Div. 13B.1. through Div. 13B.11. for the specific procedure. If there is any conflict between this table and the text in Div. 13B.1. through Div. 13B.11. relating to the procedure, the text in the applicable Division prevails.

B. Time Limits

1. This Article establishes a number of time limits for action by the City, agencies, the applicant or appellant.

2. Unless otherwise designated, all time limits prescribed in this Article run from the date that the application is deemed complete by the City.

3. Unless otherwise stated, time limits may be extended where mutually agreed upon in writing by the applicant and the decision-making official or agency.

SEC. 13A.2.3. APPLICATIONS

A. General Requirements

1. Applications filed under this Article must include all of the information required by the Department, including any information required by the instructions on an application form and any applicable adopted guidelines. All applications shall be made on forms prepared by and available from the Department.

2. The Council may establish fees for all applications required in this Article by ordinance. Applications shall include all fees required by Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code.

3. Whenever the provisions of this Chapter or Chapter 1 (General Provisions and Zoning) provide that applications, requests, or appeals be filed with the City Planning Commission, in the public office of the Department of City Planning, those applications, requests or appeals may be filed in any of the branch offices of the Department when designated for this purpose by the City Planning Commission; that decision to be based upon considerations of need and available facilities.

B. Application Completeness

1. An application or appeal shall be considered as filed whenever it has been completed in accordance with the applicable rules and regulations, has been submitted to the Department of City Planning together with the required filing fees, and a receipt for the filing fees has been issued.

2. 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 and regulations, upon notification to the applicant by the appropriate officer or employee the time limits specified within this Article shall be suspended and not continue to run until the application has been rectified or the omitted information furnished in a proper manner.

3. The City will not process incomplete applications. Applications are reviewed for completeness in accordance with the Permit Streamlining Act, Chapter 4.5 (Review and Approval of Development Projects) of Div. 1 (Planning and Zoning) of Title 7 (Planning and Land Use) of the California Government Code, as may be amended from time to time.

C. Multiple Entitlement Requests

In order to facilitate the development process, applications for multiple entitlements for the same project shall be submitted and processed concurrently as provided in Sec. 13A.2.10. (Multiple Approvals).

D. Withdrawal of Application

1. At any time before the initial decision maker or appellate body on appeal makes a final decision on an application, the applicant may withdraw the application.
2. 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.

SEC. 13A.2.4. NOTICE OF PUBLIC HEARING

A. Public Hearing Purpose

A public hearing gives interested parties an opportunity to be heard. The specific procedures for providing testimony and conducting the public hearing are established by the agency that conducts the public hearing.

B. General Procedures for Notice of Public Hearing

1. Unless otherwise provided by a specific process, the notice established in this Article is as provided in Table 3 (Notice of Public Hearing) below. Where notice is not specified, notice shall be given pursuant to California Government Code Sections 54950 et seq., 65090, and 65091, as applicable and as those sections may be amended from time to time.
2. The time period required for a notice of public hearing is the minimum number of days preceding commencement of the applicable public hearing.
3. If a Hearing Officer conducts a public hearing on behalf of the Area or City Planning Commission, the notice requirements apply to only the Hearing Officer hearing.
4. Unless otherwise provided for a specific procedure, notice of a public hearing shall be given in writing to the owner, applicant, interested parties, and appellant, as appropriate.
5. At the noticed hearing, the agency may continue the hearing to another date if the matter is publicly continued to a date certain, no additional notice of the continued hearing is required.
6. Whenever the provisions of this Chapter provide that an applicant shall post notice of a public hearing or meeting, the applicant shall file a declaration in the appropriate public office prior to the date of the noticed public hearing or meeting. In this declaration, the applicant shall declare, under penalty of perjury, that notice has been posted in accordance with the applicable provisions of this Chapter.
7. The Director of Planning shall have the authority to adopt guidelines consistent with this Article for the posting of notices if the Director determines that guidelines are necessary and appropriate.

Table 3 – Notice of Public Hearing

Type of Notice	Description
Publication	This requirement is satisfied when the public hearing notice is published in a newspaper of general circulation in the City designated for this purpose by the City Clerk.
Mail	This requirement is satisfied when the public hearing notice is placed in the mail, directed to the applicant or person receiving notice at their designated address, and bearing the proper postage. Notice is mailed to any person requesting notice of the hearing, unless a specific notification area is designated for the individual process. If a notification distance is prescribed, the distance is measured from the boundaries of the area subject to the application as shown upon the records of the City Engineer or the County Assessor. A mailed notice requirement can be met by mailing the notice to property owner and current resident. Notice by delivery satisfies the requirement for notice by mail.
Posting	This requirement is satisfied when public hearing notice is posted in a conspicuous place on the property. The Department may prescribe requirements for the size, materials, font, font size, or similar requirements for the notice, and may distribute a standard notice.
Email	The reviewing agency may (at its option) transmit the public hearing notice via an email to: • The Applicant; and, • Parties who request email notification.
Online	The City may provide information about the permit or proceeding available on its website.

C. Information Included in Notice

Unless the specific process includes a different requirement, notice shall include the following information: time, place, and purpose of the public hearing.

D. Calculating Required Time Period for Notice

Required time periods refer to calendar days as provided in Sec. 106 (Definitions) of the City Charter, unless otherwise provided.

E. Additional Notice Beyond Legal Requirements

The City may provide additional notice not required by this Article at its discretion.

F. Notice Requirements of Each Process

Table 4 (Summary of Notice Requirements) below summarizes the notice type and requirements for each process described in this Article:

Table 4 Summary of Notice Requirements

Action	Reference	Publication	Mail	Posting
Legislative Action	Div. 13B.1.			
General Plan Adoption / Amendment	Sec. 13B.1.1.	■	■	●
Specific Plan Adoption / Amendment	Sec. 13B.1.2.	■	●	●
Zoning Code Amendment	Sec. 13B.1.3.	■		
Zone Change	Sec. 13B.1.4.	■	●	●
Guidelines or Standards Adoption / Amendment	Sec. 13B.1.5.	■		
Land for Public Use	Sec. 13B.1.6.			
Quasi-Judicial review	Div. 13B.2.			
Class 1 Conditional Use Permit	Sec. 13B.2.1.		■	■
Class 2 Conditional Use Permit	Sec. 13B.2.2.	■	■	■
Class 3 Conditional Use Permit	Sec. 13B.2.3.	■	■	■
Project Review	Sec. 13B.2.4.		■	■
Director Determination	Sec. 13B.2.5.		❍	❍
Ministerial Action	Div. 13B.3.			
Administrative Review	Sec. 13B.3.1.			
Specific Plan Implementation	Div. 13B.4.			
Project Compliance	Sec. 13B.4.2.		❍	
Project Compliance (Design Review Board)	Sec. 13B.4.3.		■	■
Project Adjustment	Sec. 13B.4.4.		❍	
Project Exception	Sec. 13B.4.5.	■	■	■
Specific Plan Interpretation	Sec. 13B.4.6.		❍	
Quasi-Judicial Relief	Div. 13B.5.			
Alternative Compliance	Sec. 13B.5.1.		❍	
Adjustment	Sec. 13B.5.2.		■	■
Variance	Sec. 13B.5.3.		■	■
Modification of Entitlement	Sec. 13B.5.4.		❖	❖
Reasonable Accommodation	Sec. 13B.5.5.	❍	❍	❍
Non-Compliance	Div. 13B.6.			
Evaluation of Non-Compliance	Sec. 13B.6.1.		■	■
Nuisance Abatement/Revocation	Sec. 13B.6.2.		■	■
Division of Land	Div. 13B.7.			
Parcel Map Exemption/Lot Line Adjustment	Sec. 13B.7.2.			
Tentative Tract Map	Sec. 13B.7.3.	■	■	■
Final Tract Map	Sec. 13B.7.4.			
Preliminary Parcel Map	Sec. 13B.7.5.	■	■	■

Action	Reference	Publication	Mail	Posting
Final Parcel Map	Sec. 13B.7.6.			
Private Street Map	Sec. 13B.7.7.	■	■	■
Subdivision Appeal	Sec. 13B.7.8.		■	
Historic Preservation	Div. 13B.8.			
Historic Preservation Overlay Zone Designation	Sec. 13B.8.2.	■	■	●
Preservation Plan Adoption or Amendment	Sec. 13B.8.3.		■	
Review of Conforming Work	Sec. 13B.8.4.			
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)	Sec. 13B.8.5.		■	■
Certificate of Appropriateness (Demolition, Removal, or Relocation)	Sec. 13B.8.6.		■	■
Certificate of Compatibility	Sec. 13B.8.7.		■	■
Coastal Development	Div. 13B.9.			
Coastal Development Permit (Pre-Certification)	Sec. 13B.9.1		■	❖
Coastal Development Permit (Post-Certification)	Sec. 13B.9.2		■	❖
Department of Building and Safety	Div. 13B.10			
Appeals from LADBS Determinations	Sec. 13B.10.2		■	
California Environmental Quality Act (CEQA) Provisions	Div. 13B.11			
CEQA Appeal	Sec. 13B.11.1		■	

Key: ■ = initial decision ● site specific only (not City-initiated) ❍ = appeal only ❖= varies with underlying application

SEC. 13A.2.5. DECISIONS

A. Decision Time Period

1. Decisions must be made within the time period specified in this Article, or as otherwise required by law. Unless otherwise provided in the regulations governing the particular application, this time limit may be extended by mutual consent of the decision maker and the applicant. The extension of time to act also applies to applications or initiations under the multiple approval provisions in Sec. 13A.2.10. (Multiple Approvals).

2. Where extensions on the City Council's time to act on a matter may be granted by mutual consent of an application and the City Council, the Council President or the Council President's councilmember designee may consent to a time extension on behalf of the City Council.

B. Criteria or Findings for Decision

1. Each decision is subject to all applicable standards of this Code, including the applicable zone.

2. Each process described in Part B. (Processes & Procedures) of this Article includes standards and/or findings for approval. In approving an application, the decision maker must find that the project substantially conforms to the standards and/or findings for approval.

3. For a Quasi-judicial action, the decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record. This evidence may include, but is not limited to, written or oral statements and documents presented to the agency, such as photographs, maps, and plans, and any results of the decision maker's investigations.

C. Decision and Conditions

1. Unless otherwise provided, an application may be approved or disapproved in whole or in part.

2. Unless otherwise provided, the decision maker may impose conditions that it determines are needed to ensure substantial compliance with the applicable standards or findings for approval.

D. Transmittal

The decision maker transmits a letter of determination that notifies the applicant, owner, and interested parties, as applicable, of the decision. The notification will indicate whether the application is approved, approved with conditions, or denied.

E. Effective Date

1. Initial Decision or Commission Decisions That Are Appealable to City Council

The decision is final and effective upon the close of the appeal period if no appeal is filed.

2. Appellate Decision or Commission Decisions That Are Not Appealable to City Council

The decision is final and effective as provided in Charter Section 245.

3. Legislative Actions

A legislative action is final pursuant to Charter Section 252.

SEC. 13A.2.6. TRANSFER OF JURISDICTION

A. Applicability

When specifically authorized by this Article, the applicant may request a transfer of jurisdiction.

B. Failure to Act

1. If the initial decision maker fails to act on an application within 75 days from the date a filed application has been deemed complete, or within a mutually agreed upon extension of time, the applicant may file a request for a transfer of jurisdiction to the designated appellate body for decision. The designated appellate body is the body to whom the matter would normally be appealable, pursuant to Div. 13B.2.

(Quasi-Judicial Review). The Director of Planning shall prescribe the form and manner of filing requests for transfers of jurisdiction.

2. When the designated appellate body receives the applicant's request for a transfer of jurisdiction, the initial decision maker shall lose jurisdiction. However, the body to whom the matter is transferred may remand the matter to the initial decision maker who shall regain jurisdiction for the time and purpose specified in the remand action. In addition, upon receipt of a written request by the applicant for withdrawal of the transfer of jurisdiction prior to the matter being heard by the appellate body, the matter shall be remanded to the initial decision maker.

3. If the matter is not remanded, the decision maker to whom the matter has been transferred shall consider the application following the same procedures and subject to the same limitations as are applicable to the initial decision maker, except that the body to which the matter has been transferred shall act within 45 days of the transfer of jurisdiction once the request is properly filed with the Department of City Planning. The Department of City Planning, including the Office of Zoning Administration, shall make investigations and furnish any reports requested by the body to which the matter has been transferred.

SEC. 13A.2.7. SCOPE OF DECISION

A. Discretionary Project Approvals Time Limits

1. Unless otherwise provided in this Chapter, Chapter 1 (General Provisions and Zoning), or in a project's conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and void.

2. When approvals are granted as part of a project requiring multiple approvals (see Sec. 13A.2.10.), the following time limits apply unless a different time period is provided in a signed and effectuated development agreement:

Approvals	Granted in Conjunction With	Expiration
Quasi-judicial Approvals	Legislative Approvals	Expires with the Legislative Approval, not to exceed 6 years unless the initial decision maker extends the time period (see Subsection C.1 of this Section)
Quasi-judicial Approvals	Subdivision Approval	Expires with the Subdivision Approval pursuant to Div. 13B.7 (Division of Land) of this Article. If the expiration date on a Subdivision Approval is extended pursuant to Div. 13B.7 (Division of Land) or by amendment to the Subdivision Map Act, the Quasi-judicial Approval is automatically extended for the same time period.
Legislative Approvals	Subdivision Approval	Extended for the full time limit of the Subdivision Approval, including time extensions pursuant to Div. 13B.7 (Division of Land), as needed to record an approved map.

B. Effectuation of Approvals

A discretionary project approval is considered effectuated by the Department of City Planning when the conditions of approval of the grant are satisfied. This must be done before the privileges of the grant may be utilized. Effectuation is accomplished upon procedural steps being followed and completed by the applicant to demonstrate compliance with all conditions of approval. The Department of City Planning shall verify such compliance and assess appropriate fees. Effectuation is achieved when fees are paid, plans are verified and stamped as approved, and authorization is obtained to utilize grant. Authorization is typically demonstrated by a clearance on a building permit. However, if a project site includes a use that is existing, and there is no physical work and/or change of use involved and the description of work in any previously issued permits do not specifically exclude or prohibit the entitled operation, then a permit from Department of Building and Safety may not be necessary. Thus, a project not requiring permits for construction or alteration from the Department of Building and Safety achieves effectuation when the Department of City Planning verifies compliance with all conditions of the grant, including payment of all fees, and stamping of plans.

C. Utilizing the Grant

1. A discretionary project approval is considered utilized after it has been effectuated by the Department of City Planning and a building permit has been issued by the Department of Building and Safety. Utilization of a grant must occur no later than 3 years from the last date an action can be effectuated. An approval not requiring building permits from the Department of Building and Safety is considered utilized when compliance with all conditions of approval have been demonstrated, appropriate fees paid, plans stamped and authorization has been obtained from the Department of City Planning.

2. Exceptions

   a. Religious and Institutional Uses

      Where a lot or lots have been approved for use as a governmental enterprise, religious use, hospital, educational institution or private school, including elementary and high schools, no time limit to utilize the privileges shall apply provided that all of the following conditions are met:

      i. The property involved is acquired or legal proceedings for its acquisition are commenced within one year of the effective date of the decision approving the conditional use.

      ii. A sign is immediately placed on the property indicating its ownership and the purpose to which it is to be developed, as soon as legally possible after the effective date of the decision approving the conditional use. This sign shall have a surface area of at least 20 square feet.

      iii. The sign is maintained on the property and in good condition until the conditional use privileges are utilized.

   b. Affordable Housing Projects

      A six-year time limit to utilize the privileges shall apply where a lot or lots have been approved for housing that includes 100% restricted Affordable Units, exclusive of a manager's unit or units, as defined in Sec. 12.22 A.25(b) (Exceptions; Affordable Housing Incentives – Density Bonus; Definitions) of Chapter 1 (General Provisions and Zoning) of this Code.

D. Abandonment of Approval

1. Unless otherwise stated in a specific process in this Code, for a Quasi-judicial approval, the owner (and applicant if different) shall file the appropriate form with the Department requesting the abandonment of their approval. If it is determined by the Department that the abandonment is in conformity with public necessity, convenience, general welfare, and good zoning practice, the request to abandon an approval shall be approved. A written response shall be issued by the Department.

2. Unless otherwise stated in a specific process in this Code, for a Legislative approval, any change shall be processed pursuant to the same legislative process that was used for the original approval.

E. Planning and Zoning Matters in Litigation

The time limits set forth in Subsections A. (Discretionary Project Approvals Time Limits) and B. (Effectuation of Approvals) of this Section shall not include any time period during which the approval or the environmental clearance for the approval is challenged in court. Notwithstanding any contrary language in the Zoning Code, this Chapter and Chapter 1 (General Provisions and Zoning) of this Code, the time limits in Subsections A and B of this Section shall be tolled until litigation is concluded.

F. California Coastal Commission Approvals

The time limits set forth in Subsections A. (Discretionary Project Approvals Time Limits), B. (Effectuation of Approvals), and C. (Utilizing the Grant) of this Section shall not include any time period during which the subdivider or applicant is awaiting a California Coastal Commission decision on a Coastal Development Permit appeal or application, including the California Coastal Commission's final action on an appeal of a Coastal Development Permit issued by the Department of City Planning. The subdivider or applicant shall submit a written request for a suspension of time and a copy of the submitted California Coastal Commission application for such approval to the Department of City Planning within 10 days of filing the application with the California Coastal Commission. Suspensions of time shall be automatically granted until the California Coastal Commission has rendered a final decision on the application, including any appeal period. The subdivider or applicant shall submit a copy of the California Coastal Commission's final action to the Department of City Planning within 10 days of the final decision. In cases where the California Coastal Commission's final action on an appeal of a Coastal Development Permit issued by the Department of City Planning is a finding of "no substantial issue", the initial decision stands.

G. Violation of Conditions – Penalty

A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission, or City Council in connection with the granting of any action taken pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) and shall be subject to the same penalties as any other violation of this Code.

SEC. 13A.2.8. APPEALS

A. Filing of Appeals

1. Appeals shall be in writing and filed on forms maintained by the Department.
2. An appeal shall specifically state the points at issue and the reasons why the decision should be overturned.
3. An appeal not properly or timely filed shall not be accepted, and will not be considered by the appellate body.

B. Time Limits for Appeal

1. Unless otherwise required by a specific process, appeals must be filed within 15 days after the date on the letter of determination to the applicant.
2. Despite any provisions of this Chapter, whenever the final day for filing an appeal from any action, decision or determination of the Director of Planning, Zoning Administrator, Area Planning Commission, or City Planning Commission falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the close of business on the next succeeding working day, and the effective or final date of any action, decision, or determination shall be extended to the close of that appeal period.
3. If in any individual case involving a 15-day appeal period, that appeal period fails to include at least 10 working days, then the appeal period shall be extended as many days as the Director of Planning, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council determines are necessary to include 10 working days.

C. Appeal Procedures

1. An appeal stays the processing of the application and entitlement, and any development of the project at issue until the appellate body makes a decision.
2. After an appeal is filed, the initial decision maker shall transmit the appeal and the file to the appellate body, together with any report if one was prepared by staff responding to the points raised made in the appeal. The Department of City Planning shall make investigations and furnish any reports requested by the body to which the matter is transferred.
3. When the appellate body receives the appeal, the initial decision maker loses jurisdiction.
4. Upon the date set for the hearing, the appellate body shall either hear the appeal, or continue the matter by mutual agreement with the applicant to another date. No additional notice of continuance need be given if the continuance to a date certain is announced at the time of the original hearing. If no date for the continued hearing is provided publicly at the original hearing, then notice of the continued hearing shall be provided in the same manner as the original notice for the appellate hearing.
5. The appellate body shall conduct a public hearing. After the public hearing, the appellate body shall render a decision:

a. Affirming the initial decision in whole or in part; or

b. Reversing the initial decision in whole or in part, after which it may render its own decision or remand the decision to the initial decision maker for further proceedings.

6. The appellate body may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.

D. Withdrawal of Appeals

1. Procedures

Appellant(s) may withdraw an appeal of an initial determination if the withdrawal is filed with the Department at least 15 days prior to the public hearing by the appellate body on the appeal.

2. Requirements

a. Filing

Withdrawal of an appeal shall be in writing and does not require the decision maker to concur. The withdrawal shall be filed with the Department.

b. Withdrawal Before Close of Appeal Period

i. If the withdrawal of the appeal is received by the Department after the close of the original appeal period, the Department shall notify the same persons who received notice of the decision that was appealed, that an appeal had been filed and was now withdrawn. The notice shall state that the appeal period is being reopened.

ii. The reopened appeal period shall run for 10 days from the date the notice of withdrawal of the appeal is mailed.

iii. If more than one appeal was filed, the appeal period is only reopened if the withdrawal of the appeal would result in no other appeal going forward.

iv. The appeal period shall only be reopened once.

c. Withdrawal Before Public Notice

If the withdrawal is received by the Department before any required public hearing notice is mailed, then the time for the appellate body to act is extended for 10 days.

d. Withdrawal After Public Notice

If the withdrawal is received by the Department after the public hearing notice is mailed, then any appeal filed during the reopened appeal period shall be heard on the same date and time as set forth in the previously mailed public hearing notice. No further notice of the appeal hearing is required.

e. Withdrawal Resulting in No Appeal

If the withdrawal of the appeal, and the subsequent reopening of the appeal period, results in no appeal going forward:

v. The withdrawal of the appeal is permanent; and

vi. The decision from which the appeal was taken automatically becomes final at the end of the appeal period or reopened appeal period.

f. Appeals challenging Variance decisions cannot be withdrawn.

E. Standards for Review and Required Findings

1. Standard of Review

Unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellate body's hearing.

2. Findings for Appeals

Unless otherwise required by this Chapter or Chapter 1 (General Provisions and Zoning), in making a decision to grant a project approval, the appellate body shall make the same findings as required to be made by the initial decision maker, supported by substantial evidence.

F. Lack of Timely Decision on Appeal

1. Unless otherwise required by a specific process, the appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body.

2. Failure of the appellate body to render a timely decision shall result in the denial of the appeal.

SEC. 13A.2.9. PERMITS ISSUED IN ERROR

A. Void Permits

Notwithstanding any other provisions of this Code or any other ordinance of the City, no permit or license shall be issued in violation of any provisions of this Code or any other ordinance of the City. Any permit or license issued in violation of any provision of this Code or any other ordinance of the City is void. Any permit or license that purports to authorize any act prohibited by any other provision of this Code or any other ordinance of the City is void.

B. Building Permits for a Zone Change

Upon publication of a Zone Change, height district, or building line ordinance, the Department of Building and Safety may issue a permit for a building or structure which will comply with all of the requirements of

the new zone, height district, or building line. No such permit shall be issued unless the applicant has first executed and filed with the Superintendent of Building a notarized agreement assuming all risk and agreeing to remove all buildings or structures authorized by the permit if the Zone Change, height district, or building line ordinance becomes effective.

SEC. 13A.2.10. MULTIPLE APPROVALS

A. Applicability

1. General

This Section applies to applications for projects that require multiple Legislative and/or Quasi-judicial Approvals.

2. Terms

The following terms apply to this Article. Table 5 (Classification of Actions for Multiple Approvals) below classifies actions for the purposes of qualification for the multiple approvals process:

a. Legislative Approval

Any action that formulates a rule of general applicability that applies to all future cases. These typically require an action by the City Council, such as those as set forth in Div. 13B.1 (Legislative Action) of this Article.

b. Quasi-Judicial Approval

These actions apply rules to specific facts and are subject to procedural due process principles. These include the processes described in Div. 13B.2. (Quasi-Judicial Review), 13B.4. (Specific Plan Implementation), and 13B.5. (Quasi-Judicial Relief) of this Article.

c. Subdivision Approval

Any approval under the Division of Land regulations set forth in Div. 13B.8. (Division of Land) of this Article.

d. Ministerial Action

Any action involving only the nondiscretionary application of objective standards, including the processes described in Div. 13B.3 (Ministerial Action) of this Article. Ministerial Actions are not subject to the multiple approvals processes established below.

Table 5 - Classification of Actions for Multiple Approvals

Action	Reference	Legislative	Quasi-judicial	Subdivision	Ministerial
Legislative Action	Div. 13B.1.				
General Plan Adoption / Amendment	Sec. 13B.1.1.	■			
Specific Plan Adoption / Amendment	Sec. 13B.1.2.	■			
Zoning Code Amendment	Sec. 13B.1.3.	■			
Zone Change	Sec. 13B.1.4.	■			
Guidelines or Standards Adoption/Amendment	Sec. 13B.1.5.	■			
Land for Public Use	Sec. 13B.1.6.	■			
Quasi-Judicial Review	Div. 13B.2.				
Class 1 Conditional Use Permit	Sec. 13B.2.1.		■		
Class 2 Conditional Use Permit	Sec. 13B.2.2.		■		
Class 3 Conditional Use Permit	Sec. 13B.2.3.		■		
Project Review	Sec. 13B.2.4.		■		
Director Determination	Sec. 13B.2.5.		■		
Ministerial Action	Div. 13B.3.				
Administrative Review	Sec. 13B.3.1.				—
Specific Plan Implementation	Div. 13B.4.				
Project Compliance	Sec. 13B.4.2.		■		
Project Compliance (Design Review Board)	Sec. 13B.4.3.		■		
Project Adjustment	Sec. 13B.4.4.		■		
Project Exception	Sec. 13B.4.5.		■		
Specific Plan Interpretation	Sec. 13B.4.6.		—		
Quasi-Judicial Relief	Div. 13B.5.				
Alternative Compliance	Sec. 13B.5.1.		■		
Adjustment	Sec. 13B.5.2.		■		
Variance	Sec. 13B.5.3.		■		
Modification of Entitlement	Sec. 13B.5.4.		■		
Reasonable Accommodation	Sec. 13B.5.5.		—		
Non-Compliance	Div. 13B.6.				
Evaluation of Non-Compliance	Sec. 13B.6.1.		—		
Nuisance Abatement/Revocation	Sec. 13B.6.2.		—		
Division of Land	Div. 13B.7.				
Parcel Map Exemption/Lot Line Adjustment	Sec. 13B.7.2.			—	
Tentative Tract Map	Sec. 13B.7.3.			■	
Final Tract Map	Sec. 13B.7.4.			—	

Action	Reference	Legislative	Quasi-judicial	Subdivision	Ministerial
Preliminary Parcel Map	Sec. 13B.7.5.			■	
Final Parcel Map	Sec. 13B.7.6.			—	
Private Street Map	Sec. 13B.7.7.			■	
Subdivision Appeal	Sec. 13B.7.8.			—	
Historic Preservation	Div. 13B.8.				
Historic Preservation Overlay Zone Designation	Sec. 13B.8.2.	—			
Preservation Plan Adoption / Amendment	Sec. 13B.8.3.	■			
Review of Conforming Work	Sec. 13B.8.4.				—
Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)	Sec. 13B.8.5.		■		
Certificate of Appropriateness (Demolition, Removal, or Relocation)	Sec. 13B.8.6.		■		
Certificate of Compatibility	Sec. 13B.8.7.		■		
Coastal Development	Div. 13B.9.				
Coastal Development Permit (Pre-Certification)	Sec. 13B.9.1		■		
Coastal Development Permit (Post-Certification)	Sec. 13B.9.2		■		
Department of Building and Safety	Div. 13B.10				
Appeals from LADBS Determinations	Sec. 13B.10.2		—		
Annual Inspection Monitoring (Recycling)	Sec. 13B.10.3		—		
Annual Inspection Monitoring (Automotive)	Sec. 13B.10.4		—		
California Environmental Quality Act (CEQA) Provisions	Div. 13B.11.				
CEQA Appeal	Sec. 13B.11.1.		—		

Key: ■ = qualifies for multiple approval — = does not qualify for multiple approval

B. Initiation

1. Applicants shall file applications at the same time for all approvals reasonably related and necessary to complete the project.

2. The procedures and time limits set forth in this Section only apply to multiple applications filed concurrently. Prior to a public hearing, the Director may require an applicant to amend an application for a project requiring multiple approvals to ensure that all relevant approvals are reviewed concurrently.

C. Decision Makers and Procedures

Despite any provision of this Code to the contrary, the following procedures apply to projects requiring multiple approvals.

1. Legislative Decisions

a. The City Planning Commission or Area Planning Commission has initial authority to submit a recommendation, and the City Council has final decision-making authority for approvals of legislative decisions.

b. Procedures

i. To the extent permitted by California law and the City Charter, the procedures for consideration of all decision are those set forth in:

a) Sec. 13B.1.1. (General Plan Adoption/Amendment) if a General Plan Amendment is involved;

b) Sec. 13B.1.2. (Specific Plan Adoption/Amendment) if a Specific Plan Amendment, but no General Plan Amendment, is involved; or

c) Sec. 13B.1.4. (Zone Change) if a Zone Change is combined with a Zoning Code Amendment.

ii. If a development agreement is combined with a General Plan Amendment, Specific Plan, Zoning Code Amendment, or Zone Change, the City Planning Commission shall submit a Planning Commission recommendation, and all required notices and hearings required by this Chapter and the California Government Code shall be combined to the extent permitted by law.

2. City Planning Commission

a. The City Planning Commission has initial decision-making authority for all approvals and/or recommendations if a project requires:

i. A separate approval or recommendation by an Area Planning Commission, the Zoning Administrator, and/or the Director, as the initial decision maker; and

ii. An approval or recommendation by the City Planning Commission as the initial decision maker.

b. Procedures

i. If all of the applications are for Quasi-judicial Approvals, the procedures for consideration and appeal of all the applications are those set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of this Code.

ii. If any Legislative Approval is included, the procedures for consideration and appeal of all the applications are those set forth in Sec. 13B.1.4. (Zone Change) of this Code.

iii. If there is a request for a Modification of Entitlement, the Director may act on behalf of the City Planning Commission unless the City Planning Commission is specified to be the decision maker for any such modifications.

c. Appellate Body

The City Council shall decide all appeals of the City Planning Commission's decisions or recommendations under this Subdivision.

3. Area Planning Commission

If a project requires an approval separately decided by the Zoning Administrator and/or the Director as the initial decision maker, and also requires any approval or recommendation by an Area Planning Commission as the initial decision maker, then the Area Planning Commission where the project is located has initial decision-making authority for all of the approvals and recommendations.

a. Procedures

i. If all of the applications are for Quasi-judicial Approvals, the procedures for consideration and appeal of all the applications are those set forth in Sec. 13B.2.3. (Class 3 Conditional Use Permit) of this Code.

ii. If a Legislative Approval is included, then the procedures for consideration and appeal of all the approvals shall be those set forth in Sec. 13B.1.4. (Zone Change) of this Code.

b. Appellate Body

The City Council shall decide all appeals of the Area Planning Commission's decisions or recommendations under this Subdivision.

4. Zoning Administrator

If a project requires approvals separately decided by the Zoning Administrator and the Director, as the initial decision maker, the Zoning Administrator has decision-making authority for all of the approvals (except as provided in Paragraph (b) below).

a. Procedures

The procedures for consideration and appeal of all related applications for Quasi-judicial Approvals of the Zoning Administrator as initial decision maker are those set forth in Sec. 13B.2.2. (Class 2 Conditional Use Permit) of this Code.

b. Appellate Body

The Area Planning Commission where the project is located decides all appeals of decisions of the Zoning Administrator as initial decision maker on projects requiring multiple approvals. However, if this Article requires any of the approvals to be heard by the City Planning Commission on appeal, the City Planning Commission decides all appeals of decisions of the Zoning Administrator.

5. Director of Planning

If a project requires multiple approvals decided by the Director as the initial decision maker, the following procedures apply:

a. Procedures

The procedures for consideration and appeal of all related applications for Quasi-judicial Approvals of the Director as initial decision maker are those set forth in Sec. 13B.2.5. (Project Review) of this Code.

b. Appellate Body

The Area Planning Commission where the project is located shall decide all appeals of decisions of the Director as initial decision maker on projects requiring multiple approvals. However, if this Article requires any of the approvals to be heard by the City Planning Commission on appeal, the City Planning Commission shall decide all appeals of decisions of the Director as initial decision maker.

c. Ministerial Action

An application for a Ministerial Action may only be reviewed after the final decision on a Director Determination is rendered, including all appeals.

6. Advisory Agency

a. Procedures

If a project requiring multiple approvals also requires a Subdivision Approval by the Advisory Agency, that Subdivision Approval shall be decided and governed by the rules set forth in Div. 13B.8. (Division of Land) of this Code.

b. Appeals

i. When a Subdivision Approval is appealed, it shall follow the procedures set forth in Div. 13B.8. (Division of Land), except when other approvals are also appealed.

ii. Hearings for and consideration of appeals of Subdivision Approvals by the Advisory Agency shall be scheduled for the same time as any hearing and decision by the Area Planning Commission or City Planning Commission, whichever has jurisdiction over the other approvals. In the event that the Appeal Board as determined by Div. 13B.8. (Division of Land) is the City Planning Commission, the hearing for and consideration of the appeals shall be heard by the City Planning Commission.

c. Any time limit within which the Area Planning Commission or City Planning Commission must act on the applications are automatically extended as necessary to allow the Area Planning Commission or City Planning Commission to hear and decide appeals of Subdivision Approvals at the same time as it serves as the initial decision maker for the other approvals.

D. Findings

When acting on multiple applications for a project, the initial decision maker or appellate body shall separately make all required findings for each application. When appropriate, the initial decision maker or appellate body may make findings by reference to findings made for another application involving the same project.

E. No New Appeal Rights

This Section does not create any additional appeal or level of appeal in connection with any land use approval. This Section also does not limit or expand who may file an appeal as identified in each discretionary land use application process.

PART 13B. PROCESSES & PROCEDURES

DIV. 13B.1. LEGISLATIVE ACTION

SEC. 13B.1.1. GENERAL PLAN ADOPTION/AMENDMENT

A. Applicability

1. This Section applies to the adoption or an amendment to the City's comprehensive General Plan.
2. Amendments to the General Plan of the City shall be initiated, prepared and acted upon in accordance with the procedures set forth in Sec. 555 (General Plan – Procedures for Adoption) of the City Charter and this Section.
3. Nothing in this Section shall restrict the adoption of a General Plan Amendment which permits the development of a project if the General Plan Amendment meets the criteria described in Sec. 11.5.6 A. (Initiation of Plan Amendment) of Chapter 1 of this Code.



B. Initiation

1. As provided in Sec. 555 (General Plan – Procedures for Adoption) of the City Charter, only the City Council, the City Planning Commission or the Director of Planning may initiate a General Plan Amendment.
2. Initiations by the City Council or City Planning Commission require a majority vote.
3. Upon initiation, the Director shall prepare and transmit a report and recommendation to the City Planning Commission. The report shall contain an explanation of the reasons for the action recommended.
4. Batching
   a. In order to comprehensively consider applications for amendments to any community plan, the intake of applications by private parties to request amendments to any of the community plan areas may be batched into geographically based groups.
   b. The Director of Planning shall establish the boundaries of the groups and a schedule for review, and may modify them as necessary in order to more effectively carry out the purpose and intent of this Section.

C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail	24 days	• The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified
Posting (site specific amendments only)	10 days	• The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Public Hearing

a. The City Planning Commission shall set the matter for a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The City Planning Commission may hold the hearing itself, or may direct the Director to hold the hearing. At the time of the hearing, the City Planning Commission or the Director shall hear public testimony from anyone wishing to be heard on the matter. The City Planning Commission or the Director may continue the hearing to another date announced publicly at the hearing being continued; no additional notice of the continued hearing need be given.

c. If the hearing is conducted by the Director:

i. After the close of the hearing, the Director shall submit a report to the City Planning Commission summarizing the information received.

ii. The report may also contain a recommendation to the City Planning Commission regarding its action on the proposed amendment.

3. Action of the City Planning Commission

a. After receiving the Director's report, or after the close of a public hearing conducted by the City Planning Commission, the City Planning Commission shall recommend to the Mayor and the City Council that the proposed amendment be approved or disapproved in whole or in part.

i. If the City Planning Commission recommends approval of any proposed General Plan Amendment or disapproval of either a General Plan Amendment initiated by the Director or the City Council, the City Planning Commission shall transmit as soon as possible those actions to the Mayor for consideration and report to the Council.

ii. If the City Planning Commission recommends disapproval of a General Plan Amendment initiated by it, the City Planning Commission shall report its decision to the Council and Mayor.

b. The City Planning Commission's report to the Mayor and the City Council shall set forth the City Planning Commission's findings for its recommendation.

c. Time to Act

i. The City Planning Commission shall act within 90 days after receiving the report of the Director.

ii. If the City Planning Commission fails to do so, the City Planning Commission's failure to act is deemed a recommendation for approval of the Director's recommendation regarding the General Plan Amendment.

4. Action of the Mayor

a. Within 30 days after receipt of the City Planning Commission's recommendation, the Mayor shall make a recommendation to the City Council on the proposed General Plan Amendment. If the Mayor does not act within the 30-day period, the Mayor's inaction is deemed a recommendation for approval of City Planning Commission's recommendation regarding the General Plan Amendment.

b. The Mayor's report to the City Council shall set forth the Mayor's reasons for his or her recommendation.

5. Action of the City Council

a. After receiving the recommendations of the City Planning Commission and the Mayor, or at the expiration of the 30-day period for the Mayor to act, the City Council shall hold a public hearing on the proposed General Plan Amendment.

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

i. Approve or disapprove the General Plan Amendment in accordance with Sec. 555(e) (General Plan – Procedures for Adoption) of the City Charter; or

ii. Propose changes to the General Plan Amendment.

c. The City 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. If the City Council fails to do so, the City Council's failure to act is deemed a disapproval of the General Plan Amendment.

d. Required Vote

In accordance with Sec. 555 (General Plan – Procedures for Adoption) of the City Charter, the votes necessary for adoption of a General Plan Amendment are as follows:

Recommendation	Required Council Vote
Both the CPC and the Mayor recommend approval	Majority
Either the CPC or the Mayor recommends disapproval	2/3 Vote
Both the CPC and the Mayor recommend disapproval	3/4 Vote

6. Proposed Changes by the City Council

a. If the City Council proposes changes to the General Plan Amendment that differ from the amendment as initiated or as recommended by the City Planning Commission, the matter shall be returned simultaneously to the City Planning Commission and the Mayor for their recommendations on the proposed changes.

b. In acting on those changes, the City Planning Commission and the Mayor shall follow the procedures set forth above for their initial action.

c. The City Planning Commission shall act within 60 days of receipt of the City Council's proposed change.

d. The Mayor shall act within 30 days of the receipt of the City Planning Commission's recommendation on the proposed change, or the expiration of the time for the City Planning Commission to act if the City Planning Commission fails to make a timely recommendation.

e. If either the City Planning Commission or the Mayor do not act within the time period, that inaction is a recommendation of approval of the proposed changes.

f. The City Planning Commission and the Mayor shall consider only those changes made by the City Council.

g. The City Council shall act to approve or disapprove, in whole or in part, the General Plan Amendment, including the City Council's changes, within 120 days after receiving both the City Planning Commission's and the Mayor's recommendations on the City Council's proposed changes, or the expiration of its time to act on those changes.

E. Standards for Review and Required Findings

The following provisions are effective pursuant to the time periods stated in "the Build Better LA Initiative."

1. General Plan Review

See Sec. 11.5.8 (General Plan Review) of Chapter 1 of this Code.

2. Affordable Housing

See Sec. 11.5.11 (a) of Chapter 1 of this Code.

3. Alternative Compliance Options

See Sec. 11.5.11 (b) of Chapter 1 of this Code.

4. Use of Funds

See Sec. 11.5.11 (c) of Chapter 1 of this Code.

5. Continuing Affordability / Standards for Affordable Units

See Sec. 11.5.11 (d) of Chapter 1 of this Code.

6. Developer Incentives

See Sec. 11.5.11 (e) of Chapter 1 of this Code.

7. Processing

See Sec. 11.5.11 (f) of Chapter 1 of this Code.

8. City Council Approved Adjustments to Affordable Housing Set-Asides Contained Herein

See Sec. 11.5.11 (g) of Chapter 1 of this Code.

9. Waiver/Adjustment

See Sec. 11.5.11 (h) of Chapter 1 of this Code.

10. Job Standards

See Sec. 11.5.11 (i) of Chapter 1 of this Code.

11. Definitions

See Sec. 11.5.11 (j) of Chapter 1 of this Code.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of General Plan Action

A General Plan Adoption or Amendment may be modified by following the same procedures established above for the original action.

SEC. 13B.1.2. SPECIFIC PLAN ADOPTION/AMENDMENT



A. Applicability

1. General

This Section applies to the adoption of, or any amendment to the map or text of, a specific plan.

2. When a Specific Plan Amendment is Required

A Specific Plan Amendment is required whenever the policies or standards of plan need to be changed or updated, including but not limited to the following:

a. To permit a new principal use or a change of use that the specific plan specifically prohibits, except where an applicant seeks to alter or enlarge an existing legal nonconforming, in which case a Project Exception is required;

b. To permit a use which exceeds the maximum number of permitted establishments or the maximum permitted occupant load for that use within a specific plan area or subarea;

c. To permit a sign specifically prohibited by the specific plan;

d. To deviate from a specific plan map footnote;

e. To make significant changes to environmental mitigation measures that were adopted as part of the environmental clearance for the specific plan if required by CEQA;

f. To make changes to impact fees which affect implementation of the specific plan or planned improvements;

g. To make boundary changes to a specific plan area or subarea;

h. To change highway/street designations, which are identified in a specific plan;

i. To reconcile an inconsistency with the applicable community plan(s) where the project requires a community plan amendment; or

j. To establish significant policy changes or modifications to specific plan regulations which affect the entire specific plan area or a subarea, as determined by the Director.

B. Initiation

Only the City Council, the City Planning Commission, or the Director of Planning may initiate a Specific Plan Adoption or Amendment. An action to initiate a Specific Plan Adoption or Amendment by the City Council or the City Planning Commission requires a majority vote.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail (if the amendment affects the permitted uses or intensity of uses of real property)	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 500 feet of the area to be changed (or the expanded area described below); • Residential, commercial, and industrial occupants of all properties within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located.
Posting (site specific amendments only)	10 days	• The applicant will post notice in a conspicuous place on the property • If a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

b. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

c. Where a public hearing before a Hearing Officer was held pursuant to Sec. 13B.1.2.D.2.c. below, then notice for the Planning Commission hearing shall be given in the manner specified in Sec. 13B.1.3.C. (Zoning Code Amendment; Notice) of this Chapter.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Public Hearing

a. The Council or the City Planning Commission shall forward the proposed ordinance to the Director of Planning for a report and recommendation.

b. The Director shall make a recommendation for action on the matter; that recommendation shall then be heard by the City Planning Commission.

c. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section, and make a report and recommendation.

3. City Planning Commission Action

a. After receipt of the Director's recommendation, the City Planning Commission shall hold a public hearing.

b. The hearing proceedings shall be recorded or summarized as directed by the Commission. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon payment of the fee, as required by ordinance. One copy of the transcript shall be furnished to the Commission to be filed.

c. The City Planning Commission shall consider the matter and make a report and recommendation to the City Council.

d. If the matter was initiated by either the City Planning Commission or the Director, and the City Planning Commission recommends denial of the proposed ordinance, the decision is final.

e. Time to Act

i. The City Planning Commission shall act within 75 days of receipt of the Director's report and recommendation.

ii. If the City Planning Commission does not act by that deadline, or any extension, the City Council may then, by resolution, request the City Planning Commission to forward the matter to it for the City Council's action.

iii. If the City Council does not do so, the time for the City Planning Commission to act shall automatically be extended for an additional 75 days. The City Council may request the City Planning Commission to forward the matter at any time within the 75-day continuance period.

iv. If the Planning Commission fails to act on an initiation within the time allowed by this Subdivision, the Planning Commission shall be deemed to have approved the ordinance.

4. City Council Action

a. After the City Planning Commission has made its report and recommendation, or after the time for it to act has expired, the City Council shall consider the matter.

b. The City Council may approve or disapprove the proposed Specific Plan Adoption or Amendment.

c. If the City Planning Commission recommends approval of an application, then the City Council shall act within 90 days of receipt of the City Planning Commission recommendation. This time limit may be extended by mutual consent of the initiating body and the City Council.

d. Required Vote

The votes necessary for adoption of a Specific Plan Adoption or Amendment are as follows:

Recommendation	Required Council Vote
The CPC recommends approval	Majority
The CPC recommends disapproval (on a Specific Plan Adoption/Amendment initiated by the City Council)	2/3 Vote
Failure of the CPC to act	Majority

E. Standards for Review and Required Findings

1. In approving a Specific Plan Adoption or Amendment, the City Planning Commission and City Council shall find that:

   a. The action substantially conforms to the purposes, intent and provisions of the General Plan; and

   b. The proposed ordinance is in conformity with public necessity, convenience, general welfare and good zoning practice.

2. If the City Council does not adopt the City Planning Commission's findings and recommendations, the City Council shall make its own findings.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of Specific Plan Action

A Specific Plan Adoption or Amendment may be modified by following the same procedures established above for the original action.

SEC. 13B.1.3. ZONING CODE AMENDMENT



A. Applicability

This Section applies to the adoption, amendment, or repeal of any text in this Chapter or Chapter 1 (General Provisions and Zoning), including but not limited to:

1. The creation or change of any zones or districts for the purpose of regulating the use of land (including area-wide or comprehensive zone changes that the City initiates to implement a land use policy);
2. Zoning or other land use regulations concerning permissible uses, height, density, bulk, location or use of buildings or structures, size of yards, open space, setbacks, building line requirements, and other similar requirements, including specific plan ordinances;
3. Private street regulations;
4. Public projects; and
5. The acquisition of, change of area or alignment to, abandonment of, or vacation of any public right-of-way, park, playground, airport, public building site or other public way, ground or open space, but not including easements for sewers, storm drains or slopes, nor the temporary transfer of jurisdiction over any portion of a street to another local agency.

B. Initiation

Only the City Council, the City Planning Commission, or the Director of Planning may initiate a Zoning Code Amendment. An action to initiate a Zoning Code Amendment by the City Council or City Planning Commission requires a majority vote.

C. Notice

Notice of Public Hearing

The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Public Hearing

a. The City Council or the City Planning Commission shall forward the proposed Zoning Code Amendment to the Director of Planning for a report and recommendation.

b. The Director shall make a recommendation for action on the matter, which recommendation shall then be heard by the City Planning Commission.

c. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section, and make a report and recommendation.

3. City Planning Commission Action

a. After receipt of the Director's recommendation, the City Planning Commission shall consider the matter and make a report and recommendation to the City Council.

b. If the matter was initiated by either the City Planning Commission or the Director, and the City Planning Commission recommends denial of the proposed ordinance, the decision is final.

c. Time to Act

i. The City Planning Commission shall act within 75 days of receipt of the Director's report and recommendation.

ii. If the City Planning Commission does not act by that deadline, or any extension, the City Council may then, by resolution, request the Planning Commission to forward the matter to it for the City Council's action.

iii. If the City Council does not do so, the time for the Planning Commission to act shall automatically be extended for an additional 75 days. The City Council may request the Planning Commission forward the matter at any time within any 75-day continuance period.

iv. If the Planning Commission fails to act on an initiation within the time allowed by this Subdivision, the Planning Commission shall be deemed to have approved the ordinance.

4. City Council Action

a. After the City Planning Commission has made its report and recommendation, or after the time for it to act has expired, the City Council may consider the matter.

b. The City Council may approve or disapprove the proposed Zoning Code Amendment.

c. If the City Planning Commission recommends approval of the proposed Zoning Code Amendment, the City Council shall act within 90 days of receipt of the City Planning Commission recommendation.

d. Required Vote

The votes necessary for adoption of a Zoning Code Amendment are as follows:

Recommendation	Required Council Vote
The CPC recommends approval	Majority
The CPC recommends disapproval (on a Zoning Code Amendment initiated by the City Council)	2/3 Vote
Failure of the CPC to act	Majority

E. Standards for Review and Required Findings

1. In approving a Zoning Code Amendment, the City Planning Commission and City Council shall find that:

   a. The action substantially conforms to the purposes, intent and provisions of the General Plan; and

   b. The proposed ordinance is in conformity with public necessity, convenience, general welfare and good zoning practice; and

   c. Any other findings required by law.

2. If the City Council does not adopt the City Planning Commission's findings and recommendations, the City Council shall make its own findings.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of Zoning Code Amendment

A Zoning Code Amendment may be modified by following the same procedures established above for the original action.

SEC. 13B.1.4. ZONE CHANGE



A. Applicability

1. This Section applies to any amendment to the zoning map through a legislative land use ordinance.

2. The City Planning Commission may recommend approval or disapproval in whole or in part of an application or initiation of a proposed land use ordinance. The Area Planning Commission may recommend approval or disapproval in whole or in part of an application for a land use ordinance where permitted in this Section. These recommendations shall be made to the City Council for its action pursuant to the procedures set forth in this Section.

3. Pursuant to Sec. 565. (Delegation of Legislative Authority to Area Planning Commissions) of the City Charter, the City Planning Commission may delegate classes or categories of Zone Changes for consideration by an Area Planning Commission.

4. The City Planning Commission has delegated the following categories of Zone or height district changes to Area Planning Commissions:

   a. Any development project which creates or results in fewer than 50,000 gross square feet of non-residential floor area;

   b. Any development project which creates or results in fewer than 50 dwelling units, guest rooms or combination of dwelling units or guest rooms; or

   c. Any application involving a lot with fewer than 65,000 square feet of lot area.

5. Notwithstanding the foregoing, the City Planning Commission, rather than the Area Planning Commission, shall have the authority to make recommendations on any application for or initiation of a proposed Zone Change when it is being considered in conjunction with an initiated General Plan Amendment.

6. Unless otherwise specified, further references in this Section to "Planning Commission" mean either the Area Planning Commission or the City Planning Commission, whichever has authority.

7. To be eligible for any Zone Change or height district change that results in increased allowable residential floor area, density or height, or allows a residential use where previously not allowed, projects with 10 or more residential dwelling units must comply with the provisions in Sec. 13B.1.1.E. (General Plan Adoption/Amendment; Standards for Review and Required Findings).

B. Initiation

1. City Initiated

The City Council, the City Planning Commission, or the Director of Planning may initiate a Zone Change. Any initiation by the City Council or the City Planning Commission shall be by majority vote.

2. Applicant Initiated

An applicant may apply for a Zone Change. An application for a Zone Change shall be filed with the Department.

3. Establishment of Supplemental Use Districts or Overlays

The following provisions apply to the establishment of Supplemental Use Districts pursuant to Article 3 (Specific Plan – Zoning Supplemental Use Districts) of Chapter 1 (General Provisions and Zoning) of this Code or Overlays pursuant to Article 8 (Specific Plans & Supplemental Districts) of this Chapter:

a. One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a supplemental use district or overlay. The application shall contain the signatures of at least 75% of the owners or lessees of property within the proposed boundaries.

b. An application for the establishment of a Fence Height District shall contain the signatures of at least 50% of the owners or lessees of property within the proposed district.

c. A Community Plan Implementation Ordinance (CPIO) District may not be established through the application procedure.

d. Only the City Planning Commission is authorized to make recommendations regarding approval or disapproval in whole or in part on an application for or the initiation of the establishment of a supplemental use district to the City Council.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail (if the amendment affects the permitted uses or intensity of uses of real property)	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 500 feet of the area to be changed (or the expanded area described below); • Residential, commercial, and industrial occupants of all properties within

		500 feet of the exterior boundaries of the property involved (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located
Posting (applicant initiated Zone Changes only)	10 days	• The applicant will post notice in a conspicuous place on the property • If a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

b. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

c. Where a public hearing before a Hearing Officer was held for a City-initiated matter pursuant to Sec. 13B.1.4.D.2.a.ii. below, then notice for the Planning Commission hearing shall be given in the manner specified in Sec. 13B.1.3.C. (Zoning Code Amendment; Notice) of this Chapter.

d. Where the City initiates changes of zone or height districts pursuant to Sec. 65860(d) (Adoption of Regulations) of the California Government Code to a significant number of lots, publication in two newspapers of general circulation designated by the City Clerk for official advertising in the area involved, not less than 10 days prior to the date of the public hearing, giving notice of its time, place and purpose shall be sufficient notice of the hearing, and the mailing of individual notices shall not be required.

e. Notice of the public hearing shall also be given to the Bureau of Engineering and Department of Transportation for an application or initiation to establish a supplemental use district.

2. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail (if the amendment affects the permitted uses or intensity of uses of real property)	24 days	• The applicant; • The owner(s) of the property involved; • The Certified Neighborhood Council representing the area in which the property is located; and • Any interested party who has requested in writing to be so notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. City Initiated

a. Public Hearing

i. The Director shall make a recommendation for action on the matter, which recommendation shall then be heard by the Planning Commission.

ii. Before making a recommendation, the Director may direct a Hearing Officer to hold a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section, and make a report and recommendation.

b. Planning Commission Action

i. After receipt of the Director's recommendation, the Planning Commission shall hold a public hearing.

ii. The hearing proceedings shall be recorded or summarized as directed by the Commission. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon payment of the fee, as required by ordinance. One copy of the transcript shall be furnished to the Commission to be filed.

iii. The Planning Commission shall consider the matter, and make a report and recommendation to the City Council.

iv. If the matter was initiated by either the City Planning Commission or the Director, and the City Planning Commission recommends denial of the proposed ordinance, the decision is final.

c. Time to Act

i. The Planning Commission shall act within 75 days of receipt of the Director's report and recommendation.

ii. If the Planning Commission does not act by that deadline, or any extension, the City Council may then, by resolution, request the Planning Commission to forward the matter to it for the City Council's action.

iii. If the City Council does not do so, the time for the Planning Commission to act shall automatically be extended for an additional 75 days. The City Council may request that the Planning Commission forward the matter at any time within the 75-day continuance period.

iv. If the Planning Commission fails to act on an initiation within the time allowed by this Subdivision, the Planning Commission shall be deemed to have approved the ordinance.

3. Applicant Initiated

a. Public Hearing

i. Once a complete application is received, as determined by the Director, the Commission shall hold a public hearing or direct a Hearing Officer to hold the hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

ii. If a Hearing Officer holds the public hearing, he or she shall make a recommendation for action on the application.

b. Planning Commission Action

i. The Hearing Officer's recommendation shall be heard by the Planning Commission, which may hold a public hearing, and shall make a report and recommendation to the City Council.

ii. The hearing proceedings shall be recorded or summarized as directed by the Commission. When proceedings are recorded and not summarized, they shall be transcribed at the request of any party or interested person upon payment of the fee, as required by ordinance. One copy of the transcript shall be furnished to the Commission to be filed.

iii. If the Planning Commission recommends disapproval, that action is final unless the applicant timely files an appeal pursuant to Subsection G. (Appeals) of this Section.

c. Time to Act

i. The Planning Commission shall act within 75 days of the filing of a complete, verified application for a proposed Zone Change, except as otherwise provided in this Subsection. This time limit may be extended by mutual consent of the applicant and the Planning Commission.

ii. The Planning Commission may withhold action on an application relating to land located within an area in which the City Planning Commission is conducting a general survey or study, for a period of up to 180 days from the date the application was filed. The Planning Commission shall provide written notice of this decision to the applicant, advising of the study and the postponement.

iii. If the Director determines that the application is inconsistent with the General Plan, the Planning Commission may withhold action on the application for a period of up to 180 days with the applicant's consent. This time limit may be extended for two additional 3-month periods by mutual consent of the applicant and the Planning Commission.

iv. If the Planning Commission fails to act on an initiation within the time allowed by this Subdivision, the Planning Commission shall be deemed to have approved the ordinance.

4. City Council Action (On Both City and Applicant Initiated Zone Changes)

a. After the Planning Commission has made its report and recommendation, or after the time for it to act has expired, the Council may consider the matter.

b. If the Planning Commission recommends approval of the proposed Zone Change, the Council shall act within 90 days of receipt of the Planning Commission recommendation. This time limit may be extended by mutual consent of the applicant and the Council.

c. The Council may approve or disapprove the proposed Zone Change.

d. As part of any proposed Zone Change, the City Council may:

i. Impose a Special Zoning Classification pursuant to Sec. 12.32 G. (Special Zoning Classifications) of Chapter 1 (General Provisions and Zoning), or

ii. Approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by this Code.

e. Required Vote

The votes necessary for adoption of a proposed Zone Change are as follows:

Recommendation	Required Council Vote
The CPC recommends approval	Majority
The CPC recommends disapproval (on a Zone Change initiated by the City Council)	2/3 Vote
The CPC recommends disapproval (on a Zone Change initiated by an applicant, and an appeal was filed)	2/3 Vote
Failure of the CPC to act	Majority

5. Area Affected by Zone Change

a. In the consideration of an application for a proposed Zone Change, the Planning Commission may approve or disapprove a change upon all or only a part of the subject area.

b. The Planning Commission may recommend, without additional notice or hearing:

i. A change to any zone between that existing on the property and that requested in the application;

ii. That all or a portion of the property be changed to a P or PB Zone;

iii. That an M Zone be changed to an MR Zone; or

iv. Minor additions to the area proposed for a Zone Change or slight adjustments of proposed zone boundaries within that area that it determines are required by the public necessity, convenience, general welfare, or good zoning practice.

6. Changes Incident to Division of Land

a. In the subdivision of an area, it may be determined by the Planning Commission that the zones or height districts, as shown on the zoning map, do not conform to the best subdivision and use of the land. The City Council may, upon the recommendation of the Planning Commission, authorize within the boundaries of the area being subdivided the appropriate adjustment of zone or height district

boundaries or the reclassification of the area into a more restrictive zone or height district where the zone or height district is consistent with the General Plan. The City Council shall have the authority to make changes without the Planning Commission holding a public hearing on the adjustment.

b. The Planning Commission shall make no recommendation to the City Council, except upon written application made by the owner of the land being subdivided.

c. Notice of a public hearing on any Zone Change incident to division of land to a less restrictive zone shall be included in the notice for the division. The notice shall conform to the procedures for Zone Change notification, and the subdivision and Zone Change hearings shall be held concurrently. Appeal procedures shall conform to those required for Zone Changes as set forth in this Section.

E. Standards for Review and Required Findings

1. In approving a Zone Change, the Planning Commission and City Council shall find that:

   a. The action substantially conforms to the purposes, intent and provisions of the General Plan; and

   b. The proposed ordinance is in conformity with public necessity, convenience, general welfare, and good zoning practice.

2. If the Council does not adopt the Commission's findings and recommendations, the Council shall make its own findings.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).

2. An applicant-initiated Zone Change that is not effectuated within 6 years of its effective date becomes null and void.

G. Appeals

1. General Procedures

a. See Sec. 13A.2.8. (Appeals).

b. Only applicant-initiated zone changes are appealable.

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

a. If the Planning Commission recommends disapproval of an application, in whole or in part, the applicant may appeal that decision to the City Council.

b. If the Planning Commission recommends disapproval of an application to establish a supplemental use district, in whole or in part, any owner or lessee of property included in a proposed district may appeal that decision to the City Council.

c. At any time prior to the action of the City Council on the appeal, the Department shall submit any supplemental, pertinent information as the City Council or its Committee may request.

4. Appellate Decision

a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The City Council shall act 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 City Council.

c. If the City Council fails to act within this time limit, the failure shall constitute a denial of the application or disapproval of the initiated land use ordinance.

H. Modification of the Zone Change

1. A Zone Change may be modified by following the same procedures established above for the original action.

2. Special Zoning Classifications

A request for an amendment of any Special Zoning Classification may be filed and processed pursuant to Sec. 12.32. H. (Amendments of the T Classification and Clarifications of the Q Classification or D Limitation) of Chapter 1 (General Provisions and Zoning) where applicable.

I. Vesting Zone Change

1. Applicability

An applicant may elect to file an application for a Vesting Zone Change. If an applicant does not seek the rights conferred by this Subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed Zone Change.

2. Development Rights

a. The approval of a vesting application confers a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones, and officially adopted policies of the City in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated by the decision maker in its action on the vesting application case.

b. These rights do not include exemption from:

i. Other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.);

ii. Subsequent changes in the Building and Safety and Fire regulations contained in Chapters 5 (Public Safety and Protection) and 9 (Building Regulations) of this Code that the City Council finds to protect the public health and safety and which apply on a citywide basis, or policies and standards relating to those regulations; or

iii. Citywide programs enacted after the application is deemed complete to implement State or Federal mandates.

c. If the ordinances, policies, or standards described in Paragraph b. above are changed subsequent to the approval or conditional approval of a vesting application, the applicant, at any time prior to the expiration of the vesting application case, may apply for an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. The application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

d. Prior to final signoff on a building permit filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.

3. Filing and Processing an Application

a. A Vesting Zone Change shall be filed on the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as procedures for applications for a Zone Change, except as provided here. The application shall specify that the case is for a Vesting Zone Change. If any rules, regulations, or ordinances in force at the time of filing require any additional approvals (such as a Variance or Coastal Development Permit), the complete application for these additional approvals shall be filed prior to or simultaneously with the Vesting Zone Change in order for the City Planning Department to be able to schedule a concurrent hearing.

b. In all Vesting Zone Change cases, a site plan and a rendering of the architectural plan of the building envelope shall be submitted. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the use and location of buildings, driveways, internal vehicular circulation patterns, loading areas and docks, location of landscaped areas, walls and fences, pedestrian and vehicular entrances, location of public rights-of-way and any other information deemed necessary by the Director of Planning.

4. Conditional Approval or Denial

Notwithstanding the provisions of Subsection H.2.a. (Vesting Zone Change; Development Rights) of this Section, a Vesting Zone Change may be:

a. Conditioned if the City Planning Commission or the City Council determines that:

i. The condition is necessary to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood;

ii. The condition is necessary to secure an appropriate development in harmony with the objectives of the General Plan;

iii. The condition is necessary to prevent or mitigate potential adverse environmental effects of the Zone Change; or

iv. That public necessity, convenience, or general welfare require that provisions be made for the orderly arrangement of the property concerned into lots and/or that provisions be made for adequate streets, drainage facilities, grading, sewers, utilities, and other public dedications and improvements.

b. Denied if the City Planning Commission or the City Council determines the Zone Change is not in substantial conformance with the purposes, intent, or provisions of the General Plan or is not in conformance with public necessity, convenience, general welfare, and good zoning practice.

c. If the City Council does not adopt the Planning Commission's findings and recommendations, the City Council shall make its own findings.

5. Expiration

a. The approval or conditional approval of a Vesting Zone Change expires 6 years after the effective date of the ordinance.

b. Where a project to be developed under a Vesting Zone Change contains multiple phases, the vested zoning terminates if less than 25% the total project allowed by the Vesting Zone Change and as described in the vesting application has not received a certificate of occupancy before the end of the period of time specified.

6. Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply with Subsequent Regulation Changes

a. Any owner or lessee of the subject property subject to an approved Vesting Zone Change may file a verified application requesting an amendment of the City regulations described in Subsection H.2.a. (Vesting Zone Change; Development Rights) of this Section vested by a Zone Change issued pursuant to this Section.

b. The City Council, after receiving a report and recommendation on the amendment from the Director within 40 days of the date of the request or within any additional time mutually agreed upon by the Director and the applicant, may amend the vested building or site plans or add to the set of City regulations to which the applicant's project has vested. If the Director fails to submit a timely report, City Council may consider the amendment without the Director's recommendation.

c. The City Council, prior to making a decision pursuant to this Subdivision, shall hold a public hearing, giving notice pursuant to Subsection C. (Notice) of this Section.

SEC. 13B.1.5. GUIDELINES OR STANDARDS ADOPTION/AMENDMENT

A. Applicability

This Section only applies where any provision of this Code specifically authorizes or requires the City Planning Commission to adopt or amend certain guidelines or standards.

B. Initiation

The enactment of an ordinance authorizing the City Planning Commission to adopt or amend guidelines or standards initiates this process.

C. Notice

Notice of Public Hearing

The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The City Planning Commission is the initial decision maker.

3. Public Hearing

Prior to any action on the Guidelines or Standards Adoption/Amendment, the City Planning Commission shall conduct a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

4. Recommending Body

If a recommendation by another body is required, the City Planning Commission may consider the matter after receipt of the recommendation.

5. City Planning Commission Action

The City Planning Commission may approve or disapprove the proposed Guidelines or Standards Adoption/Amendment.

E. Standards for Review and Required Findings

In approving a Guidelines or Standards Adoption/Amendment, the City Planning Commission shall find that the action substantially conforms to the purposes, intent, and provisions of the General Plan and any other applicable adopted plans.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of Guidelines or Standards Adoption/Amendment

A Guidelines or Standards Adoption/Amendment may be modified by following the same procedures established above for the original action. However, any subsequent amendment to guidelines or standards already adopted by the City Planning Commission pursuant to this Section may be presented to the City Planning Commission for approval by the Director.

SEC. 13B.1.6. LAND FOR PUBLIC USE

A. Applicability

This Section applies to any ordinance, order, or resolution ordering or involving 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 any other public way, ground or open space, or the location, appearance, and width of any bridge, viaduct, subway, tunnel, or elevated roadway for the use of pedestrians or vehicular traffic, or the location and appearance of any public building.

B. Initiation

A petition may be received by the City Clerk and presented to the City Council or a resolution may be introduced in the City Council for the purpose of adoption of an ordinance, order, or resolution involving land for public use.

C. Notice

Notice of Public Hearing

There is no public hearing required for a consideration of Land for Public Use, and therefore no notice of a public hearing is required.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Referral

a. A petition or resolution regarding land for public use shall be referred to such City Department or Bureau as is determined by the Council to have jurisdiction over the matter involved in such petition or proposed ordinance, order or resolution, for report and recommendation thereon to the Council or to a Committee of the Council designated by the Council, before the Council shall grant such petition or adopt or enact any such ordinance, order or resolution.

b. The said Department or Bureau to which any such petition or resolution is referred by the Council shall, before reporting to the Council upon the particular subject matter, refer the matter to the City Planning Department for report and recommendation thereon by the Commission concerning the relation of the matter to and its effect upon the General Plan, any applicable specific plans and any plans being prepared by the Department of City Planning.

c. However, easements for local sanitary sewers, storm drains or slopes need not be referred to the City Planning Department.

d. Such Bureau or Department shall transmit its report to the City Council on the subject matter of the petition or resolution or accompanying ordinance or order, together with an original copy of said report of the City Planning Commission relating thereto.

3. Report and Recommendation

a. Before any ordinance, order, or resolution relating to any of the matters referred to in Subsection A. (Applicability) of this Section, except easements for local sanitary sewers, storm drains or slopes is presented to the Council by the City Attorney for consideration, said ordinance, order or resolution shall be first submitted by the City Attorney to the City Planning Department for report and recommendation thereon by the City Planning Commission.

b. Such ordinance, order, or resolution shall be returned by the Director of Planning to the City Attorney for transmittal to the City Council or its Committee, together with the report and recommendation relating thereto.

4. City Planning Commission Action

a. The City Planning Commission shall make and file its report and recommendations on any petition, ordinance, order, or resolution within 30 days of receipt of same.

b. If the same be disapproved, the Director of Planning shall advise the Bureau or Department submitting the matter of its disapproval and reasons therefor within such 30-day period.

5. Council Action

a. If the City Planning Commission recommends against the approval of an ordinance, order or resolution, the Council may adopt the same only upon a 2/3 vote of the whole Council.

b. If the City Planning Commission recommends approval, or fails to make any recommendation within the specified time limit, the Council may adopt such ordinance, order, or resolution by a majority vote of the whole Council.

E. Standards for Review and Required Findings

1. In acting upon a consideration of Land for Public Use, the City Planning Commission and City Council shall find that the action substantially conforms to the purposes, intent, and provisions of the General Plan and any other applicable adopted plans, or state the reasons that no such finding can be made.

2. If the Council does not adopt the City Planning Commission's findings and recommendations, the Council shall make its own findings.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

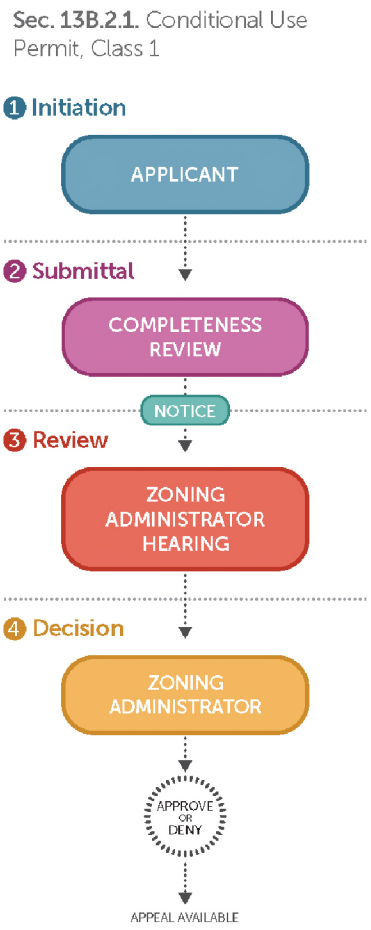
There is no appeal.

H. Modification of the Action

An ordinance, order, or resolution regarding land for public use may be amended by following the same procedures established above for the original action.

DIV. 13B.2. QUASI-JUDICIAL REVIEW

SEC. 13B.2.1. CLASS 1 CONDITIONAL USE PERMIT



A. Applicability

1. This Section applies where any provision of this Code requires a Class 1 Conditional Use Permit.

2. This Section also applies to conditional uses and deviations designated in Sec. 12.24 X. (Further Authority of the Zoning Administrator for Other Similar Quasi-Judicial Approvals) of Chapter 1.

3. Existing Uses

   Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this Code at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this Section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or Variance which authorized the use shall also continue in effect.

B. Initiation

An application for a Class 1 Conditional Use Permit is filed with the Department.

C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The owner(s) of the property involved; • Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property • If a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

2. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The owner(s) of the property involved; • Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions)

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Public Hearing

a. The Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Zoning Administrator may conduct the hearing or designate a Hearing Officer to conduct the hearing.

4. Decision

a. The Zoning Administrator shall render the initial decision within 75 days of the date the application is deemed complete.

b. If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13A.2.6. (Transfer of Jurisdiction).

5. Conditions of Approval and Inspections

a. In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. (Standards for Review and Required Findings) of this Section.

b. The decision may state that the height and area regulations required by other provisions of this Chapter and Chapter 1 (General Provisions and Zoning) shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in Sec. 12.22 A.25. (Affordable Housing Incentives – Density Bonus), the development project must also contain the requisite number of Restricted Affordable Units as set forth in Sec. 12.24 U.26. (a)(1) - (5) (Density Bonus for a Housing Development Project in Which the Density Increase is Greater than the Maximum Permitted in Sec. 12.22 A.25) of this Code.

c. The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar Quasi-judicial approval granted pursuant to this Section. Clearance, monitoring and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning).

d. If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar Quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, revocation proceedings pursuant to Sec. 13B.6.1. (Evaluation of Non-Compliance) or Sec. 13B.6.2. (Nuisance Abatement/Revocation) may commence.

6. Transmittal

The Zoning Administrator shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with, the subject property and all persons who filed a written request for the notice with the Zoning Administrator.

E. Standards for Review and Required Findings

1. In approving a Class 1 Conditional Use Permit, the Zoning Administrator or Area Planning Commission (on appeal) shall find that:

   a. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;

   b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and

   c. The project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

2. The decision maker shall also make any additional findings required by this Chapter or Chapter 1 (General Provisions and Zoning), and shall determine that the project satisfies all applicable requirements in these Chapters.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker. The City Council is the appellate body in the case of a transfer of jurisdiction, and its decision shall be subject to Charter Section 563(b)(2).

3. Filing

An applicant or any other person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission.

4. Appellate Decision

a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

c. When a conditional use decision of the Zoning Administrator is appealed to an Area Planning Commission, the appellate decision of the Area Planning Commission shall be final and effective as provided in Sec. 245 (City Council Veto of Board Actions).

H. Modification of Entitlement

1. Development of Site

a. On any lot or portion of a lot on which an approved or deemed-approved conditional use is permitted pursuant to the provisions of this Section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, provided that plans are submitted to and approved by the Zoning Administrator, and, where applicable, the use is consistent with the provisions of Sec. 12.24 C (Existing Uses) of Chapter 1 (General Provisions and Zoning).

b. The Zoning Administrator may deny the plans if the Zoning Administrator finds that the use does not conform to the purpose and intent of the findings required for a conditional use under this Section, and may specify the conditions under which the plans may be approved.

c. An applicant submitting development plans or any other person aggrieved by the decision of the Zoning Administrator made relative to the approval or disapproval of a development plan may appeal the decision to the Area Planning Commission pursuant to this Section.

d. Exceptions

A plan approval shall not be required in the instances listed as exceptions in Sec. 12.24 D. (Development of Uses) of Chapter 1 (General Provisions and Zoning).

2. Reduction of Site

So long as the conditional use is continued, the entire approved site shall be retained for the conditional use. No portion shall be severed from the site or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the Zoning Administrator. The initial decision of the Zoning Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal procedures as is provided for an application to establish the conditional use.

3. Findings and Conditions of Approval

In approving any conditional use plans, the Zoning Administrator must find that the use conforms to the purpose and intent of the findings required for a conditional use under this Section and may impose conditions on the same basis as provided for in this Section for the establishment of new conditional uses. The Zoning Administrator shall adopt written findings of fact supporting the decision based upon evidence in the record, including any investigations.

4. Change of Use

No conditional use may be changed to a different type of conditional use unless the new use is authorized in accordance with the procedure prescribed in this Section for the establishment of a conditional use.

5. Discontinuance of Use

If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this Section for the establishment of a conditional use.

SEC. 13B.2.2. CLASS 2 CONDITIONAL USE PERMIT



A. Applicability

1. This Section applies where any provision of this Code requires a Class 2 Conditional Use Permit.

2. This Section also applies to the conditional uses designated in Sec. 12.24 W. (Authority of the Zoning Administrator for Conditional Uses/Initial Decision) of Chapter 1.

3. Existing Uses

   Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this Code at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this Section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or Variance which authorized the use shall also continue in effect.

B. Initiation

An application for a Class 2 Conditional Use Permit is filed with the Department.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located

Type of Notice	When	Where / To Whom / Additional Requirements
Posting	10 days	• The applicant will post notice in a conspicuous place on the property • If a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

b. Where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of way or other easement, will also be notified.

c. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

b. Where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of way or other easement, will also be notified.

c. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Public Hearing

a. Upon receipt of a complete application, the Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Zoning Administrator may conduct the hearing or designate a Hearing Officer to conduct the hearing.

4. Decision

a. The Zoning Administrator shall render the initial decision within 75 days of the date the application is deemed complete.

b. If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13A.2.6. (Transfer of Jurisdiction).

5. Conditions of Approval and Inspections

a. In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. (Standards for Review and Required Findings) of this Section.

b. The decision may state that the height and area regulations required by other provisions of this Chapter and Chapter 1 (General Provisions and Zoning) shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in Sec. 12.22 A.25. (Affordable Housing Incentives – Density Bonus), the development project must also contain the requisite number of Restricted Affordable Units as set forth in Sec. 12.24 U.26. (a)(1) - (5) (Density Bonus for a Housing Development Project in Which the Density Increase is Greater than the Maximum Permitted in Sec. 12.22 A.25) of this Code.

c. The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar Quasi-judicial approval granted pursuant to this Section. Clearance, monitoring and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning).

d. If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar Quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific

deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, revocation proceedings pursuant to Sec. 13B.6.1. (Evaluation of Non-Compliance) or Sec. 13B.6.2. (Nuisance Abatement/Revocation) may commence.

6. Transmittal

The Zoning Administrator shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with, the subject property and all persons who filed a written request for the notice with the Zoning Administrator.

E. Standards for Review and Required Findings

1. In approving a Class 2 Conditional Use Permit, the Zoning Administrator or Area Planning Commission (on appeal) shall find that:

   a. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;

   b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and

   c. The project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

2. The decision maker shall also make any additional findings required by this Chapter or Chapter 1 (General Provisions and Zoning), and shall determine that the project satisfies all applicable requirements in these Chapters.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).

2. As part of any conditional use approval, the initial decision maker or the appellate body may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by this Chapter or Chapter 1 (General Provisions and Zoning).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker. The City Council is the appellate body in the case of a transfer of jurisdiction, and its decision shall be subject to Charter Section 563(b)(2).

3. Filing

An applicant or any other person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission.

4. Appellate Decision

a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

c. When a conditional use decision of the Zoning Administrator is appealed to an Area Planning Commission, the appellate decision of the Area Planning Commission shall be final and effective as provided in Sec. 245 (City Council Veto of Board Actions) of the City Charter.

H. Modification of Entitlement

1. Development of Site

a. On any lot or portion of a lot on which an approved or deemed-approved conditional use is permitted pursuant to the provisions of this Section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, provided that plans are submitted to and approved by the Zoning Administrator, and, where applicable, the use is consistent with the provisions of Sec. 12.24 C (Existing Uses) of Chapter 1 (General Provisions and Zoning).

b. The Zoning Administrator may deny the plans if the Zoning Administrator finds that the use does not conform to the purpose and intent of the findings required for a conditional use under this Section, and may specify the conditions under which the plans may be approved.

c. An applicant submitting development plans or any other person aggrieved by the decision of the Zoning Administrator made relative to the approval or disapproval of a development plan may appeal the decision to the Area Planning Commission pursuant to this Section.

d. Exceptions

A plan approval shall not be required in the instances listed as exceptions in Sec. 12.24 D. (Development of Uses) of Chapter 1 (General Provisions and Zoning).

2. Reduction of Site

So long as the conditional use is continued, the entire approved site shall be retained for the conditional use. No portion shall be severed from the site or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the Zoning Administrator. The initial decision of the

Zoning Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal procedures as is provided for an application to establish the conditional use.

3. Findings and Conditions of Approval

In approving any conditional use plans, the Zoning Administrator must find that the use conforms to the purpose and intent of the findings required for a conditional use under this Section and may impose conditions on the same basis as provided for in this Section for the establishment of new conditional uses. The Zoning Administrator shall adopt written findings of fact supporting the decision based upon evidence in the record, including any investigations.

4. Change of Use

No conditional use may be changed to a different type of conditional use unless the new use is authorized in accordance with the procedure prescribed in this Section for the establishment of a conditional use.

5. Discontinuance of Use

If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this Section for the establishment of a conditional use.

I. Vesting Conditional Use Permit

1. Applicability

a. Whenever a provision of this Code requires the filing of an application for a Conditional Use Permit, a Vesting Conditional Use Permit may be filed instead, in accordance with and subject to the limitations of these provisions. If an applicant does not seek the rights conferred by this Subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed Zone Change, Conditional Use Permit, permit for construction or work preparatory to construction.

b. Vesting Conditional Use Permits may only be filed for the conditional uses listed in Sec. 12.24 T. (Vesting Conditional Use Applications) of Chapter 1 (General Provisions and Zoning).

2. Filing an Application

a. A Vesting Conditional Use Permit application shall be filed on the same form and have the same contents, accompanying data, and reports and shall be processed in the same manner as set forth in this Section for a conditional use permit except as provided below. The application shall specify that the case is for a Vesting Conditional Use Permit. If any rules, regulations, or ordinances in force at the time of filing require any additional approvals, the complete application for these additional approvals shall be filed prior to or simultaneously with the Vesting Conditional Use Permit to be processed pursuant to Sec. 13A.2.10. (Multiple Approvals).

b. In all Vesting Conditional Use Permit cases, a site plan and a rendering of the architectural plan of the building envelope shall be submitted with the application. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the location of

buildings, driveways, internal vehicular circulation patterns, loading areas and docks, location of landscaped areas, walls and fences, pedestrian and vehicular entrances, location of public rights-of-way and any other information deemed necessary by the Director of Planning.

3. Transmittal

Prior to final approval or signoff on a building permit filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.

4. Development Rights

a. The approval of a vesting application confers a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones, and officially adopted policies of the City in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated in the final decision on the vesting application case.

b. These rights do not include exemption from:

   i. Other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.);

   ii. Subsequent changes in the Building and Safety and Fire regulations contained in Chapters 5 (Public Safety and Protection) and 9 (Building Regulations) of this Code that apply on a citywide basis, and that the City Council finds are necessary to protect the public health and safety; or

   iii. Policies and standards relating to those regulations or from citywide programs to implement State or Federal mandates.

c. If the ordinances, policies, or standards described in the preceding Paragraphs are changed subsequent to the approval or conditional approval of a vesting application case, the applicant, or his or her successor or assignee, at any time prior to the expiration of the vesting application case, may apply, pursuant to Subdivision 5 (Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply With Subsequent Regulation Changes) below, for an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

d. A Vesting Conditional Use Permit may be conditioned or denied if the decision maker determines:

   i. That the condition is necessary in order to make all of the findings in Subsection E. (Standards for Review and Required Findings) of this Section; or

   ii. That one or more of the findings in Subsection E. (Standards for Review and Required Findings) of this Section cannot be made.

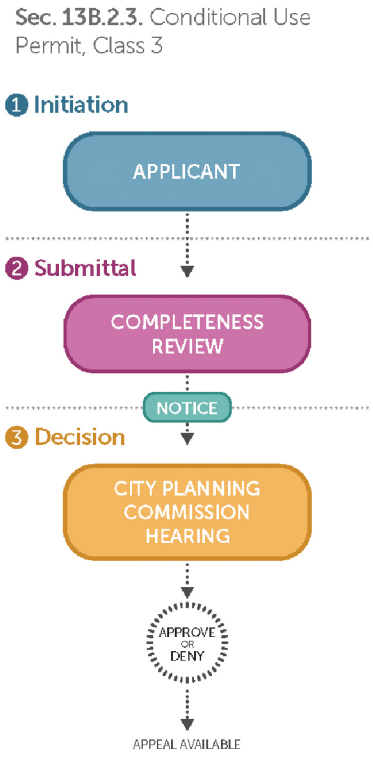
5. Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply With Subsequent Regulation Changes

a. One or more of the owners or lessees of the subject property may file a verified application requesting an amendment of the City regulations as described in Subdivision 4. (Development Rights) above vested by a Conditional Use Permit issued pursuant to this Subsection.

b. The Area Planning Commission, the City Planning Commission, the Zoning Administrator or the Area Planning Commission or City Council on Conditional Use Permit appeals may approve any changes to the set of City regulations to which the applicant's project has vested for a Conditional Use Permit issued pursuant to this Subsection. The Department's report shall be made within 40 calendar days of the date of the request or within any additional time as may be mutually agreed upon by the Department of City Planning and the applicant.

c. The City Council, the Area Planning Commission, the City Planning Commission, or the Office of Zoning Administration, prior to making a decision pursuant to this Subdivision, shall hold a public hearing. Notice shall be given in the manner specified in Subsection C. (Notice) of this Section.

SEC. 13B.2.3. CLASS 3 CONDITIONAL USE PERMIT



A. Applicability

1. This Section applies where any provision of this Code requires a Class 3 Conditional Permit.

2. This Section also applies to conditional uses designated in Sec. 12.24 U. (Conditional Use Permits - City Planning Commission With Appeals to City Council) of Chapter 1 (General Provisions and Zoning).

3. Existing Uses

   Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this Code at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this Section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or Variance which authorized the use shall also continue in effect.

B. Initiation

An application for a Class 3 Conditional Use Permit is filed with the Department.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located

Type of Notice	When	Where / To Whom / Additional Requirements
Posting	10 days	• The applicant will post notice in a conspicuous place on the property • If a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

b. Where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of way or other easement, will also be notified.

c. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 300 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

b. Where all property within the 300 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of way or other easement, will also be notified.

c. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The City Planning Commission is the initial decision maker.

3. Public Hearing

a. Upon receipt of a complete application, the City Planning Commission shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The City Planning Commission may conduct the hearing itself or designate the Director to conduct the hearing.

4. Decision

a. If the Director conducts the public hearing, the Director shall transmit its findings and recommendation to the City Planning Commission.

b. After the Director or City Planning Commission's hearing is closed, the City Planning Commission shall render the initial decision at a public meeting.

c. The City Planning Commission shall render the initial decision within 75 days of the date the application is deemed complete.

d. If the City Planning Commission fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the City Council pursuant to Sec. 13A.2.6. (Multiple Approvals).

5. Conditions of Approval and Inspections

a. In approving a project, the decision maker may impose conditions related to the interests addressed in the findings set forth in Subsection E. (Standards for Review and Required Findings) of this Section.

b. The decision may state that the height and area regulations required by other provisions of this Chapter and Chapter 1 (General Provisions and Zoning) shall not apply to the conditional use approved. If the Density Bonus is increased beyond the maximum allowed as defined in Sec. 12.22 A.25. (Affordable Housing Incentives – Density Bonus), the development project must also contain the requisite number of Restricted Affordable Units as set forth in Sec. 12.24 U.26. (a)(1) - (5) (Density Bonus for a Housing Development Project in Which the Density Increase is Greater than the Maximum Permitted in Sec. 12.22 A.25) of this Code.

c. The Department shall have the authority to conduct inspections to verify compliance with any and all conditions imposed on any conditional use or other similar Quasi-judicial approval granted pursuant to this Section. Clearance, monitoring, and inspection fees shall be paid by the business operator or property owner to the Department in accordance with the fee schedule in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning).

d. If, upon inspection, the Department finds that the applicant has failed to comply with conditions of any conditional use or other similar Quasi-judicial approval granted pursuant to this Section, the Department shall give notice to the business operator or property owner to correct the specific deficiencies and the time in which to complete the correction. Evidence of compliance shall be submitted to the Department within the specified correction period. If the deficiencies are not corrected within the time prescribed by the Department, revocation proceedings pursuant to Sec. 13B.6.1. (Evaluation of Non-Compliance) or Sec. 13B.6.2. (Nuisance Abatement/Revocation) may commence.

6. Transmittal

The City Planning Commission shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with the subject property and all persons who filed a written request for the notice.

E. Standards for Review and Required Findings

1. In approving a Class 3 Conditional Use Permit, the City Planning Commission or City Council (on appeal) shall find that:

   a. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;

   b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;

   c. The project substantially conforms to the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan;

2. The decision maker shall also make any additional findings required by this Chapter or Chapter 1 (General Provisions and Zoning), and shall determine that the project satisfies all applicable requirements in these Chapters.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).

2. As part of any conditional use approval, the initial decision maker or the appellate body may approve changes to the parking requirements not to exceed 20% of the requirements otherwise required by this Chapter or Chapter 1 (General Provisions and Zoning).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals)

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

An applicant or any other person aggrieved by the City Planning Commission's decision may appeal the decision to the City Council.

4. Appellate Decision

a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The City Council shall hear the matter within 75 days after the expiration of the appeal period. Time can be extended by mutual agreement with the applicant. If there is no extension by mutual agreement, the City Council shall set the matter for hearing at the next regular meeting of the Council, giving the same notice as provided for the original hearing.

c. The City Council will render its decision by resolution. A decision to reverse or modify the City Planning Commission's decision, in whole or in part, shall only be adopted by at least a two-thirds (²/3) vote of the whole Council.

d. When a conditional use decision is appealed to the City Council and the Council either approves the conditional use or denies an appeal from an earlier approval, the matter together with the files and reports shall forthwith be transmitted to the Mayor.

e. The Mayor may approve or disapprove the conditional use within 10 days of its presentation to him or her. This action shall be based solely upon the administrative record and whether the Mayor believes the conditional use conforms to the requirements for approval set forth in this Section. If the Mayor disapproves the conditional use, he or she shall return the matter to the City Clerk for presentation to the Council, together with the objections in writing.

f. The Council within 60 days after the matter has been returned to it may override the disapproval:

   i. By a 2/3 vote if the Council had not modified the conditional use as approved by the initial decision maker, or if the Council had made the initial approval of the conditional use by reason of the failure of the initial decision maker to act; or

   ii. By a 3/4 vote if the Council had modified and approved the conditional use or reversed the action of the initial decision maker and had approved the conditional use.

g. If the Council fails to override the Mayor's disapproval within the 60 days, the Mayor's disapproval shall constitute a denial of the conditional use. If the Mayor fails to return the matter to the City Clerk within 10 days of its presentation to him or her, the approval of the conditional use shall become final.

H. Modification of Entitlement

1. Development of Site

a. On any lot or portion of a lot on which an approved or deemed-approved conditional use is permitted pursuant to the provisions of this Section, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended on an approved site, provided that plans are submitted to and approved by the City Planning Commission, and, where applicable, the use is consistent with the provisions of Sec. 12.24 C (Existing Uses) of Chapter 1 (General Provisions and Zoning).

b. The City Planning Commission may deny the plans if the City Planning Commission finds that the use does not conform to the purpose and intent of the findings required for a conditional use under this Section, and may specify the conditions under which the plans may be approved.

c. The City Planning Commission may delegate to the Director of Planning the authority to approve or disapprove, on their behalf, plans for the development of an approved or deemed-approved conditional use site. The City Planning Commission shall establish reasonable guidelines and policies to be followed in the exercise of the delegated authority.

d. An applicant submitting development plans or any other person aggrieved by the decision of the City Planning Commission made relative to the approval or disapproval of a development plan may appeal the decision to the City Council pursuant to this Section.

e. Exceptions

A plan approval shall not be required in the instances listed as exceptions in Sec. 12.24 D. (Development of Uses) of Chapter 1 (General Provisions and Zoning).

2. Reduction of Site

So long as the conditional use is continued, the entire approved site shall be retained for the conditional use. No portion shall be severed from the site or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by the City Planning Commission. The initial decision of the Zoning Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal procedures as is provided for an application to establish the conditional use.

3. Findings and Conditions of Approval

In approving any conditional use plans, the City Planning Commission must find that the use conforms to the purpose and intent of the findings required for a conditional use under this Section and may impose conditions on the same basis as provided for in this Section for the establishment of new conditional uses. The City Planning Commission shall adopt written findings of fact supporting the decision based upon evidence in the record, including any investigations.

4. Change of Use

No conditional use may be changed to a different type of conditional use unless the new use is authorized in accordance with the procedure prescribed in this Section for the establishment of a conditional use.

5. Discontinuance of Use

If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this Section for the establishment of a conditional use.

I. Vesting Conditional Use Permit

1. Applicability

a. Whenever a provision of this Code requires the filing of an application for a Conditional Use Permit, a Vesting Conditional Use Permit may be filed instead, in accordance with and subject to the limitations of these provisions. If an applicant does not seek the rights conferred by this Subsection, the filing of a vesting application shall not be required by the City for the approval of any proposed Zone Change, Conditional Use Permit, permit for construction or work preparatory to construction.

b. Vesting Conditional Use Permits may only be filed for the conditional uses listed in Sec. 12.24 T. (Vesting Conditional Use Applications) of Chapter 1 (General Provisions and Zoning).

2. Filing an Application

a. A Vesting Conditional Use Permit application shall be filed on the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Section for a conditional use permit except as provided below. The application shall specify that the case is for a Vesting Conditional Use Permit. If any rules, regulations or ordinances in force at the time of filing require any additional approvals, the complete application for these additional approvals shall be filed prior to or simultaneously with the Vesting Conditional Use Permit to be processed pursuant to Sec. 13.2.10. (Multiple Approvals).

b. In all Vesting Conditional Use Permit cases, a site plan and a rendering of the architectural plan of the building envelope shall be submitted with the application. The plans and renderings shall show the proposed project's height, design, size and square footage, number of units, the location of buildings, driveways, internal vehicular circulation patterns, loading areas and docks, location of landscaped areas, walls and fences, pedestrian and vehicular entrances, location of public rights-of-way and any other information deemed necessary by the Director of Planning.

3. Transmittal

Prior to final approval or signoff on a building permit filed pursuant to a vesting application, the Planning Department shall submit a copy of the final site plan to the office of the affected council district for informational purposes only.

4. Development Rights

a. The approval of a vesting application confers a vested right to proceed with a development in substantial compliance with the rules, regulations, ordinances, zones, and officially adopted policies of the City in force on the date the application is deemed complete, and with the conditions of approval imposed and specifically enumerated in the final decision on the vesting application case.

b. These rights do not include exemption from:

   i. Other applications or approvals necessary to entitle a project to proceed (i.e., subdivision, parcel map, zone variance, design review, etc.);

   ii. Subsequent changes in the Building and Safety and Fire Regulations contained in Chapters 5 (Public Safety and Protection) and 9 (Building Regulations) of this Code that apply on a citywide basis, and that the City Council finds are necessary to protect the public health and safety; or

   iii. Policies and standards relating to those regulations or from citywide programs to implement State or Federal mandates.

c. If the ordinances, policies, or standards described in the preceding Paragraphs are changed subsequent to the approval or conditional approval of a vesting application case, the applicant, or his or her successor or assignee, at any time prior to the expiration of the vesting application case, may apply, pursuant to Subdivision 5 of this Subsection, for an amendment to the vesting application case to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

d. A Vesting Conditional Use Permit may be conditioned or denied if the decision maker determines:

   i. That the condition is necessary in order to make all of the findings in Subsection E. (Standards for Review and Required Findings) of this Section; or

   ii. That one or more of the findings in Subsection E. (Standards for Review and Required Findings) of this Section; cannot be made.

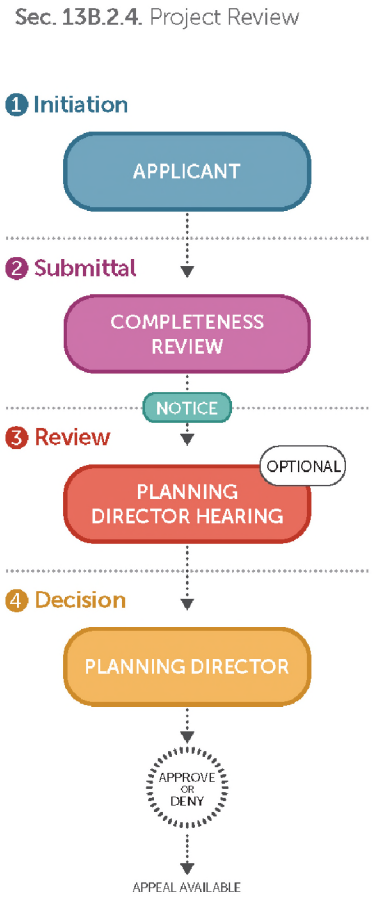
5. Amendment of Vested Project Plans or Amendment of Vested City Regulations to Comply With Subsequent Regulation Changes

a. One or more of the owners or lessees of the subject property may file a verified application requesting an amendment of the City regulations as described in Subdivision 4. (Development Rights) above vested by a Conditional Use Permit issued pursuant to this Subsection.

b. The Area Planning Commission, the City Planning Commission, the Zoning Administrator or the Area Planning Commission or City Council on Conditional Use Permit appeals may approve any changes to the set of City regulations to which the applicant's project has vested for a Conditional Use Permit issued pursuant to this Subsection. The Department's report shall be made within 40 calendar days of the date of the request or within any additional time as may be mutually agreed upon by the Department of City Planning and the applicant.

c. The City Council, the Area Planning Commission, the City Planning Commission, or the Office of Zoning Administration, prior to making a decision pursuant to this Subdivision, shall hold a public hearing. Notice shall be given in the manner specified in Subsection C. (Notice) of this Section.

SEC. 13B.2.4. PROJECT REVIEW



Purpose. The Project Review process promotes orderly development, evaluates and mitigates significant environmental impacts, and promotes public safety and the general welfare by ensuring that development projects are properly related to their sites, surrounding properties, transportation network, sewers, other infrastructure and environmental settings; and controls or mitigates the development of projects which are likely to have a significant adverse effect on the environment as identified in the City's environmental review process or on surrounding properties by reason of inadequate site planning or improvements.

A. Applicability

1. The Project Review process applies where any provision of this Code requires a Project Review, including but not limited to those described in Sec. 16.05 C. (Project Review Requirements) of Chapter 1 (General Provisions and Zoning) of this Code. Additionally, the exemptions listed in Sec. 16.05 D. (Exemptions) of Chapter 1 shall also apply as appropriate.

2. The Director shall establish administrative methods, guidelines, procedures, and forms as may be necessary to conduct the review and render a decision expeditiously, prior to processing any Project Review application.

B. Initiation

1. Application

a. An application for a Project Review is filed with the Department.

b. The application shall be filed in any public office of the Department of City Planning, upon such forms and accompanied by applicable fees, a site plan drawn to scale, and other information prescribed by the Director for that purpose. The application shall be verified by either the property owner, lessee, owner in escrow, or a legally authorized agent.

2. Environmental Review

a. As part of the application for a Project Review, the applicant shall file necessary forms and information for environmental review as prescribed by the Director.

b. The Director shall cause the required environmental studies and notices for the project to be prepared concurrent with the Project Review.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The owner(s) and tenant(s) of the property involved; • The owners and tenants of all property within 300 feet of the boundary of the subject site; • City Councilmember(s) representing the area in which the property is located; • The Certified Neighborhood Council representing the area in which the property is located; and • Any organization representing property owners or the community in the project vicinity if they request in writing to be notified
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The owner(s) and tenant(s) of the property involved; • The owners and tenants of all property within 300 feet of the boundary of the subject site; • City Councilmember(s) representing the area in which the property is located; • The Certified Neighborhood Council representing the area in which the property is located; and • Any organization representing property owners or the community in the project vicinity if they request in writing to be notified
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Referral

a. If applicable, the Director shall refer all completed applications for the Project Review to the appropriate City departments for their review and report.

b. If applicable, responses shall be returned within 15 days after receipt, or another period agreed to by the Director and the appropriate agency or department.

4. Public Hearing

If the Director finds that the matter may have a significant effect on neighboring properties, the Director shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

5. Decision

a. The Director shall approve, conditionally approve or deny the Project Review within 75 days after the date an application is deemed complete, or where any necessary environmental review is approved or completed.

b. This time limit may be extended up to 45 days by mutual consent of the applicant and the Director. The time limit shall also be extended if necessary to prepare and process an EIR.

c. If the Director fails to make a decision on an application within the time limit specified in this Subsection, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13.2.6. (Transfer of Jurisdiction).

6. Conditions

a. The Director may condition and/or modify the project, or select an alternative project, as necessary to:

i. Implement the General Plan or a specific plan; and

ii. Address potential effects of the development project on the environment and surrounding areas, including the mitigation of significant adverse impacts when identified.

b. The Director shall not approve or conditionally approve a Project Review without appropriate environmental review prepared in accordance with the requirements of CEQA.

7. Transmittal

a. The Director shall send notice of the determination to the applicant and all other parties listed in Subsection C. (Notice) of this Section.

b. Failure to receive notice does not invalidate any action taken pursuant to this Section.

c. The Director shall notify the Department of Building and Safety of the final approval of the Project Review.

E. Standards for Review and Required Findings

In approving a Project Review, the Director or the Area Planning Commission (on appeal) shall find that:

1. The project substantially conforms to the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan;
2. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties; and
3. Any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).

2. Enforcement

a. No grading permit foundation permit, building permit, or certificate of occupancy shall be issued for any development project approved under this Section unless the project meets all requirements and conditions of the Project Review. Permits issued in error shall be treated as specified in Sec. 11.02 (Inconsistent Permits and Licenses) of Chapter 1 (General Provisions and Zoning).

b. If the development project approval authorized by this Section is utilized, the conditions of that approval become effective immediately. The violation of any such condition shall constitute a violation of this Chapter and shall be subject to the same penalties as any other violation of this Code.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission of the area in which the property is located is the appellate decision maker.

3. Filing

The applicant, any officer, board, department, or bureau of the City, or any interested person aggrieved by the decision of the Director may file an appeal to the Area Planning Commission.

4. Appellate Decision

a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall hold the public hearing within 75 days of the filing of the appeal.

c. The Area Planning Commission shall render its decision in writing within 15 days after the hearing is completed.

d. The Area Planning Commission may sustain or reverse any decision of the Director, and may establish additional conditions to conform to the findings required in Subsection E. (Standards for Review and Required Findings) of this Section.

e. The decision shall be in writing and based upon evidence in the record, including but not limited to testimony and documents produced at the hearing before the Area Planning Commission, and supported by any additional findings required by Subsection E. (Standards for Review and Required Findings) of this Section.

H. Modification of Entitlement

See Sec. 13B.5.4. (Modification of Entitlement).

SEC. 13B.2.5. DIRECTOR DETERMINATION



A. Applicability

This Section applies where any provision of this Code, including any other ordinances, requires a Director Determination.

B. Initiation

An application for a Director Determination is filed with the Department.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for the initial decision on a Director Determination, and therefore no notice of a public hearing is required.

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • Owner(s) of the subject property involved; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

The Director shall render the initial decision within 75 days of the date the application is deemed complete.

4. Transmittal

The Director shall transmit a copy of the written findings and decision to the applicant, to all owners of properties abutting, across the street or alley from, or having a common corner with, the subject property, and to the local Certified Neighborhood Council.

E. Standards for Review and Required Findings

In approving a Director Determination, the Director and Area Planning Commission or City Planning Commission (on appeal) shall find that the project substantially complies with any applicable regulations, guidelines, findings, standards and provisions of this Chapter and Chapter 1 (General Provisions and Zoning), including any other ordinances.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).

2. Limitations

The granting of a Director Determination shall not imply compliance with any other applicable provisions of this Code.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

a. The Area Planning Commission is the appellate decision maker.

b. On-Menu Density Bonus

The City Planning Commission is the appellate decision maker for projects seeking approval pursuant to Sec. 12.22 A.25. (Affordable Housing Incentives – Density Bonus) of Chapter 1 (General Provisions and Zoning).

3. Filing

a. An applicant or any other person aggrieved by the Director's decision may file an appeal.

b. On-Menu Density Bonus

An applicant or any owner or tenant of a property abutting, across the street or alley from, or having a common corner with the subject property aggrieved by the Director's decision may file an appeal

on projects seeking approval pursuant to Sec. 12.22 A.25. (Affordable Housing Incentives – Density Bonus) of Chapter 1 (General Provisions and Zoning).

4. Appellate Decision

a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

5. Exception

a. When the application is filed as part of a project requiring multiple approvals, the appeals procedures set forth in Sec. 13A.2.10. (Multiple Approvals) of this Code shall govern.

b. When the application is filed in conjunction with a Parcel Map and no other approval, the appeals procedures set forth in Sec. 13B.7.8. (Subdivision Appeal) of this Code shall govern.

c. When the application is filed in conjunction with a Tentative Map and no other approval, the appeals procedures set forth in Sec. 13B.7.3.G. (Tentative Tract Map; Appeals) of this Code shall govern, provided that such applications shall only be appealable to the Appeal Board, as defined in Div. 13C.1. (Administration Definitions) of this Code, and shall not be subject to further appeal to the City's legislative body.

H. Modification of Entitlement

See Sec. 13B.5.4. (Modification of Entitlement).

DIV. 13B.3. MINISTERIAL ACTION

SEC. 13B.3.1. ADMINISTRATIVE REVIEW

A. Applicability

1. An Administrative Review is a ministerial approval for applications that comply with all applicable regulations and standards of this Code.
2. This Section applies where any provision of this Code requires an Administrative Review.

B. Initiation

1. An application for an Administrative Review is filed with the Department.
2. An Administrative Review is initiated as required in order to obtain a building permit.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for an Administrative Review, and therefore no notice of a public hearing is required.

D. Review

1. Review

The Department shall determine compliance with the applicable regulations and standards for projects requiring an Administrative Review.

2. Clearance

Clearance shall be issued as required pursuant to the applicable ordinance or building permit requirement.

E. Criteria for Compliance Review

The Department shall review the application for compliance with the applicable regulations and standards of this Code or the applicable specific plan, including the zone standards, established development standards, and any supplemental use regulations.

F. Scope of Action

After the Administrative Review determines that the application is in compliance with the applicable regulations and standards, the following actions must comply with the approved plans:

1. The erection, enlargement or maintenance of buildings;

2. Any development or construction work; or

3. Issuance of a grading, building, demolition, or change of use permit.

G. Appeals

There is no appeal.

H. Modification of Action

No modification is available.

DIV. 13B.4. SPECIFIC PLAN IMPLEMENTATION

SEC. 13B.4.1. GENERAL PROVISIONS

A. Purpose

1. A specific plan is a regulatory land use ordinance specifically designated in the ordinance as a specific plan. A specific plan shall provide by ordinance regulatory controls or incentives for the systematic execution of the General Plan and shall provide for public needs, convenience and general welfare.

2. This Division:

   a. Establishes uniform citywide procedures to review applications for projects within specific plan areas in accordance with applicable specific plan requirements and the City Charter; and

   b. Establishes uniform citywide standards and criteria for processing applications for exceptions from and interpretations of specific plans.

B. Relationship to Provisions of Specific Plans

1. If any procedure established in a specific plan conflicts with any procedure set forth in this Division, the provisions of the specific plan shall prevail.

2. If a specific plan establishes a ministerial process and specifically references the Administrative Review process described in Sec. 13B.3.1. (Administrative Review) of this Chapter, the provisions of Sec. 13B.3.1. (Administrative Review) apply.

3. If a specific plan refers to a "Project Permit Compliance," it shall mean Project Compliance.

4. If a specific plan refers to a "Project Permit Adjustment," it shall mean Project Adjustment.

5. If a specific plan refers to a "Specific Plan Exception," it shall mean Project Exception.

C. Decision Makers and Appellate Bodies for Other Specific Plan Provisions

1. The individual Sections in this Division assign initial decision-making authority for a Project Compliance, Project Adjustment, Project Exception, and Specific Plan Interpretation. For specific plan provisions that are not addressed in this Division, the initial decision maker and appellate bodies responsible for implementing those provisions are the Area Planning Commission and City Council, respectively, unless otherwise stated in a specific plan.

2. Despite any specific plan provision to the contrary and notwithstanding the language in 13.B.4.1.B. above, there is only one level of appeal from any initial decision.

D. Public Information Meetings

1. When provided for in individual specific plans, the Director may hold public information meetings in connection with the Planning Department's review of a proposed project pursuant to this Division or a Project Permit if the Director decides that:

    a. The proposed project may have a potentially significant effect on adjoining properties or on the immediate neighborhood;

    b. It is likely to evoke public controversy; or

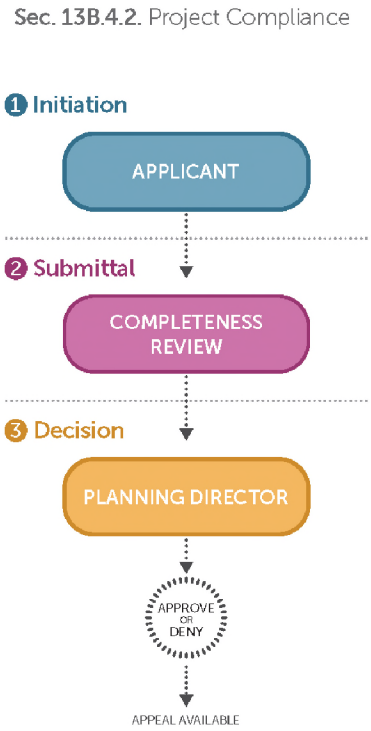
    c. It would be in the public interest to conduct the meeting.

2. Written notice of a public information meeting shall be sent at least 24 days prior to the meeting date to: the applicant; owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; to the Department of Neighborhood Empowerment; the chair of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; the Certified Neighborhood Council having jurisdiction over the specific plan area in which the property is located; and interested parties who have requested notice in writing.

E. Violations of Specific Plans

It shall be unlawful for any person to violate any provision of any specific plan and every violation shall be punishable as a misdemeanor.

SEC. 13B.4.2. PROJECT COMPLIANCE



A. Applicability

1. This Section applies to the review of applications for projects within specific plan areas in accordance with applicable specific plan requirements and the City Charter.
2. The Director may determine the type of projects are exempt from this Section based on exemption provisions and other regulations contained in individual specific plans.

B. Initiation

An application for a Project Compliance is filed with the Department.

C. Notice

1. Notice of Public Hearing

a. There is no public hearing required for the initial decision on a Project Compliance, and therefore no notice of a public hearing is required.

b. However, a public information meeting may be held and notice given pursuant to Sec. 13B.4.1.D. (General Provisions; Public Information Meetings).

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; • The Councilmember(s) having jurisdiction over the specific plan area in which the property is located; • The Department of Neighborhood Empowerment; • The chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; • The Certified Neighborhood Council representing the area in which the property is located; and

Type of Notice	When	Where / To Whom / Additional Requirements
		• Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

a. The Director shall render the initial decision within 75 days of the date the application is deemed complete or when an environmental impact report (EIR) is required, the date preparation of the EIR is complete consistent with State law.

b. If the Director fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13A.2.6. (Transfer of Jurisdiction).

4. Transmittal

The Director shall transmit a copy of the decision to: the applicant, the Department of Building and Safety, the Councilmember(s) having jurisdiction over the specific plan area in which the property is located, the Department of Transportation (where appropriate), owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have filed written requests with the City Planning Department.

E. Standards for Review and Required Findings

In approving a Project Compliance, the Director or Area Planning Commission (on appeal) shall find that the project:

1. Substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan; and

2. Complies with CEQA.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).

2. Limitations

The granting of a Project Compliance shall not imply compliance with any other applicable provisions of this Code. Any corrections and/or modifications to project plans made subsequent to a Project Compliance that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of Transportation in cases where there are corrections and/or modifications that may affect the ingress, egress, circulation, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

3. Applicant's Compliance With Project Compliance Terms and Conditions

Once a Project Compliance is utilized, the applicant shall comply with the terms and conditions of the Project Compliance that affect the construction and/or operational phases of the project. For purposes of this Subsection, utilization of a Project Compliance shall mean that a building permit has been issued and construction work has begun and been carried on diligently.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

An applicant or any other person aggrieved by the Director's decision may file an appeal.

4. Appellate Decision

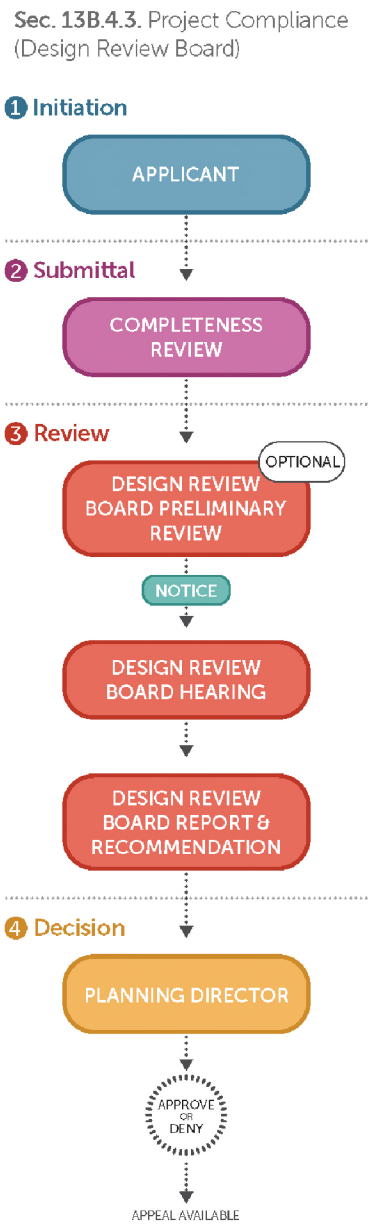
a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

H. Modification of Entitlement

See Sec. 13B.5.4. (Modification of Entitlement).

SEC. 13B.4.3. PROJECT COMPLIANCE (DESIGN REVIEW BOARD)



Purpose and Objectives. The role of a design review board is to evaluate the placement of mass, form, spatial elements and overall quality of the design of proposed projects based on defined objectives established in specific plans. Design review boards should assist the City decision makers, the community, private developers, property owners, and design professionals in implementing the design goals of communities contained within specific plan boundaries.

The objectives of this Section are:

- To establish uniform citywide procedures for design review within specific plan areas;
- To establish uniform citywide authority for design review boards to advise the Director, and/or the Area Planning Commission on aspects of exterior design, site layout and landscape, signs, and other design elements governed by a specific plan;
- To promote the general welfare of the community;
- To protect the community from the adverse effects of poor design; and
- To encourage good professional design practices and quality exterior design and appearance to improve the community and surrounding area.

A. Applicability

1. General

a. This Section applies when design review is required by a specific plan.

b. The design review process may occur in 2 steps:

i. An optional preliminary review; and

ii. Mandatory final review.

c. An applicant may request a technical review by the Land Development Counseling Center (LDCC) or its equivalent, for clarification of requirements of this Code or applicable specific plan.

2. Building Permits

The procedures established in this Section must be completed before a building permit is issued for any building or structure regulated by a specific plan that requires design review.

3. Relationship to Specific Plans

a. This Section does not convey any rights not otherwise granted under a specific plan, except as specifically provided. If any procedure established in a specific plan governing a design review board created by or authorized to act pursuant to the specific plan differs from any procedures set forth in this Section, the provisions of this Section shall prevail.

b. Despite any provisions of a specific plan to the contrary and notwithstanding the language in 13B.4.1.B. above, no design review required by a specific plan shall be recommended for approval by a design review board or approved by the Director except as provided in this Section.

B. Initiation

1. All applications for Project Compliance (Design Review Board) are submitted to the Department of City Planning on a form supplied by the Department. Additional information and materials may be required for optional preliminary design review and mandatory final review, as described in Sec. 16.50 C. (Design Review Procedure) of Chapter 1 (General Provisions and Zoning).

2. Before the acceptance of the completed application for a mandatory final review, the Department of City Planning shall review the proposal for compliance with the applicable specific plan or ordinances under which the design review board is established. An application shall not be deemed incomplete for failure of the proposed project to meet the requirements of the applicable specific plan. Note, however, if the project does not comply with these requirements, the project will be denied unless it is redesigned or appropriate relief is secured, or if it is conditioned for approval.

3. In addition, prior to submitting a complete application, the applicant may request a technical review by the LDCC. If this review is requested, the LDCC may require further materials and plans to be submitted to facilitate that review.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	• The applicant; • Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	• The applicant; • The appellant; • The design review board; • Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

a. Design review boards review applications and provide their recommendations to the Director.

b. If no design review board is appointed, the Department of City Planning staff reviews the application and makes a recommendation to the Director.

3. Optional Preliminary Design Review

a. Option

i. An applicant may request a preliminary design review to consult with the design review board for advice on the design of a proposed project.

ii. The design review board shall review all projects for which applications for preliminary design review are accepted. The board shall provide comments to the applicant concerning the overall design of the project, materials and colors to be used, and landscaping for conformance to the applicable specific plan.

b. Transmittal of Applications for Preliminary Review

i. Agenda

Optional preliminary applications are referred to the design review board for placement on its agenda within five calendar days after they are deemed complete.

ii. Review and Recommendation of Design Review Board

The design review board shall preliminarily review the project within 21 calendar days after the request for the optional preliminary review has been referred to the board along with all of the required materials.

iii. Transmittal to the Director

Results of the optional preliminary review shall be transmitted by the board to the Director within 10 days after the design review board meeting. This is for the Director's information only.

4. Design Review of Final Applications

a. Design Review Board Authority

The design review board shall review all projects for which applications for final design review have been accepted.

b. Transmittal of Applications for Final Review

Applications for final design review are referred to the design review board for its recommendation within five calendar days after they are deemed complete.

c. Final Review and Recommendation of the Design Review Board

i. The design review board shall hold a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

ii. The design review board shall review and make its recommendation on the project within 21 calendar days after the application is referred to the board.

iii. The design review board shall submit its recommendation to the Director within 5 calendar days after it acts on the application or within any additional time as is mutually agreed upon in writing between the applicant and the Department of City Planning.

iv. The design review board's recommendation shall include approval, disapproval, or approval with conditions to the project. The design review board shall make its recommendation based upon design criteria in the specific plan. If the recommendation is for denial, the board shall specify how the project fails to comply with the design criteria in the specific plan. Recommendations and summaries of discussions shall be transmitted to the Director.

v. The design review board's recommendation does not affect any entitlement or discretionary approvals by applicable agencies and departments. This Subsection does not affect the Mulholland Scenic Parkway design review board's authority to advise under Sec. 11 (Design Review Process) of the Mulholland Scenic Parkway Specific Plan.

vi. If the design review board does not act and an extension of time is not agreed upon as specified above in order for the applicant to provide a revised application with modifications for the project, the revised project shall be submitted to the design review board for a second meeting to be held within 30 calendar days of the first meeting. If the design review board fails to act at that meeting, the application shall be referred to the Director as provided in Paragraph d. below.

d. Design Review Board Failure to Act

If a design review board fails to act on an application within the time limits specified in this Section, the application is immediately referred without recommendation to the Director for determination.

5. Action of the Director

a. Within 10 calendar days following the receipt of the design review board's recommendation or of the design review board's failure to act, the Director shall approve a project as presented to the board if it is in compliance with the specific regulations of the applicable specific plan.

b. If the project does not comply with specific regulations in the specific plan and cannot be made to be so by imposition of conditions, the Director shall disapprove the project.

c. For sign approvals, the Director may grant minor adjustments to permitted signs in accordance with the adjustment criteria and findings set forth in Sec. 13B.4.4. (Project Adjustment). Any requests for minor adjustments to permitted signs shall be filed in accordance with the application procedures set forth in Sec. 16.50 C. (Design Review Procedure) of Chapter 1 (General Provisions and Zoning).

d. In addition, if the Director requests changes or additional information, copies of all materials submitted in connection with the request shall be transmitted to the design review board for its information.

6. Transmittal

A copy of all decisions shall be forwarded to the applicant, the design review board, the Councilmember(s) in whose district(s) the specific plan area is located, the Department of Building and Safety, and any interested parties who make a written request for notice.

E. Standards for Review and Required Findings

In making a determination on a Project Compliance (Design Review Board), the Director or Area Planning Commission (on appeal) shall make findings consistent with the specific plan criteria for any approval or disapproval.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).

2. A design review board's advice on an optional preliminary application is valid for 24 months.

3. No building permit shall be issued until a copy of the plans for the proposed project, stamped by the Department of City Planning as approved by the Director, is made available to the Department of Building and Safety to be included with the field set of approved plans.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals)

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

a. An applicant or any other person aggrieved by the Director's decision may file an appeal.

b. A board member may not appeal any design review determination of the Director unless they are the applicant.

4. Appellate Decision

a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall act on the appeal within 75 days after the expiration of the appeal period.

H. Modification of Approved Plans or Materials Before Issuance of Building Permit or Certificate of Occupancy

1. The Director or Area Planning Commission on appeal may, prior to the issuance of a building permit or certificate of occupancy, approve exterior changes to a proposed project from that which was approved in the design review board only if these changes were required by a public agency.

2. Unless otherwise specifically required in a specific plan, at the discretion of the Director or Area Planning Commission on appeal, these modifications may be transmitted to the design review board for its review at the next available meeting provided that the appropriate materials were received 14 days prior to that meeting.

3. 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 Sec. 16.50 C. (Design Review Procedures) of Chapter 1 (General Provisions and Zoning).

4. In reviewing any modification, the Director (or Area Planning Commission on appeal) shall limit its review and reconsideration to those areas identified as changed or influenced by the changes.

SEC. 13B.4.4. PROJECT ADJUSTMENT



A. Applicability

1. This Section applies to requests for minor adjustments from certain specific plan regulations.
2. Project Adjustments are limited to the list described in Sec. 11.5.7 E. (Specific Plan Procedures; Project Adjustments) of Chapter 1 (General Provisions and Zoning).
3. If an application requests more than one Project Adjustment, the Director may determine that the request be filed and processed as a Project Exception (see Sec. 13B.4.5.). The Director shall advise the applicant of this determination before the application is deemed complete.

B. Initiation

An application for a Project Adjustment is filed with the Department.

C. Notice

1. Notice of Public Hearing

a. There is no public hearing required for the initial decision on a Project Adjustment, and therefore no notice of a public hearing is required.

b. However, a public information meeting may be held and notice given pursuant to Sec. 13B.4.1.D. (General Provisions; Public Information Meeting).

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; • The Councilmember(s) having jurisdiction over the specific plan area in which the property is located; • The Department of Neighborhood Empowerment; • The chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is

Type of Notice	When	Where / To Whom / Additional Requirements
		located; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

a. The Director shall render the initial decision within 75 days of the date the application is deemed complete.

b. In granting a Project Adjustment, the Director may impose project conditions as the Director deems necessary in order to achieve substantial conformance with the specific plan regulations.

c. The remainder of the specific plan provisions for which the project does not need a Project Adjustment shall be reviewed concurrently with a Project Compliance.

d. If the Director fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13A.2.6. (Transfer of Jurisdiction).

4. Transmittal

The Director shall transmit a copy of the decision by email, electronic transmission, or mail to the applicant, the Department of Building and Safety, the Councilmember(s) having jurisdiction over the specific plan area in which the property is located, the Department of Transportation (where appropriate), owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; and interested parties who have filed written requests with the City Planning Department.

E. Standards for Review and Required Findings

1. In approving a Project Adjustment, the Director or Area Planning Commission (on appeal) shall find that:

   a. There are special circumstances applicable to the project or project site which make the strict application of the specific plan regulation(s) impractical;

b. That in granting the Project Adjustment, the Director has imposed project requirements and/or determined that the proposed project will substantially comply with all applicable specific plan regulations;

c. The Project Adjustment, if granted, will not have detrimental effects on surrounding properties and public rights-of- way;

d. The project complies with CEQA; and

2. The decision maker shall also find that the Project Adjustment complies with any other required specific plan findings that may pertain to the Project Compliance.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).

2. Limitations

The granting of a Project Adjustment shall not imply compliance with any other applicable provisions of this Code. Any corrections and/or modifications to project plans made subsequent to a Project Adjustment that are deemed necessary by the Department of Building and Safety for Building Code compliance, and which involve a change in floor area, parking, building height, yards or setbacks, building separation or lot coverage, shall require a referral of the revised plans back to the Department of City Planning (and the Department of Transportation in cases where there are corrections and/or modifications that may affect the ingress, egress, circulation, project floor area or parking) for additional review and sign-off prior to the issuance of any permit in connection with those plans.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

An applicant or any other person aggrieved by the Director's decision may file an appeal.

4. Appellate Decision

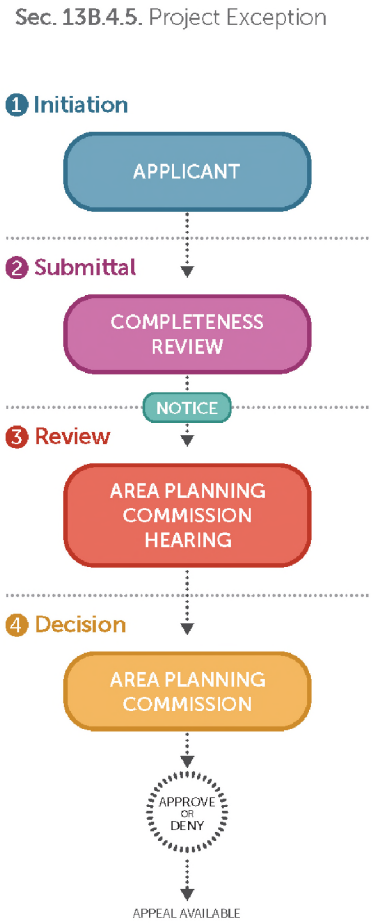
a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

H. Modification of Entitlement

No modification is available.

SEC. 13B.4.5. PROJECT EXCEPTION



A. Applicability

This Section applies to exceptions from specific plan regulations, as follows:

1. Description

A Project Exception grants relief from a specific plan's regulations on the basis of particular standards or criteria established in this Section, or in a particular section of a specific plan. Like a Variance, a Project Exception must show a hardship. However, a Project Exception application typically includes relief from additional standards that relate to the purposes of the specific plan.

2. Project Exception Relationship to Other Entitlements

a. Exception for Relief from a Specific Plan Regulation and the Same Type of Regulation With the Same Standard in Chapter 1 of this Code

If a specific plan contains a regulation that is the same type of regulation with the same standard as one contained in an applicable provision of Chapter 1 (General Provisions and Zoning) of this Code, an applicant seeking relief from those regulations need only apply for and receive a Project Exception. In this situation, the specific plan regulation is considered to supersede the Code provision and thus a Variance is not required.

b. Exception for Relief from Specific Plan Regulation and the Same Type of Regulation With a Different Standard in Chapter 1 of this Code Where Specific Plan Supersedes the Code

If a specific plan contains a regulation that conflicts with the same type of regulation but with a different standard contained in an applicable provision of Chapter 1 (General Provisions and Zoning) of this Code and the specific plan supersedes the Code by its terms, then an applicant seeking relief from that specific plan regulation need only apply for and receive a Project Exception. In this situation, a Variance is not also required.

c. Exception for Relief from Specific Plan Regulation and the Same Type of Regulation With a Different Standard in Chapter 1 of this Code Where Specific Plan Does Not Supersede the Code

If a specific plan contains a regulation that conflicts with the same type of regulation but with a different standard contained in an applicable provision of Chapter 1 (General Provisions and Zoning) of this Code and the specific plan does not supersede the Code by its terms, then an applicant seeking relief from those regulations must apply for and receive both a Project Exception and a Variance for relief from those Code provisions.

d. Additional Exceptions

The exceptions described in Sec. 11.5.7 F (1) (Exception for Wireless Telecommunications Facilities) and Sec. 11.5.7 F(2) (Eldercare Facilities) in Chapter 1 (General Provisions and Zoning) of this Code apply as appropriate.

B. Initiation

1. An application for a Project Exception is filed with the Department.
2. If an application for a Project Exception potentially impacts a specific plan policy or a regulation affecting the entire specific plan area or any of its subareas, the Director shall advise the applicant to request the City to initiate a Specific Plan Amendment in lieu of processing the application for a Project Exception. This shall occur before the application is deemed complete.

C. Notice of Public Hearing

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property • If a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the decision making body on the matter

b. Where all property within the 500 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, will also be notified.

c. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will

increase in increments of 50 feet until that number of owners and lots are within the expanded area.

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the City, designated for that purpose by the City Clerk
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

b. Where all property within the 500 foot radius is under the same ownership as the property involved in the application, the owners of all property that adjoins that ownership, or is separated from it only by a street, alley, public right-of-way or other easement, will also be notified.

c. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Area Planning Commission is the initial decision maker.

3. Public Hearing

a. Upon receipt of a complete application, the Area Planning Commission shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission may conduct the hearing itself or designate the Director to conduct the hearing.

4. Decision

a. If the Director conducts the public hearing, the Director shall transmit their findings and recommendation to the Area Planning Commission.

b. After the Director or Area Planning Commission's hearing is closed, the Area Planning Commission shall render the initial decision at a public meeting.

c. The Area Planning Commission shall render the initial decision within 75 days of the date the application is deemed complete.

d. If the City Planning Commission fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the City Council pursuant to Sec. 13A.2.6. (Transfer of Jurisdiction).

5. Conditions

In granting a Project Exception, the Area Planning Commission shall impose conditions to remedy any resulting disparity of privilege and that are necessary to protect the public health, safety, welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the specific plan. A Project Exception shall not be used to grant a special privilege, nor to grant relief from self-imposed hardships.

6. Transmittal

a. Where required, the Area Planning Commission shall transmit a copy of the decision to: the Department of Building and Safety; the Councilmember(s) having jurisdiction over the specific plan area in which the property is located; and the Department of Transportation, where appropriate.

b. Copies of the decision shall also be provided to: the applicant; the Department of Neighborhood Empowerment; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have filed written requests with the City Planning Department.

E. Standards for Review and Required Findings

In approving a Project Exception, the Area Planning Commission or City Council (on appeal) shall find that:

1. The strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan;

2. There are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;

3. An exception from the specific plan is necessary to preserve and enjoy a substantial property right or use generally possessed by other property within the specific plan area or zoning district in the same vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;

4. The granting of the exception is not detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and

5. The granting of an exception is consistent with the principles, intent and goals of the specific plan, zoning district, and any applicable element of the General Plan.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

a. Any person aggrieved by an initial decision of the Area Planning Commission concerning a Project Exception may appeal the decision to the City Council.

b. After an appeal is filed, the Area Planning Commission shall transmit the appeal and the file to the City Council, together with any report responding to the points made in the appeal.

4. Appellate Decision

a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

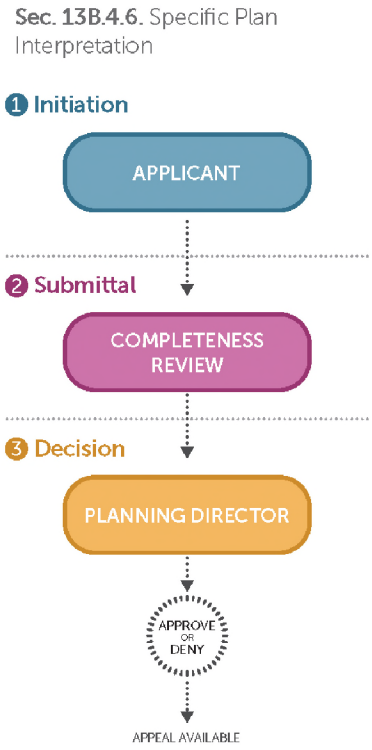
b. A decision to reverse or modify the Area Planning Commission's decision, in whole or in part, shall only be adopted by at least a two-thirds vote of the whole City Council. The decision must contain a finding of fact showing why the proposed exception to a specific plan complies or fails to comply with the requirements of this Section. Any vote of the City Council in which less than two-thirds of the whole City Council vote to reverse or modify the decision of the Area Planning Commission shall be deemed to be an action denying the appeal.

c. The failure of the City Council to vote upon an appeal within 90 days after the expiration of the appeal period, or within any additional period agreed upon by the applicant and the City Council, shall be deemed a denial of the appeal.

H. Modification of Entitlement

No modification is available.

SEC. 13B.4.6. SPECIFIC PLAN INTERPRETATION



A. Applicability

The Director shall have authority to interpret specific plans when there is a lack of clarity in the meaning of their regulations.

B. Initiation

1. The Director may consider an interpretation on his or her own initiative, or in response to an application (see Subdivision 2 below).
2. To request a Specific Plan Interpretation, an applicant shall file an application with the Department. The application shall include a reference to the specific plan regulation(s) for which clarification is requested and a narrative description of why a clarification is necessary for the project or subject property involved.

C. Notice

1. Notice of Public Hearing

a. There is no public hearing required for the initial decision on a Specific Plan Interpretation, and therefore no notice of a public hearing is required.

b. The Director may hold a public information meeting, if the Director decides that the proposed project may have a potentially significant effect on adjoining properties or on the immediate neighborhood, or that it is likely to evoke public controversy, or that it would be in the public interest to conduct the meeting. Notice for the public information meeting shall be given pursuant to Sec. 13B.4.1.D. (General Provisions; Public Information Meeting).

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant (when initiated by applicant); • The owner(s) of the property involved (when initiated by applicant); • The owners of all properties abutting, across the street or alley from, or having a common corner with the subject property (when initiated by applicant); • The Councilmember(s) having jurisdiction over the specific plan area in which the property is located; • The Department of Neighborhood Empowerment;

Type of Notice	When	Where / To Whom / Additional Requirements
		• The chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

a. The Director shall make a determination within 75 days after the application is deemed complete.

b. If the Director fails to render a timely decision, the interpretation is deemed denied.

4. Transmittal

The Director shall transmit a copy of the decision to the applicant, the Department of Building and Safety, the Councilmember(s) having jurisdiction over the specific plan area in which the property is located, the Department of Transportation (where appropriate), owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; the chairperson of any design review or plan review board having jurisdiction over the specific plan area in which the property is located; and interested parties who have filed written requests with the Department of City Planning.

E. Standards for Review

In rendering a Specific Plan Interpretation, the Director or City or Area Planning Commission (on appeal) shall consider:

1. Any General Plan, community plan, or specific plan policies that relate to the regulation subject to interpretation;
2. The purpose statements or other official city policies relating to the regulation; and
3. The context of the regulation and its relationship to similar regulations.

F. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

a. The City Planning Commission is the appellate decision maker for interpretations which affect an entire specific plan area or any of its subareas.

b. The Area Planning Commission is the appellate decision maker for interpretations that apply only to a specific site.

3. Filing

An applicant or any other interested person aggrieved by the decision may file an appeal.

4. Appellate Decision

a. Before acting on any appeal, the City or Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

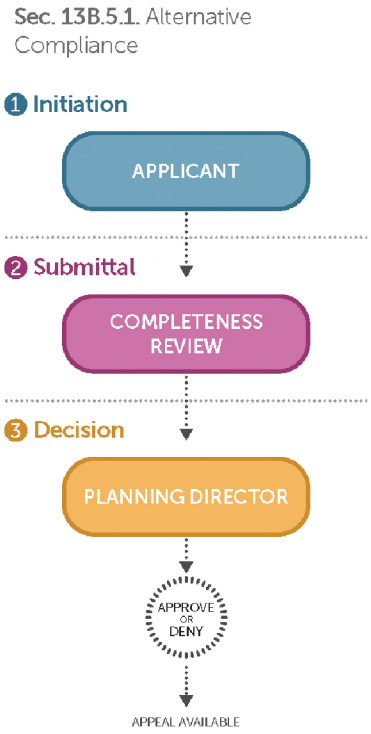
b. The City or Area Planning Commission shall render its decision within 75 days from the last day of the appeal period.

c. The City or Area Planning Commission may reverse or modify, in whole or in part, a decision of the Director, and may issue its own interpretation of the specific plan.

d. Failure to timely act is deemed a denial of the appeal, and the initial decision becomes final.

DIV. 13B.5. QUASI-JUDICIAL RELIEF

SEC. 13B.5.1. ALTERNATIVE COMPLIANCE



A. Applicability

1. General

This Section applies to the following situations where this Code expressly allows Alternative Compliance:

a. The proposed development does not comply with a design, development, or performance standard required by this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, and the applicant proposes an alternative standard or condition consistent with Paragraph b. below.

b. The applicant proposed deviations from regulations which do not substantially alter the execution or intent of the regulations that apply to a proposed development.

2. Specific Plan Excluded

This Section does not apply to specific plans.

B. Initiation

An application for an Alternative Compliance is filed with the Department.

C. Notice

1. Notice of Public Hearing

a. There is no public hearing required for the initial decision on an Alternative Compliance, and therefore no notice of a public hearing is required.

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on an appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • Property owner(s) of the subject property; • Owners and occupants of properties within 300 feet of the exterior boundaries of the property involved; • The Certified Neighborhood Council representing the area in which the

Type of Notice	When	Where / To Whom / Additional Requirements
		property is located; and • Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

The Director shall render an initial decision within 75 days after the date the application is deemed complete.

4. Conditions

The Director shall impose conditions binding on the applicant to secure substantial compliance with the goals and purposes of the design, development, or performance standards from which alternative compliance is requested.

5. Transmittal

The Director shall transmit a copy of the decision by mail to the applicant, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property, and persons who have filed a written request for notice with the Department of City Planning.

E. Standards for Review and Required Findings

In approving an Alternative Compliance, the Director or Area Planning Commission (on appeal) shall find that:

1. The proposed alternative is consistent with the purpose and intent of the applicable standards;
2. The proposed alternative is equivalent to or exceeds the effectiveness of meeting the intent of the applicable standards;
3. The proposed alternative will result in a project that is compatible with and does not adversely affect or further degrade the adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
4. The project substantially conforms to the purpose, intent, and provisions of the General Plan and the applicable community plan.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

a. An appeal may be filed to the Area Planning Commission by an applicant or any other person aggrieved by the Director's decision.

b. After an appeal is filed, the Director shall transmit the appeal and the file to the applicable Area Planning Commission, together with a report responding to the points raised in the appeal.

4. Appellate Decision

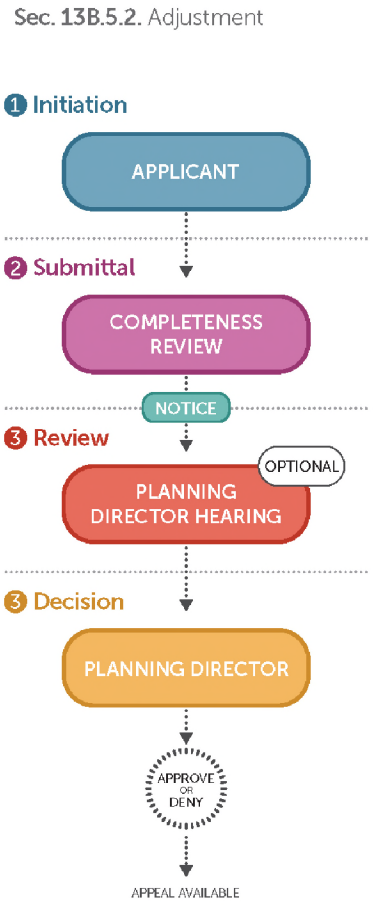
c. The Area Planning Commission shall conduct a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

d. The Area Planning Commission shall make its decision within 75 days after the expiration of the appeal period.

H. Modification of Entitlement

No modification is available.

SEC. 13B.5.2. ADJUSTMENT



A. Applicability

1. This Section applies to the following situations where this Code expressly allows an Adjustment:

   a. Adjustments and modifications from zoning regulations as described in this Chapter;

   b. Adjustments and modifications from zoning regulations as described in Sec. 12.28 A. and B. of Chapter 1 (General Provisions and Zoning) of this Code;

   c. Any zone boundary or height district adjustments as described in Sec. 12.30 H., J., or K. of Chapter 1 (General Provisions and Zoning) of this Code.

2. An Adjustment cannot be requested for increases in Floor Area Ratio.

B. Initiation

An application for an Adjustment is filed with the Department.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested notice in writing
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The appellant(s); • The owner(s) of the property involved; • Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Public Hearing and Decision

a. An application for an Adjustment shall be set for public hearing unless the Director makes written findings in the record that the requested Adjustment:

i. Will not have a significant effect on adjoining properties or on the immediate neighborhood; or

ii. Is not likely to evoke public controversy.

b. If a public hearing is held, notice shall be given in the manner specified in Subsection C. (Notice) of this Section.

c. The Director shall render an initial decision within 75 days after the application is deemed complete.

4. Conditions for Approval

In granting an Adjustment, the Director may impose conditions to remedy any resulting disparity of privilege, to protect the public health, safety, welfare, and to assure compliance with the objectives of the General Plan and the purpose and intent of the zoning.

5. Transmittal

The Director shall transmit a copy of the decision by mail to the applicant, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property, and persons who have filed a written request for the notice with the Department of City Planning.

E. Standards for Review and Required Findings

In approving an Adjustment, the Director or Area Planning Commission (on appeal) shall find:

1. That while site characteristics or existing improvements make strict adherence to the zoning regulations impractical or infeasible, the project nonetheless conforms to the intent of those regulations;
2. That in light of the project as a whole, including any mitigation measures imposed, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
3. That the project is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan and any applicable specific plan.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

An applicant or any other person aggrieved by the Director's decision may appeal the decision to the Area Planning Commission.

4. Appellate Decision

a. Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period.

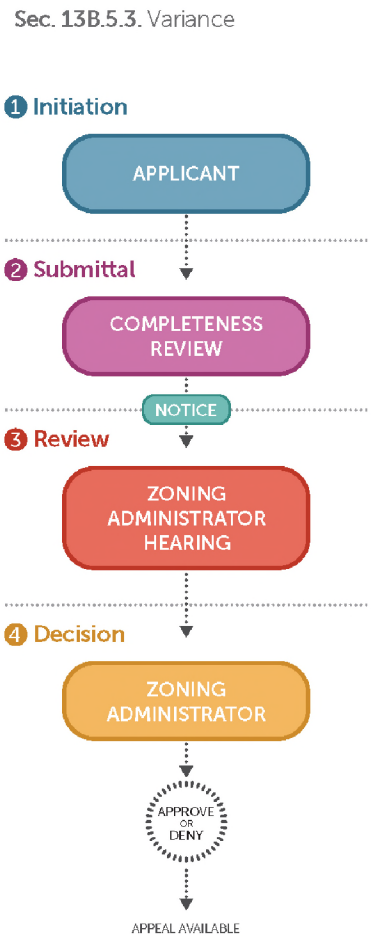
H. Modification of Entitlement

The plan approval procedures that apply to Variances in Sec. 13B.5.3.H. (Variance; Modification of Entitlement) shall also apply to Adjustments.

I. Discontinuance of Adjustment – Revocation

The revocation procedures that apply to Variances in Sec. 13B.5.3.I. (Variance; Revocation and Repeal) shall also apply to Adjustments.

SEC. 13B.5.3. VARIANCE



A. Applicability

1. This Section applies to Variances that grant relief from a standard or regulation in this Chapter or Chapter 1 (General Provisions and Zoning) on the basis of hardship or difficulties.

2. Continuance of Variance or Exception

   a. Except as provided in Subsection I. (Revocation and Repeal) of this Section, with respect to Variances or exceptions which have never been or are not being utilized, no provision of this Article shall be interpreted or construed as limiting or interfering with the rights established by any Variance or exception granted prior to the effective date of this Article by:

      i. Ordinance pursuant to the provisions of Ordinances Nos. 42,666 (N.S.), 66,750, 74,140 or Chapter 1 (General Provisions and Zoning) of this Code;

      ii. Decision of the Zoning Administrator or the former Board of Zoning Appeals pursuant to the provisions of Chapter 1 (General Provisions and Zoning) of this Code; or

      iii. Former decision of the Board of City Planning Commissioners pursuant to the provisions of Ordinance No. 74,145 or Chapter 1 (General Provisions and Zoning) of this Code.

   b. Notwithstanding any of the provisions of the ordinance granting a Variance or exception, the Zoning Administrator shall have jurisdiction to perform all administrative acts with which the Board of City Planning Commissioners, City Council or its Planning Committee were formerly charged with under the ordinance, such as approving plans, signs, types of use, and the like. The use of any building, structure or land existing at the time this Article became effective, by virtue of any exception from the provisions of former Ordinance No. 33,761 (N.S.), may be continued provided no new building or structure is erected, no existing building or structure is enlarged, and no existing use of land is extended.

B. Initiation

An application for a Variance is filed with the Department.

C. Notice

1. Notice of Public Hearing

   a. The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); • The residential, commercial, and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified
Posting	10 days	• Applicant must post in a conspicuous place on the property involved

b. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

c. An application requesting relief from density or height requirements shall follow the procedures for public hearing and notice as set forth in Sec. 13B.5.2. (Adjustment).

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal to the Area Planning Commission or the City Council:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant; • The appellant; • The owner(s) of the property involved; • The owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); • The residential, commercial, and industrial occupants of all property within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified
Posting	10 days	• Applicant must post in a conspicuous place on the property involved

b. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

c. An application requesting relief from density or height requirements shall follow the procedures for public hearing and notice as set forth in Sec. 13B.5.2. (Adjustment).

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Public Hearing

a. The Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. An application for a Variance shall be set for public hearing unless the Chief Zoning Administrator or, in their absence, an Associate Zoning Administrator performing their functions, makes written findings, a copy of which shall be attached to the file, that the requested Variance:

i. Will not have a significant effect on adjoining properties or on the immediate neighborhood; or

ii. Is not likely to evoke public controversy.

4. Decision

The Zoning Administrator shall render the initial decision within 75 days of the submission of a complete application. If the Zoning Administrator fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13A.2.6. (Transfer of Jurisdiction).

5. Conditions of Approval

In granting a Variance, the Zoning Administrator may impose conditions to remedy a disparity of privileges and that are necessary to protect the public health, safety, welfare, and to assure compliance with the objectives of the General Plan and the purpose and intent of the zoning ordinance.

6. Transmittal

Upon making a decision, the Zoning Administrator shall transmit a copy of the written findings and decision to the applicant, the Director of Planning, the Department of Building and Safety, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed written requests for this notice with the Office of Zoning Administration. The Zoning Administrator shall also place a copy of the findings and decision in the file.

E. Standards for Review and Required Findings

1. The standards in Sec. 562 (Variances) of the City Charter apply to Variances. In granting a Variance, the Zoning Administrator or Area Planning Commission (on appeal) or City Council (on appeal) shall find:

   a. That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations;

   b. That there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity;

   c. That the 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 the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question;

   d. That the granting of the Variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located; and

   e. That the granting of the Variance will not adversely affect any element of the General Plan.

2. A Variance shall not be used to grant a special privilege or to permit a use substantially inconsistent with the limitations upon other properties in the same zone and vicinity. The Zoning Administrator may deny a Variance if the conditions creating the need for the Variance were self-imposed.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission and the City Council are the appellate decision makers.

3. Filing

Any person aggrieved by an initial decision of the Zoning Administrator concerning a Variance may appeal the decision to the Area Planning Commission.

4. Appellate Decision

a. The Area Planning Commission will set the matter for a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Area Planning Commission shall act within 75 days after the expiration of the appeal period. If the Area Planning Commission fails to render a timely decision, the action of the Zoning Administrator on the matter shall be final, unless the appellant files a request for a transfer of jurisdiction to the City Council for decision pursuant to Sec. 13A.2.6. (Transfer of Jurisdiction).

c. The Area Planning Commission may affirm, reverse, or modify the Zoning Administrator's decision.

d. In considering appeals, the Area Planning Commission shall be subject to the same limitations regarding findings and conditions as are applicable to the Zoning Administrator on the initial decision.

e. Upon making a decision, a copy of the findings and decision shall forthwith be placed on file in the City Planning Department, and copies of the decision shall be sent to the applicant, the appellant, the Department of Building and Safety, the Director of Planning, and the Office of Zoning Administration.

f. Date of Final Decision

A denial of a Variance by an Area Planning Commission on appeal shall become final upon the date it was mailed to the applicant. However, a decision by the Area Planning Commission granting or confirming the grant of a Variance shall become final after 15 days from the date it was mailed to the applicant, unless an appeal is filed with the City Council within that period. The filing of an appeal stays proceedings in the matter until the Council makes a decision on the matter. The Council shall not consider any appeal not filed within the 15-day period.

5. Appeal to City Council

a. An appeal from a decision of the Area Planning Commission granting or affirming the grant of a Variance may be filed by the applicant or any person aggrieved by the decision. There shall be no further appeal from the decision of the Area Planning Commission to deny a Variance.

b. Action by City Council and Mayor

i. The City Council will set the matter for a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

ii. When considering an appeal from an Area Planning Commission decision granting or affirming the grant of a Variance, the City Council shall be subject to the same limitations regarding findings and conditions as are placed on the Area Planning Commission by this Section.

iii. The City Council, by resolution, may affirm, reverse or modify, in whole or in part, the decision of the Area Planning Commission by a majority vote. Failure of the City Council to act within 90 days from the expiration of the appeal period, or within any additional period as may be agreed upon by the applicant and the City Council shall be deemed to be a denial of the appeal.

iv. When a Variance decision is appealed to the City Council and the City Council either approves the Variance or denies an appeal from an earlier approval, the matter together with the files and reports shall forthwith be transmitted to the Mayor. The Mayor may approve or disapprove the Variance within 10 days of its presentation to him or her. This action shall be based solely upon the administrative record and whether the Mayor believes the variance conforms to the requirements for approval set forth in this Section.

v. If the Mayor disapproves the Variance, he or she shall return the matter to the City Clerk for presentation to the City Council, together with the objections in writing. The Council within 60 days after the matter has been returned to it may override the disapproval by a two-thirds vote.

vi. If the Council fails to override the Mayor's disapproval within the 60 days, the Mayor's disapproval shall constitute a denial of the Variance. If the Mayor fails to return the matter to the City Clerk within 10 days of its presentation to him or her, the approval of the Variance shall become final.

H. Modification of Entitlement

1. Development of Site

a. On any lot or portion of a lot on which a use is permitted pursuant to a Variance, new buildings or structures may be erected, enlargements may be made to existing buildings, and existing uses may be extended if plans for those changes are submitted and approved by a Zoning Administrator. A Zoning Administrator shall not approve any use, single deviation, or combination or series of deviations from the zoning regulations which was not approved as part of the original Variance, or which would result in an increase in size or bulk of buildings exceeding 20 percent.

b. Any person submitting development plans or any other person aggrieved by the decision of a Zoning Administrator made relative to the approval or disapproval of a development plan may appeal the

decision to the Area Planning Commission. No fee shall be required for the filing of appeals by other aggrieved persons.

2. Reduction of Site

So long as the use approved by Variance is continued, the entire approved site shall be retained for the approved use, and no portion of the site shall be severed or utilized for other purposes unless the plans for the reduced site are first submitted to and approved by a Zoning Administrator. The decision of a Zoning Administrator on a proposed reduction of the area of an approved site shall be subject to the same appeal as is provided in Subsection G.4 above for an application to establish the use by Variance.

3. Conditions of Approval

In connection with the approval of such plans, a Zoning Administrator may impose conditions on the same basis as provided for in this Section in connection with the original Variance.

4. Change of Use

No use approved by Variance may be changed to a different use for which a Variance is otherwise required unless the new use is authorized in accordance with the procedure prescribed in this Section for the establishment of a use by Variance.

I. Revocation and Repeal

1. Discontinuance of Variance or Exception - Revocation

a. 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.

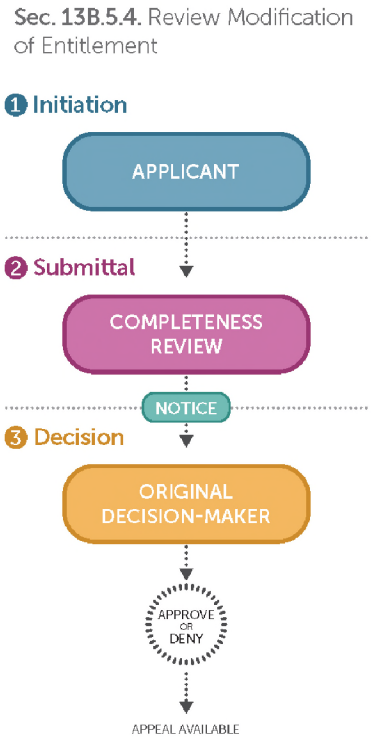
b. After the hearing, the Director may revoke the Variance, or if an ordinance is involved, recommend to the City Council that the ordinance be repealed. The decision of the Director shall become final after 15 days from the date of mailing of the decision to the owner or lessees of the real property affected, unless an appeal to the Council is filed within that 15-day period. An appeal may be taken to Council in the same manner as described in Subsection G. (Appeals) of this Section. After revocation or repeal, the property affected shall be subject to all the regulations of the zone in which the property is located.

2. Failure to Utilize Variance or Exception - Repeal

a. The procedure for repeal of Variances that have been abandoned or discontinued as set forth in Subdivision 1. (Discontinuance of Variance or Exception – Revocation) above shall not apply to those exceptions or conditional Variances granted by ordinance and which were once utilized, but the authorized use or development had been discontinued or removed from the site for at least one year and the ordinance has been repealed.

b. If the rights established by any ordinance previously adopted authorizing an exception or conditional Variance from the provisions of Chapter 1 (General Provisions and Zoning) of this Code, or Ordinances No. 42,666 (N.S.) 66,750 and 74,140, have never been executed or utilized, or, if once utilized, the use or development authorized has been discontinued or removed from the site for a period of least one year, that exception or conditional Variance shall no longer be of any force or effect and the respective ordinance granting the exception or conditional Variance is hereby repealed.

SEC. 13B.5.4. MODIFICATION OF ENTITLEMENT



Purpose. The Modification of Entitlement is a discretionary process intended to be used for situations where the Code expressly provides for a possible modification of the original entitlement pursuant to this process and it is deemed necessary to modify conditions of approval for the original grant on an approved project prior to the issuance of the Certificate of Occupancy.

A. Applicability

1. Original Action

This Section applies to modification of an approved entitlement, referred to in this Section as the "original action", only if the Code expressly provides for a modification of that entitlement pursuant to this process.

2. Modification

a. For purposes of this Section, a "modification" means any changes in the proposed physical development or related conditions of approval that were approved in the original action.

b. A modification is limited to an alteration of the physical development or conditions of approval on the original action by no more than 20%, and the modification will not result in a new, significant unavoidable environmental impact.

c. If multiple modifications are requested on the same original action, the modifications shall not cumulatively exceed the 20% limitation described above in Paragraph b.

d. A modification does not include the granting of any new rights, nor does it include the granting of any deviation from zoning regulations in this Chapter or Chapter 1 (General Provisions and Zoning).

e. Nothing in this Section is intended to limit the authority of the Director to find that a project is in substantial conformance with its approved entitlements, consistent with state law.

3. New Application

Any request for a modification that exceeds the 20% limitation described above in Subdivisions 2.b. or 2.c. will not be processed as a modification of the original action but will instead require a new application.

B. Initiation

1. An application for a Modification of Entitlement is filed with the Department.
2. The application must include development plans showing the requested modifications.
3. A Modification of Entitlement shall be filed and approved before the original action expires.

C. Notice

1. Notice of Public Hearing

Notice of the public hearing on the initial decision of a Modification of Entitlement is provided in the same manner as required on the initial decision of the original action.

2. Notice of Public Hearing on Appeal

Notice of the public hearing on the appeal of a Modification of Entitlement is provided in the same manner as required on the appeal of the original action.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

a. The initial decision maker on a Modification of Entitlement is the initial decision maker on the original action.

b. If the project was subject to multiple approvals, the initial decision maker is the initial decision maker assigned pursuant to Sec. 13A.2.10. (Multiple Approvals), unless otherwise delegated.

c. If the project was subject to an appeal, the decision maker on the Modification of Entitlement is the appellate body on the original action, unless otherwise delegated.

3. Public Hearing

The public hearing requirements that applied to the original action also apply to the Modification of Entitlement, with notice given in the manner specified in Subsection C. (Notice) of this Section.

4. Decision

The initial decision maker shall approve, conditionally approve, or deny the request within 75 days after the application is deemed complete.

5. Conditions

The initial decision maker may impose conditions on the modification on the same basis as in the original action.

6. Transmittal

The initial decision maker shall transmit a copy of the decision by mail to the applicant, all owners and occupants of properties abutting, across the street or alley from, or having a common corner with the subject property, and persons who have filed a written request for the notice with the Department of City Planning.

E. Standards for Review and Required Findings

1. In approving a Modification of Entitlement, the decision maker shall find that the modification complies with all of the findings that apply to the original action.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).
2. Modification of Entitlement applications and approvals are only valid for permits or decisions which have not expired. A Modification of Entitlement does not suspend or extend the term grant of the original permit or decision.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Appealable in Same Manner as Original Action

The initial decision on a Modification of Entitlement is appealable in the same manner as an appeal on the original action.

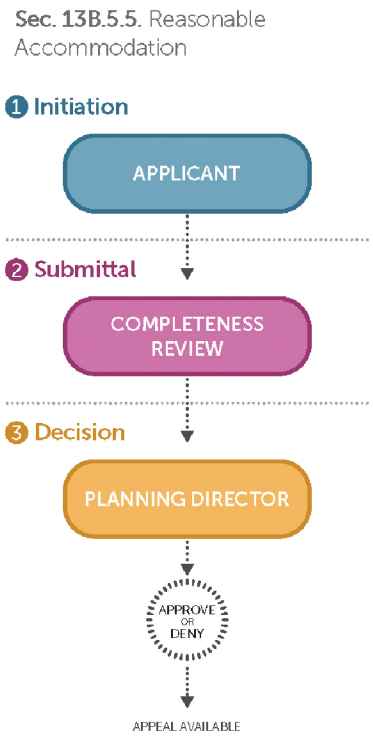
3. Scope of Appeal

An appeal of a Modification of Entitlement is an appeal of the requested modification; it is not an appeal of the entire project or grant as approved in the original action.

H. Modification of Entitlement

An approved Modification of Entitlement may be modified thereafter by following the same procedures established above for the original Modification of Entitlement.

SEC. 13B.5.5. REASONABLE ACCOMMODATION



A. Applicability

1. This Section establishes a formal procedure for an Individual with a Disability seeking equal access to housing to request a Reasonable Accommodation as provided by the Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering these requests.

2. The following definitions apply to this Section:

   Acts. The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act

   Individual with a Disability. As defined under the Acts, a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment or, anyone who has a record of that type of impairment.

   Reasonable Accommodation. Providing an Individual with a Disability or developers of housing for an Individual with a Disability, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities.

B. Initiation

1. A written request for Reasonable Accommodation from a land use or zoning regulation or policy shall be made on a form provided by the Department by any Individual with a Disability, his or her representative, or a developer or provider of housing for an Individual with a Disability.

2. A request for Reasonable Accommodation shall state the basis of the request including but not limited to a modification or exception to the regulations, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an Individual with a Disability equal opportunity to housing of his or her choice.

3. The Director may request additional information necessary for making a determination on the request for Reasonable Accommodation that complies with the fair housing law protections and the privacy rights of the Individual with a Disability to use the specified housing. If additional information is requested, the 45-day time period for making a determination on the request stops running until the additional information is provided.

C. Notice

1. Notice of Public Hearing

a. There is no public hearing required on the initial decision of a Reasonable Accommodation, and therefore no notice of a public hearing is required.

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail	24 days	• The applicant; • The appellant; • The owner(s) of the property involved; • Owners of all properties abutting, across the street or alley from or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Decision

The Director shall issue a written determination to either grant, grant with modifications, or deny a request for Reasonable Accommodation within 45 days of the date the application is deemed complete, or within an extended period as mutually agreed upon in writing by the applicant and the Director.

4. Regulations Effective while Decision Pending

While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

5. Covenant

Prior to the issuance of any permits relative to an approved Reasonable Accommodation, the Director may require the applicant to record a covenant in the County Recorder's Office acknowledging and agreeing to comply with the terms and conditions established in the determination. The covenant is required only if the Director finds that a covenant is necessary to provide notice to future owners that a Reasonable Accommodation has been approved.

6. Transmittal

The Director shall transmit a copy of the written findings and decision to the applicant and to all owners of properties abutting the subject property. All written decisions shall give notice of the right to appeal and to request Reasonable Accommodation in the appeals process as set forth in Subsection G. (Appeals) of this Section.

E. Standards for Review and Required Findings

1. General

In approving a request for a Reasonable Accommodation, the Director or City Council (on appeal) shall find:

a. That the housing, which is the subject of the request for Reasonable Accommodation, will be used by an Individual with a Disability protected under the Acts;

b. That the requested accommodation is necessary to make housing available to an Individual with a Disability protected under the Acts;

c. That the requested accommodation would not impose an undue financial or administrative burden on the City; and

d. That the requested accommodation would not require a fundamental alteration in the nature of the City's land use and zoning program.

2. Coastal Zone Properties

a. For housing located in the Coastal Zone, a request for Reasonable Accommodation under this Section shall be approved by the City if it is consistent with the requisite findings above, with Chapter 3 (Coastal Resources Planning and Management Policies) of the California Coastal Act of 1976, and with the Interpretive Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977, and any subsequent amendments or the certified Local Coastal Program Land Use Plan for that area.

b. Where a request for Reasonable Accommodation is not consistent with the regulations identified in Paragraph a. above, the City may waive compliance with an otherwise applicable provision of these regulations and approve the request for Reasonable Accommodation if the City finds:

   i. That the requested Reasonable Accommodation is consistent, to the maximum extent feasible, with the regulations identified in this Subsection; and

ii. That there are no feasible alternative means for providing an accommodation at the property that would provide greater consistency with the regulations identified in this Subsection.

F. Scope of Decision

1. See Sec. 13A.2.7. (Scope of Decision).
2. If the Director grants the request, the request is granted to an individual and does not run with the land unless the Director determines that:
   a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Code; or
   b. The accommodation is to be used by another Individual with a Disability.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

Only the aggrieved applicant and abutting owners who received notice of the Reasonable Accommodation determination have a right to appeal the decision.

4. Appellate Decision

a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.
b. The City Council shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the City Council.
c. The City Council will render its decision by resolution. A decision to reverse or modify the Director's decision, in whole or in part, shall only be adopted by at least a two-thirds vote of the whole Council.

H. Modification of Entitlement

A Reasonable Accommodation may be modified by following the same procedures established above for the original action.

DIV. 13B.6. NON-COMPLIANCE

SEC. 13B.6.1. EVALUATION OF NON-COMPLIANCE



A. Applicability

This Section establishes procedures to modify, discontinue, or revoke any discretionary zoning approval where needed to remedy non-compliance with the conditions of any conditional use or similar Quasi-judicial approvals.

B. Initiation

The Director, Zoning Administrator, or City Planning Commission (if the approval or conditional use was granted by the City Planning Commission) may initiate evaluation proceedings by notifying the business operator, property owner, or lessee(s) upon knowledge of the fact of non-compliance with the conditions of the discretionary zoning approval.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• Operator; and • Owner and lessee(s) of the property involved.

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• Operator; • Owner and lessee(s) of the property involved; • Owners of all property within and outside of the City that is within 300 feet of the exterior boundaries of the property involved; • Residential, commercial and industrial occupants of the property involved, and all property within 300 feet of the exterior boundaries of the property involved; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The owner, lessee, or operator will post notice in a conspicuous place on the property

b. If all property within the 300-foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property which adjoins that ownership are included in the notification area.

c. If the mailed notice within the required radius does not result in notice to at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Zoning Administrator or the City Planning Commission, whichever was the initial decision maker on the original action, is the initial decision maker on an Evaluation of Non-Compliance is. The City Planning Commission may delegate its authority in this matter to the Director.

3. Notice to Appear

a. The Zoning Administrator or City Planning Commission may notify the record owner or lessee of the real property involved to appear at a time and place fixed by the Zoning Administrator, or City Planning Commission and show cause why the discretionary zoning approval should not be repealed or rescinded, as the case may be.

b. The Zoning Administrator or City Planning Commission shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

4. Decision

After the public hearing concludes, the Zoning Administrator or City Planning Commission may revoke, temporarily suspend, or impose further restrictions on the conditional use or other similar Quasi-judicial approval.

5. Fees

a. A fee as set forth in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code shall be paid to the City within 30 days of the effective date of the decision by the Zoning Administrator or City Planning Commission.

b. If an appeal is filed and the decision of the Zoning Administrator or City Planning Commission is upheld by the City Council on appeal, then the fee required by this Subsection shall be paid in full within 30 days of the effective date of the final decision. However, if the City Council reverses the decision of the Zoning Administrator or City Planning Commission then no payment of fees other than the appeal fee specified in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code shall be required.

E. Standards for Review and Required Findings

The Zoning Administrator or City Planning Commission, or the Area Planning Commission (on appeal) or City Council (on appeal) may require modification, discontinuance, or revocation of any conditional use or other similar Quasi-judicial approval upon knowledge of the fact of a business operator, property owner, or lessee's non-compliance with the conditions of any conditional use or other similar Quasi-judicial approvals, and make the required findings for any action taken.

F. Scope of Decision

1. After corrective modification or imposition of new conditions, the property involved is allowed continuance of operation subject to compliance with all conditions.

2. After revocation, the property involved is subject to all the regulations of the zone in which the property is located, and as provided in this Code or as modified by the subject final revocation action.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

a. If the initial decision maker is the Zoning Administrator, the Area Planning Commission is the appellate decision maker.

b. If the City Planning Commission is the initial decision maker, the City Council is the appellate decision maker.

c. If the Zoning Administrator modifies conditions or imposes additional conditions as a part of the evaluation action, the appellate body is the appellate body on the original decision.

3. Filing

a. Any person aggrieved by the Zoning Administrator's decision may appeal the decision to the Area Planning Commission.

b. Any person aggrieved by the City Planning Commission's decision may appeal the decision to the City Council.

4. Appellate Decision

a. Before acting on any appeal, the appellate body shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The appellate body shall act within 75 days after the expiration of the appeal period. Failure to timely act is deemed a denial of the appeal, and is not further appealable.

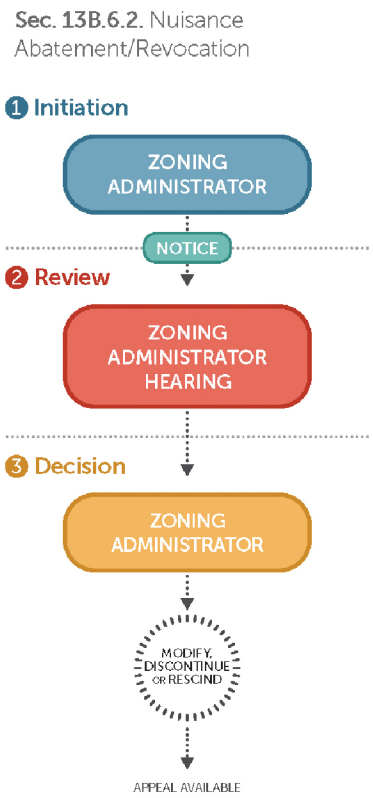
c. If the City Council is the appellate body, the City Council will render its decision by resolution. A decision to reverse or modify the initial decision, in whole or in part, shall be adopted by at least a two-thirds (2/3) vote of the whole Council.

d. The City Council's decision on appeal shall be reviewable as an approval of a conditional use or other similar Quasi-judicial approval in the manner prescribed in Sec. 13B.2.3.G. (Class 3 Conditional Use Permit; Appeals).

H. Modification of Action

No modification is available.

SEC. 13B.6.2. NUISANCE ABATEMENT/REVOCATION



Purpose. It is the intent of this Section to consolidate a number of existing Code provisions relating to the administrative abatement of public nuisances, and revocations, rescissions, discontinuances or modifications of discretionary zoning approvals. In addition, this Section also sets forth procedures allowing the Zoning Administrator to modify or remove conditions imposed as a result of nuisance abatement proceedings; to enforce conditions imposed as part of any discretionary zoning approval; and to require that the cost of a proceeding instituted pursuant to this Section be paid by those responsible for the maintenance and operation of the subject use.

These provisions allow the City's zoning authorities to protect the public peace, health and safety from any land use which becomes a nuisance; adversely affects the health, peace or safety of persons residing or working in the surrounding area; or violates any land use related condition imposed pursuant to this Code or other provision of law, while protecting the constitutional rights of the parties involved.

A. Applicability

1. Zoning Administrator Authority

The Zoning Administrator may require the modification, discontinuance, or revocation of any land use or discretionary zoning approval if it is found that the land use or discretionary zoning approval as operated or maintained:

a. Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area;

b. Constitutes a public nuisance;

c. Has resulted in repeated nuisance activities, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

d. Adversely impacts nearby uses;

e. Violates any provision of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, or any other city, state, or federal regulation, ordinance, or statute;

f. Violates any condition imposed by a prior Legislative or discretionary land use approval; or

g. Violates an approval initiated by application of a property owner or owner's representative related to the land use (including but not limited to a Parcel Map, Tentative Tract Map, or Coastal Development Permit).

2. Relationship to Other Code Provisions

The Zoning Administrator's authority in Subdivision 1. (Zoning Administrator Authority) above supersedes any provision of this Code to the contrary.

3. Continuation of Prior Decisions

a. Prior administrative nuisance abatement decisions regarding land uses and discontinuances, revocations, rescissions or modifications of discretionary zoning approvals made by the Zoning Administrator, City Planning Commission, or the Council remain in full force and effect.

b. It is unlawful to violate or fail to comply with any prior requirement or condition imposed by the Zoning Administrator, the former Board of Zoning Appeals, the City Planning Commission, or the Council.

c. Violation or failure to comply violates this Chapter or Chapter 1 (General Provisions and Zoning) of this Code and is subject to the same penalties as any other violation of this this Chapter or Chapter 1 (General Provisions and Zoning) of this Code.

d. To remedy a violation of an order of discontinuance or revocation, the Department of Building and Safety shall order the business operator, property owner or lessee(s) to vacate and secure all or any portion of the property, premises, or buildings - refer to Sec. 91.9003 (Abatement Procedures) of this Code. The Department of Building and Safety shall institute enforcement as provided in Sec. 91.9003.4. (Enforcement) of this Code.

B. Initiation

The Zoning Administrator may initiate a nuisance abatement proceeding by notifying the business operator, property owner, or lessee(s) as provided in this Section.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• Operator; • Owner(s) and lessee(s) of the property involved; • Owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved; • Residential, commercial, and industrial occupants of the property involved, and all property within 500 feet of the exterior boundaries of the property involved; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	Operator must post in a conspicuous place on the property involved

b. If all property within the 500 foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property that adjoins that ownership are included in the notification area.

c. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• Operator; • Owner(s) and lessee(s) of the property involved; • Owners of all property within and outside of the City that is within 500 feet of the exterior boundaries of the property involved; • Residential, commercial and industrial occupants of the property involved, and all property within 500 feet of the exterior boundaries of the property involved; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	Operator must post in a conspicuous place on the property involved

b. If all property within the 500 foot radius is under the same ownership as the property involved in the proceeding, then the owners of all property that adjoins that ownership are included in the notification area.

c. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Zoning Administrator is the initial decision maker.

3. Filing

There is no filing, as this process can only be initiated by the Zoning Administrator.

4. Public Hearing and Decision

a. The Zoning Administrator shall set the matter for public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section. At this hearing the business operator, property, owner, or lessee(s) of the subject property shall be given an opportunity to show cause as to why the land use or discretionary zoning approval should not be modified, discontinued, or revoked.

b. After the public hearing concludes, the Zoning Administrator may require the modification, discontinuance, or revocation of the land use or discretionary zoning approval.

c. Any determination shall be supported by written findings, including a finding that the Zoning Administrator's determination does not impair the constitutional rights of any person. The written determination shall also state that failure to comply with any or all conditions imposed may result in the issuance of an order to discontinue or revoke the land use or discretionary zoning approval.

5. Conditions

a. The Zoning Administrator may impose conditions of operation as needed to:

i. Protect the best interests of the surrounding property or neighborhood;

ii. Eliminate, lessen, or prevent any detrimental effect on the surrounding property or neighborhood; or

iii. Assure compliance with other applicable provisions of law or conditions of an earlier discretionary approval.

b. Conditions imposed may include, but are not limited to:

i. The establishment of amortization schedules;

ii. The closure or removal of buildings or structures; or

iii. The establishment, maintenance, or operation of the subject use and related land uses, buildings, or structures.

c. Fee Condition

i. Whenever the Zoning Administrator initiates an action pursuant to this Section, they shall impose a condition requiring payment of the fee (fee condition) set forth in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code to cover the City's costs in processing the matter. A fee is not required if the Zoning Administrator finds that the operation of the land use does not create a nuisance or that the property owner, business operator or person in control, is in substantial compliance with the conditions of operation.

ii. The fee condition shall further provide that if the decision is not appealed, then the fee shall be paid in full to the City with confirmation of the payment being provided to the Zoning Administrator within 30 days of the decision date. If an appeal is filed and the decision of the Zoning Administrator is upheld on appeal, then the fee shall be paid in full with confirmation made to the Zoning Administrator within 30 days of the effective date of the decision. If the Council reverses in total the decision of the Zoning Administrator, then no payment of fees other than the appeal fee specified in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code shall be required.

d. Compliance Review

i. Upon any finding of nuisance or non-compliance with existing conditions imposed on the land use or discretionary zoning approval, the Zoning Administrator's determination shall impose a condition requiring the business operator or property owner to file a Compliance Review application for Review of Compliance with Conditions within two years of the effective date, or the City may file an application on their behalf and a fee will be charged.

ii. At the Zoning Administrator's discretion, the due date for the Compliance Review application can be set for 90 days, 180 days, one year, 18 months, or two years from the effective date of the Zoning Administrator's determination or the Council action on appeal.

6. Cost of Abatement

If the Zoning Administrator discontinues or revokes any land use or discretionary zoning approval pursuant to this Section, the full cost of the abatement, including the cost of inspection, becomes the personal obligation of the business operator, property owner, or person in control. If confirmed by the Council, a lien may be placed against the property in accordance with the procedures described in Sec. 7.35.3. (Procedures to Confirm a Proposed Lien for Nuisance Abatement Costs and Code Enforcement Costs) of the Administrative Code.

E. Standards for Review and Required Findings

In requiring the discontinuance or revocation of a land use or discretionary zoning approval, the Zoning Administrator or City Council (on appeal) shall find that:

1. The determination does not impair the constitutional rights of any person;

2. Prior governmental efforts to cause the owner or operator to eliminate the problems associated with the land use or discretionary zoning approval have failed (examples include formal action, such as citations, orders, or hearings by the Police Department, Department of Building and Safety, the Zoning Administrator, the City Planning Commission, or any other governmental agency); and

3. The owner or operator has failed to demonstrate, to the satisfaction of the Zoning Administrator, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.

F. Scope of Decision

1. General

After modification, discontinuance, or revocation, the property affected is subject to all the regulations of the zone in which the property is located, as provided in this Code or as modified by the subject final revocation action.

2. Violations

a. It is unlawful to violate or fail to comply with any requirement or condition imposed by the Zoning Administrator or the City Council pursuant to this Section.

b. Violation or failure to comply violates this Chapter or Chapter 1 (General Provisions and Zoning) of this Code and is subject to the same penalties as any other violation of this this Chapter or Chapter 1 (General Provisions and Zoning) of this Code.

c. If a violation of an order to discontinue or revoke a land use or discretionary zoning approval pursuant to this Section occurs, the Department of Building and Safety shall order the owner to vacate and secure the property, premises, buildings or portion of any property, premises or building pursuant to Sec. 91.9003 (Abatement Procedures) of this Code. The Department of Building and Safety shall institute enforcement as provided in Sec. 91.9003.4. (Enforcement) of this Code. The Zoning Administrator shall cause the determination or revocation to be recorded.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

Any person aggrieved by the Zoning Administrator's decision may appeal the decision to the City Council.

4. Decision

   a. Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

   b. The City Council shall act within 75 days after the expiration of the appeal period. Failure to timely act is deemed a denial of the appeal.

   c. The City Council will render its decision by resolution. A decision to reverse or modify the Zoning Administrator's decision, in whole or in part, shall be adopted by at least a two-thirds vote of the whole Council.

   d. If the City Council determines that the Zoning Administrator's decision impairs the constitutional rights of any person, then it shall modify the action accordingly, or remand the matter back to the Zoning Administrator for further action.

H. Modification of Decision

1. Any administrative nuisance abatement decision made pursuant to this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, any conditions imposed by that decision, or any decisions on a discretionary zoning approval pursuant to this Section may be modified pursuant to the provisions of this Subsection.

2. Upon application by the business operator, property owner, or lessee(s), the Zoning Administrator may add, modify, or eliminate the conditions of a prior decision.

3. An application may be considered if:

   a. A time period of at least 1 year has passed from the effective date the conditions were originally imposed; or

   b. There have been substantial changes in the nature and operation of the land use or discretionary zoning approval; or

   c. There has been a change in circumstances such that continued enforcement of the previously imposed conditions is no longer reasonable or necessary.

4. An application shall be set for public hearing. The Zoning Administrator may grant or deny the requested application, or modify the prior decision, including imposing new or different substitute conditions as the Zoning Administrator deems appropriate.

5. No modification shall be approved pursuant to this Subsection unless the Zoning Administrator the following findings:

   a. That the requirements for consideration of the application under this Subsection have been met; and

   b. That due consideration has been given to the effects of the modification on surrounding properties.

6. An appeal from the decision of the Zoning Administrator may be taken to the Council in the same manner as prescribed in Subsection G. (Appeals) of this Section.

7. When the Zoning Administrator orders the discontinuance or revocation of a land use or discretionary zoning approval and the applicant files for re-instatement of the land use pursuant to this Subsection, the Zoning Administrator may re-instate the land use if all findings of this Subsection are met. The applicant will not be issued a new certificate of occupancy.

8. Subsequent applications for consideration may be filed in accordance with this Subsection. If the application is denied with prejudice, a subsequent application for consideration shall not be filed within 1 year from the date the application was considered, and then only if a property owner, business operator or lessee(s) shows that the circumstances involving the land use or discretionary zoning approval have substantially and materially changed since it was last considered.

I. Revocations of Residential Uses

1. Applicability

This Subsection applies to all single-family and multi-family residential uses, including residential hotels as defined in Sec. 47.73 T. (Definitions) of this Code. This Subsection does not apply to hotels or motels that are not residential hotels. Nothing in this Section or Sec. 91.9001 et seq. (General) of this Code supersedes or abrogates the rights of tenants provided by State statute or by the Los Angeles Housing Code and Rent Stabilization Ordinance, or by any other provision of this Code.

2. Process

The Zoning Administrator, as the initial decision maker, or the Council on appeal, shall ask the City Attorney to initiate the process of having the residential use placed in receivership pursuant to Sec. 3479 of the California Civil Code and Sec. 564(b)(9) of the Code of Civil Procedure upon finding that:

a. Prior governmental efforts to cause the owner or operator to eliminate the problems associated with the land use or discretionary zoning approval have failed (examples include formal action, such as citations, orders, or hearings by the Police Department, Department of Building and Safety, Housing and Community Investment Department, a Zoning Administrator, the City Planning Commission, or any other governmental agency); and

b. That the owner or operator has failed to demonstrate, to the satisfaction of the Zoning Administrator, the willingness or ability to eliminate the problems associated with the land use or discretionary zoning approval.

3. Remedies

If the residential use is not placed in receivership and the Zoning Administrator, as the initial decision maker, or the Council on appeal, discontinues or revokes the land use or discretionary zoning approval, resulting in the displacement of tenants, the following provisions apply:

a. The Housing and Community Investment Department shall identify each tenant who was displaced and is eligible for relocation assistance, and shall issue an order requiring the owner to pay relocation benefits in the amounts specified in Sec. 151.09 G. (Evictions) of this Code.

b. If the owner fails to pay relocation benefits to an eligible tenant as required by this Subsection:

i. The Housing and Community Investment Department may advance relocation benefits to the tenant in the amount set forth in Sec. 151.09 G. (Evictions) of this Code; and

ii. The owner is liable to the City for any relocation payments advanced, and the Housing and Community Investment Department may obtain a lien upon the property pursuant to Sec. 7.35.3 (Procedures to Confirm a Proposed Lien for Nuisance Abatement Costs and Code Enforcement Costs) of the Los Angeles Administrative Code to recover the amount advanced and associated costs.

c. Relocation benefits are not payable to any tenant who has caused or substantially contributed to the condition giving rise to an order to vacate issued pursuant to Sec. 91.9003 (Abatement Procedures) of this Code. The Zoning Administrator shall determine whether a tenant has caused or substantially contributed to the condition giving rise to the order to vacate.

d. The Housing Department shall inform each eligible tenant of their right to re-rent the same unit, or comparable unit, if the owner or subsequent owner re-establishes the residential use. The Housing Department shall inform the eligible tenant that they must advise the owner in writing of their interest in re-renting and must provide the owner with an address to which the owner can direct an offer.

e. When the residential use is re-established, the accommodations shall be offered, and rented or leased at the lawful rent in effect at the time the residential use was discontinued or revoked, plus annual adjustments available under Sec. 151.06. (Automatic Adjustments) of this Code.

f. The Zoning Administrator's determination or the Council's action shall include the provisions of this Subsection and shall be recorded as a covenant with the Office of the County Recorder.

DIV. 13B.7. DIVISION OF LAND

SEC. 13B.7.1. GENERAL PROVISIONS

A. Purpose

1. The purpose of this Division is to process requests for the division of land, within the City of Los Angeles, to provide for the dedication of land, the payment of fees in lieu thereof, or a combination of both, for the acquisition and development of park and recreation sites and facilities to serve the future inhabitants of the subdivision, and to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, and the form and content of Tentative Maps and Final Maps.
2. The established procedures to be followed in securing the official approval of the City of Los Angeles on such maps must be done pursuant to Div. 13B.7. (Division of Land), in a manner that is consistent with the applicable General Plan and specific plans as well as state law and the public health, safety and welfare.
3. It is also the intention of this Division that the subdividing of land in the City of Los Angeles be done in accordance with the grading regulations of the City contained and set forth in Article 1 (Buildings [Building Code]) of Chapter 9 (Building Regulations) and to establish when possible beauty and attractiveness in the hills consistent with watershed drainage, erosion and fire control requirements, and good engineering practices.
4. Time limits expressed in this Division shall be consistent with the state Subdivision Map Act where applicable and as the Subdivision Map Act may amended from time to time.

B. Applicability

1. The processes in this Division are subject to the regulations in Article 7 (Division of Land Regulations) of Chapter 1 (General Provisions and Zoning) of this Code.
2. Interpretation

   This Division and Article 7 (Division of Land Regulations) of Chapter 1 (General Provisions and Zoning) of this Code shall not be interpreted or construed to invalidate any previous act on the part of the City approving or authorizing private streets, or authorizing the issuance of building permits for structures on lots served by private streets.
3. Subdivision Violation

   Any deed of conveyance, sale, or contract to sell made contrary to the provisions of the subdivision review regulations of this Division is voidable to the extent and in the same manner as is provided for in Sec. 66499.32 (Remedies) of the Subdivision Map Act.

C. Advisory Agency

1. Establishment

The Director of Planning acts in the capacity of the Advisory Agency for the City pursuant to Sec. 66415 (Definitions) of the Subdivision Map Act and Sec. 553 (Director of Planning) of the City Charter. The Director is authorized to act in such capacity through one or more deputies who are appointed by him/her for that purpose. The Director, with the concurrence of the Chief Zoning Administrator, may designate an Associate Zoning Administrator to perform these additional functions.

2. Authorities and Duties

a. The Advisory Agency is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions, of requiring the dedication of land, the payment of fees in lieu thereof, or a combination of both, for the acquisition and development of park and recreation sites and facilities, and is hereby authorized to approve, conditionally approve, or disapprove Tentative Maps of proposed subdivisions, private streets and such maps as are provided for herein, to prescribe the design, kinds, nature and extent of improvements required to be installed in connection therewith and to report directly to the subdivider the action taken on the Tentative Map.

b. In taking any such action, the Advisory Agency is authorized to include or omit in whole or in part the reports or recommendations of the other concerned officials or City departments, except that the Advisory Agency may not omit any mandatory requirements relating to public health or safety recommended by such other officials or departments in the exercise of their duties prescribed by law. Before approving the omission of any report or recommendation made by such officials or departments the Advisory Agency shall submit the matter to the members of the Subdivision Committee for consideration at a regular meeting.

D. Subdivision Committee

1. Establishment

There is hereby created a Subdivision Committee.

2. Composition

a. This committee is composed of the following officers of the City or their duly authorized representatives:

i. The City Engineer;

ii. The Superintendent of Building;

iii. The Chief Engineer of the Department of Fire;

iv. The Chief Engineer and General Manager of the Department of Water and Power;

v. The General Manager of the Department of General Services;

vi. The General Manager of the Department of Recreation and Parks;

vii. The General Manager of the Department of Transportation; and

viii. The Director of the Bureau of Street Lighting of the Department of Public Works.

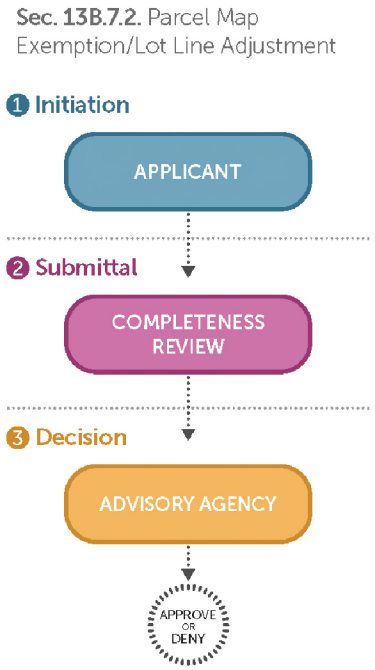
b. For purposes of reviewing and submitting recommendations to the Advisory Agency on mobile home park closure impact reports pursuant to Sec. 47.09 (Mobile Home Park Closure Report) of Chapter 4 (Public Welfare) of this Code only, the Subdivision Committee shall also include a representative of the Rent Stabilization Division of the Housing and Community Investment Department, in addition to the above listed representatives.

3. Authorities and Duties

a. It shall be the duty of the Subdivision Committee to meet with the Advisory Agency and make recommendations upon all Tentative Maps, Private Street Maps, and other matters that are presented to it by the Advisory Agency. The Committee shall hold regular meetings for this purpose. All such meetings shall be open to the public and any persons having an interest in pending maps may be heard.

b. The General Manager of the Department of Recreation and Parks shall submit a report to the Advisory Agency respecting each application for subdivision approval. Said report shall contain recommendations, approved by the Board of Recreation and Park Commissioners, specifying the land to be dedicated, the payment of fees in lieu thereof, or a combination of both for the acquisition and development of park or recreational sites and facilities to serve the future inhabitants of such subdivision, all in accordance with the limitations specified in Section 17.12 (Park and Recreation Site Acquisition and Development Provisions) of Chapter 1 (General Provisions and Zoning) of this Code. To the extent possible, the report shall also specify when the development of the park or recreational facilities will be commenced.

SEC. 13B.7.2. PARCEL MAP EXEMPTION/LOT LINE ADJUSTMENT



Reference: Sec. 66412 of the California Government Code.

A. Applicability

This Section establishes a process to exempt parcel map regulations in two situations:

1. Land divisions that are exempt from parcel map review by state law; and
2. Lot Line Adjustments.

B. Initiation

An application for a Parcel Map Exemption/Lot Line Adjustment is filed with the Department.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for the initial decision on a Parcel Map Exemption/ Lot Line Adjustment, and therefore no notice of a public hearing is required.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions)

2. Decision Maker

a. The Advisory Agency shall review the application and approve or deny or Lot Line Adjustment.

b. The Advisory Agency shall transmit the decision to the applicant and all persons to whom notification of the Preliminary Parcel Map is required by law.

E. Standards for Review and Required Findings

A Lot Line Adjustment is exempt from the parcel map regulations if the Advisory Agency or the Appeal Board determines that all the following conditions exist:

1. A Lot Line Adjustment is made between 4 or fewer existing adjoining lots or parcels and the land taken from one lot or parcel is added to an adjoining lot or parcel;
2. The resulting number of lots or parcels remains the same or decreases; and

3. The parcels or lots resulting from the Lot Line Adjustment will conform to the local General Plan, any applicable coastal, specific, and community plans, and zoning and building ordinances.

F. Scope of Decision

An approved Lot Line Adjustment does not expire. The approval is effective unless the applicant chooses to divide its property in a way that requires further subdivision review.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Subdivision Appeal

The action of the Advisory Agency may be appealed in accordance with Sec. 13B.7.8. (Subdivision Appeal).

H. Modification of Entitlement

No modification is available.

SEC. 13B.7.3. TENTATIVE TRACT MAP



A. Applicability

This Section applies to Tentative Maps. A "Tentative Map" is a map made to show the design of a proposed subdivision creating five or more parcels, five or more condominiums, or five or more units in a community apartment project or stock cooperative, and showing the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

B. Initiation

An application for a Tentative Tract Map, including all required materials, is filed with the Department.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision by the Advisory Agency:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	10 days	• In a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail	10 days	• Owners of all property located within 500 feet of the proposed subdivision; • All residential, commercial, and industrial occupants of all property located within 500 feet of the proposed subdivision; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing - Condominium and Stock Cooperative Notice

a. The following provisions apply only to cases where property is proposed for subdivision into condominiums, stock cooperatives, or community apartments, whether by new construction or by conversion of an existing building. In these cases, notice of the public hearing shall also be given to tenants as provided in this Subdivision.

b. The following notice is required for the public hearing on the initial decision by the Advisory Agency:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	15 days	• In addition to the notice provided in Subdivision 1. (Notice of Public Hearing) above, all names shown on a current list of tenants of the property proposed for subdivision. The subdivider shall provide the current list, which shall include the name and address of one tenant in each rental unit on the property.

c. In addition to the notice provisions for the public hearing, additional notice requirements may apply pursuant to: Sec. 12.95.2 (Conversion Projects: Residential) and Sec. 12.95.3 (Conversion Projects: Commercial/Industrial) of Chapter 1 (General Provisions and Zoning) of this Code; or Div. 11.5. (Condominiums, Community Apartments, & Stock Cooperatives) of this Chapter, as applicable.

d. Notice of Subdivision Approval

i. The subdivider shall give written notice of any subdivision approval to at least one tenant in each rental unit on the property within 30 days of the approval.

ii. The subdivider or record owner of the property for which a subdivision application is pending or approved shall give notice of that fact to any prospective tenant of the property before entering into any written or oral rental agreement with the prospective tenant.

iii. This Subdivision may be enforced through a Tentative Tract Map condition or a covenant running with the land.

3. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal by the Appeal Board or City Council:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	As required by state law	• Subdivider; • Appellant; • Advisory Agency; • Appeal Board (only on appeal to the City Council); and • The Certified Neighborhood Council representing the area in which the property is located

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Advisory Agency is the initial decision maker.

3. Recommendation of Subdivision Committee

a. Upon receipt of a complete application, the Department shall forthwith furnish a copy of the certified list of names and addresses and a copy of the area map to the Bureau of Engineering and copies of the Tentative Map to each member of the Subdivision Committee and to any other departments or public agencies which the Advisory Agency had determined may have an interest in the proposed subdivision.

b. The Subdivision Committee shall examine the map and property, and submit their reports and recommendations to the Advisory Agency, as follows:

   i. The reports must be submitted in writing.

   ii. The reports shall be made within 39 calendar days after the map is filed. The Advisory Agency may extend this time period.

c. The Subdivision Committee shall submit copies of their reports to the subdivider when they are submitted to the Advisory Agency. This requirement is complied with when the reports or recommendations are mailed. Failure of any member of the committee to submit a timely report in writing is construed as indicating that the member has no recommendation to submit concerning the Tentative Map.

4. Action of Advisory Agency

a. The Advisory Agency shall not act upon any Tentative Tract Map until 39 days' time has elapsed from the filing of the map, unless reports have been received from each member of the Subdivision Committee. Where said reports have been mailed to the subdivider within the 39-day period, the Advisory Agency shall not act until five days' time has elapsed from the date of mailing of a copy of all such reports to the subdivider. Every Tentative Tract Map shall be considered by the Advisory Agency at a public meeting.

b. The Advisory Agency shall conduct a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section, and approve, conditionally approve, or disapprove the Tentative Tract Map within 50 calendar days after the Map is filed with the City.

c. When the Advisory Agency takes action on the Tentative Tract Map:

   i. The Advisory Agency shall report its action in writing directly to the subdivider and a copy of the Tentative Map showing the action taken by the Advisory Agency on it shall be returned to the subdivider.

   ii. The City Engineer and the Department of Transportation shall be notified of the Advisory Agency's action.

5. Condition Consistency

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 Tentative Tract Map conditions consistent with the final decision maker's action.

E. Standards for Review and Required Findings

In approving a Tentative Tract Map, the Advisory Agency shall find that

1. The proposed map will be/is consistent with applicable General and specific plans;
2. The design and improvement of the proposed subdivision are consistent with applicable General and specific plans;
3. The site is physically suitable for the proposed type of development;
4. The site is physically suitable for the proposed density of development;
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems;
7. The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; and
8. The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

F. Scope of Decision

1. General

See Sec. 13A.2.7. (Scope of Decision).

2. Time Limit for Final Map Filing

a. Within 36 months after the approval or conditional approval of the Tentative Tract Map, the subdivider shall cause the proposed subdivision to be accurately surveyed and a Final Map prepared and filed with the City Engineer. The failure of a subdivider to file a map with the City Engineer within that period and to have the map submitted by the City Engineer to the City Clerk within the specified time limit shall automatically terminate and void the proceedings unless the time is extended by the Advisory Agency or the Appeal Board, upon appeal from a denial of the extension by the Advisory Agency.

b. The time limit for filing the Final Map with the City Engineer and submittal by the City Engineer of the Final Map to the City Council may be extended for a period or periods not exceeding a total of 72 months.

c. Exception

The term of a Tentative Map approval shall be automatically extended pursuant to the provisions of Sections 66452.21, 66452.22, and 66452.23 of the California Government Code, and any other current or future provision of the Subdivision Map Act that operates to extend the term of such approvals.

3. Disapproval and Subsequent Approval

When the Advisory Agency has disapproved a Tentative Map of a proposed subdivision, it may subsequently approve a new Tentative Map for the same property if it determines that arrangements are included to correct the conditions that caused the original disapproval, within the time limits specified in Subdivision 2. (Time Limit for Final Map Filing) above.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Appeal Board and the City Council are the appellate decision makers.

3. Appeal Board

a. Filing

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 15 days of the date of mailing of the written decision of the Advisory Agency and shall be accompanied by the fee required in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) 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.

b. Who May File

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.

c. Hearing and Notice

i. The Appeal Board, upon notice to the subdivider, the appellant, the Advisory Agency, and any other parties required to be noticed by Subsection C.3. (Notice; Notice of Public Hearing on Appeal) of this Section, shall hear the appeal within 30 days after it is filed, unless the time to act is extended by mutual agreement.

ii. 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 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.

d. Decision

i. Upon conclusion of the hearing, the Appeal Board shall within 10 days render its decision on the appeal based upon the testimony and documents produced before it.

ii. The Appeal Board may sustain, modify, reject, or overrule any recommendations or ruling of the Advisory Agency, and shall make findings consistent with the provisions of this Section and the Subdivision Map Act.

iii. Failure to timely act is deemed a denial of the appeal. The decision from which the appeal was taken shall be deemed affirmed and an appeal may be filed and taken to the City Council.

4. City Council

a. Who May File

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 to the City Council.

b. Filing

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 15 days of the date of mailing of the written decision of the Appeal Board and shall be accompanied by the fee required in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) 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.

c. Hearing and Notice

i. The City Council shall hear the appeal within 30 days after it is filed, unless the time to act is extended by mutual agreement. The Council shall give notice of the hearing to the subdivider, the appellant, the Appeal Board, the Advisory Agency, and any other parties required to be noticed by Subsection C.3 (Notice; Notice of Public Hearing on Appeal) of this Section.

ii. 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.

d. Decision

i. Upon conclusion of the hearing, the City Council shall within 10 days render its decision on the appeal based upon the testimony and documents produced before it.

ii. The City Council may sustain, modify, reject, or overrule any recommendations or ruling of the Appeal Board, and shall make findings consistent with the provisions of this Section and the Subdivision Map Act.

iii. Failure to timely act is deemed a denial of the appeal. 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. *Note: See Sec. 66452.5. of the California Government Code.*

H. Modification of Entitlement

1. The Advisory Agency may grant modifications to any of the provisions of Article 7 (Division of Land Regulations) of Chapter 1 (General Provisions and Zoning) of this Code on its own initiative or upon recommendation of any member of the Subdivision Committee whenever the property to be divided is of such size or shape, is subject to such title limitations of record, is affected by such topographical location or subsurface or topographical conditions, is to be devoted to such use, is subject to such regulation by the provisions of Article 1 (General Provisions) of Chapter 1 (General Provisions and Zoning) of this Code that it is impractical to conform to the strict application of the requirements of Article 7 (Division of Land Regulations) of Chapter 1 (General Provisions and Zoning) of this Code.

2. Such modification may be made by the Advisory Agency prior to its action on the Tentative Map without specific or written application therefore by the subdivider.

3. After the Tentative Map has been acted upon by the Advisory Agency, however, no such modification may be granted by the Advisory Agency except upon compliance with the following requirements:

   a. A request for modification shall be submitted by the subdivider in writing, setting forth the facts relied upon.

   b. Such request shall clearly indicate that the modification is reasonably necessary and is in conformity with the spirit and intent of Article 7 (Division of Land Regulations) of Chapter 1 (General Provisions and Zoning) of this Code and the Subdivision Map Act.

4. The actions of the Advisory Agency on a request for a modification after approval of the Tentative Map may be appealed in the same manner and subject to the same restrictions which apply to appeals from the action of the Advisory Agency on Tentative Maps. However, in no event shall such appeals be construed as extending the time limit within which to record a Final Map.

5. Modification of Conditions

   The Advisory Agency is authorized to approve or disapprove requests by a subdivider for minor modifications in the Conditions of Approval for a Tentative Map, but such action shall not extend the time for filing of a Final Map with the City Engineer. Such decisions shall be made in accordance with the provisions of this Section and shall be subject to the same appeal as is provided for appeals from the decisions of the Advisory Agency on Tentative Maps.

I. Vesting Tentative Map

1. Applicability

Whenever the Subdivision Map Act requires a Tentative Map to be filed, the applicant may choose to file a Vesting Tentative Map instead. The City shall not require the filing of a Vesting Tentative Map as a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.

2. Filing an Application

a. A Vesting Tentative Map shall be filed on the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this Section for a Tentative Map except as hereinafter provided. At the time a Vesting Tentative Map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map". If it is known at the time of filing that an additional approval (such as a Variance or Coastal Development Permit) is necessary, the application for such additional approval shall be filed prior to or simultaneously with the Vesting Tentative Map.

b. At the time a Vesting Tentative Map is filed, a subdivider shall provide all information required in connection with the filing of a Tentative Map by this Code, including the information required by Sec. 17.06 B. and C. (Tentative Map and Appeals) of Chapter 1 (General Provisions and Zoning) of this Code.

c. Where the proposed subdivision is in a designated Hillside Area, the Advisory Agency shall require the filing of a proposed grading plan pursuant to Section 17.05 L. (Design Standards; Grading Plans) of Chapter 1 (General Provisions and Zoning) of this Code and may not waive the requirement to file preliminary soils report pursuant to Section 17.05 U. (Design Standards; Preliminary Soils Report) of Chapter 1 (General Provisions and Zoning) of this Code.

d. A subdivider shall also indicate whether the proposed subdivision is in the vicinity of the Mulholland Scenic Parkway and the dedication of land for such purposes may be necessary. In addition, if design review of the proposed subdivision is required by the applicable community or district plan or by a specific plan, the subdivider shall provide the information necessary for such review. The plan of building envelope shall be submitted, showing the height, size, number of units and approximate location of buildings, driveways and any proposed exterior garden walls.

3. Expiration

The approval or conditional approval of a Vesting Tentative Map expires at the end of the same time period, and is subject to the same extensions established by Subsection F. (Scope of Decision) of this Section for the expiration and extension of the approval or conditional approval of a Tentative Map.

4. Development Rights

a. The approval or conditional approval of a Vesting Tentative Map shall confer:

i. A vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect on the date the application is deemed complete; and

ii. With the conditions of approval imposed and specifically enumerated by the Director, including the submittal of a detailed grading plan under an approved grading permit prior to recordation of the Final Map.

b. These development rights do not include exemptions from subsequent changes in the Building and Safety and Fire regulations (Chapters 5 and 9 of this Code) and policies and related standards.

c. A permit, approval, extension, or entitlement of a Vesting Tentative Map may be conditioned or denied if the Advisory Agency, or the Appeal Board or the City Council on appeal, determines:

i. A failure to do so would place the occupants of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

ii. The condition or denial is required in order to comply with state or federal law.

d. The rights conferred by a map approved or conditionally approved pursuant to this Section expire if a Final Map is not recorded prior to the expiration of the Vesting Tentative Map as provided in Subdivision 3. (Expiration) above. If the Final Map is recorded, the rights conferred by this Section are effective for the following time period:

i. An initial time period of 2 years beyond the recording of the Final Map. Where several Final Maps are recorded on various phases of a project covered by a single Vesting Tentative Map, this initial time period begins for each phase when the Final Map for the phase is recorded. *Note: See Sec. 66498.5 of the California Government Code.*

ii. The initial time period set forth in Subparagraph i. above is automatically extended by any time used thereafter by the City to process a complete application for a grading permit or for design or architectural review, if that time exceeds 30 days, from the date a complete application for that permit or review is filed.

iii. A subdivider may apply to the Advisory Agency for a one-year extension at any time before expiration of the initial time period set forth in Subparagraph i. above. Denial of the time extension may be appealed to the City Council within 15 days by the subdivider.

iv. If the subdivider submits a complete application for a building permit during the periods of time specified in Subparagraphs i.-iii. above, the rights conferred by this Section continue until that permit expires.

e. Consistent with Paragraphs a. and b. above, an approved or conditionally approved Vesting Tentative Map does not limit the City from imposing reasonable conditions on subsequently required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in Paragraphs a. and b. above.

f. If the ordinances, policies, or standards described in Paragraphs a. and b. above are changed subsequent to the approval or conditional approval of a Vesting Tentative Map:

i. The subdivider, or his or her assignee, at any time prior to the expiration of the Vesting Tentative Map, may apply for an amendment to the Vesting Tentative Map to secure a vested right to proceed with the changed ordinances, policies, or standards.

ii. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought. In addition, such application shall conform to the provisions relating to modifications of Tentative Maps set forth in Subsection H. (Modification of Entitlement) of this Section.

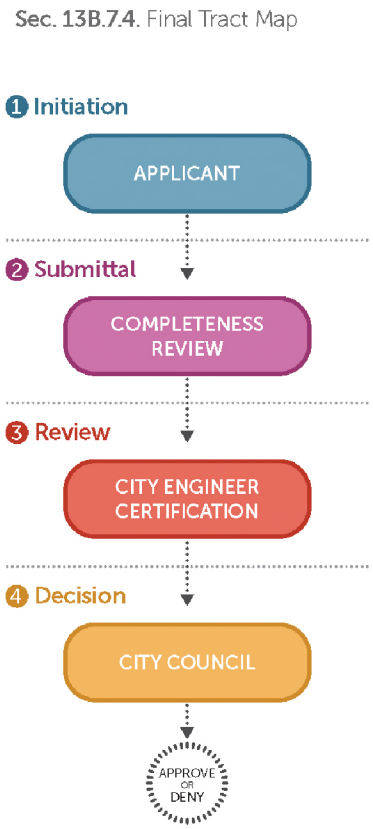
5. Development Inconsistent With Zoning – Conditional Approval

a. Whenever a subdivider files a Vesting Tentative Map for a subdivision whose intended development is inconsistent with this Chapter or Chapter 1 (General Provisions and Zoning) of this Code in existence at that time, that inconsistency shall be noted on the map.

b. The City may deny the Vesting Tentative Map or approve it conditioned on the subdivider obtaining the necessary change in this Chapter or Chapter 1 (General Provisions and Zoning) of this Code to eliminate the inconsistency. If the change in this Chapter or Chapter 1 (General Provisions and Zoning) of this Code is obtained, the approved or conditionally approved Vesting Tentative Map shall confer the vested right to proceed with the development (superseding Paragraphs a. and b. above) in substantial compliance with the change in this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, as approved.

c. The rights conferred by this Subdivision continue for the time periods set forth in Subdivision 4.d. (Development Rights) above.

SEC. 13B.7.4. FINAL TRACT MAP



A. Applicability

This Section applies to the approval of a Final Map after a Tentative Tract Map is approved.

B. Initiation

1. A Final Map is filed with the City Engineer in compliance with the provisions of Article 7 (Division of Land Regulations) of Chapter 1 (General Provisions and Zoning) of this Code. Final Maps shall conform substantially to the approved Tentative Map.

2. When a Final Map covers only a portion of the property shown on the Tentative Map, it shall be submitted to the Advisory Agency for its approval prior to submission to the City Engineer.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for a Final Map, and therefore no notice of a public hearing is required.

D. Decision

1. Decision Maker

The City Council is the decision maker.

2. City Engineer Certification

a. In addition to the certificates required by the Subdivision Map Act, the City Engineer shall certify that the subdivision substantially conforms to the approved Tentative Map, and the required public improvements have been installed or agreed to be installed.

b. If any portion of a subdivision is located in a Hillside Area, it shall not be certified by the City Engineer until the Superintendent of Building submits a report that the Hillside Area is or will be graded in accordance with approved plans as required by Article 1 (Buildings [Building Code]) of Chapter 9 (Building Regulations) of this Code, and that the applicant has entered into an agreement to provide the necessary grading.

3. City Council Acceptance

After the City Engineer certifies the Final Map in any offers of dedication, the City Council will approve or disapprove the Final Map in accordance with Sec. 66458 of the California Government Code.

E. Standards For Review and Required Findings

1. The Final Map shall be accepted by the City Council provided:

    a. The necessary improvements as set forth in the approval of the Tentative Map have been installed and approved by the City, or provided the subdivider submits satisfactory improvement plans together with the necessary guarantee that the improvements will be installed.

    b. The required map checking fees have been paid by the subdivider.

    c. All checking has been completed by the various departments and public agencies.

    d. Taxes, liens and special assessments have been paid, or such payment guaranteed.

2. Park and Recreation Site Acquisition and Development Provisions

    No final subdivision map shall be approved, nor shall it be recorded, unless land within the subdivision has been dedicated to the City of Los Angeles for park or recreational purposes or the park and recreation impact fee has been paid pursuant to Sec. 12.33 (Park Fees and Land Dedication) of Chapter 1 (General Provisions and Zoning) of this Code.

F. Scope of Decision

1. The Advisory Agency may refuse to approve the recording of any such map that does not by itself provide adequate or satisfactory access, design, or improvements.

2. The City Engineer may refuse to approve the recording of a Final Map covering only a portion of a Tentative Map, when in the process of checking the Final Map, he determines that it will not be feasible from an engineering standpoint to construct satisfactory improvements in the reduced area, unless additional street or easement dedications and improvements beyond the boundaries of the Final Map are provided.

3. No Final Map shall be recorded until the required improvements are installed or suitably guaranteed to be installed.

G. Appeals

There is no appeal.

H. Modification of Recorded Final Tract Map

1. In addition to amendments to Final Maps authorized by Sec. 66469 (Correction and Amendment of Maps) of the California Government Code, after a Final Map is filed with the Office of the County Recorder, such recorded map, including the conditions of approval thereof, may be modified pursuant to the provisions of this Section. The provisions of this Section are not applicable to certificates of correction or amending maps filed pursuant to Sec. 66469 (Correction and Amendment of Maps) of the California Government Code.

2. Applications for certificates of correction or amending maps filed pursuant to this Section may be filed with the Advisory Agency. The filing and processing of such applications, including appeals, shall

conform to the provisions of Sec. 13B.7.3. (Tentative Tract Map) relating to the filing and processing of modifications of Tentative Maps.

a. In addition to such requirements, a public hearing shall be held by the Advisory Agency and 10 days notice thereof shall be published in a newspaper of general circulation and mailed to the applicant and to the owners of all property located within 500 feet of the subdivision (as shown on records of the City Engineer and on the records of the County Assessor for property located outside of the City of Los Angeles).

b. Written notice shall also be mailed to residential, commercial and industrial occupants of all property, within 500 feet of the exterior boundaries of the property involved. This requirement can be met by mailing such notice to "occupant". This notice shall also conform to the requirements of Sec. 66451.3. of the California Government Code.

c. Notice of the public hearing shall be posted, by the applicant, in a conspicuous place on the property involved at least 10 days prior to the date of the public hearing.

d. Consideration of and action on such applications shall be limited to the proposed modifications.

3. No such modification or amending map may be approved unless the Advisory Agency, or the City Planning Commission or City Council on appeal finds each of the following:

a. That there are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary;

b. That the modifications do not impose any additional burden on the present fee owner of the property;

c. That the modifications do not alter any right, title or interest in the real property reflected on the recorded map;

d. That the map and conditions as modified conform to the provisions of Sec. 66474 of the California Government Code and this Code; and

e. That the decision maker has given consideration, among other factors, to the effects of the modifications on surrounding properties.

4. Modifications and amending maps shall be governed by the following limitations.

a. No modifications involving increases in density shall be allowed which would change the density of a subdivision as approved on appeal by the City Planning Commission or the City Council, where such density was the subject of the appeal to the City Planning Commission or the City Council.

b. Modifications involving increases in density over that originally approved by the Advisory Agency in approving the tentative map shall be limited as follows:

i. For subdivision of fewer than 10 lots or dwelling units, any density increase shall be limited to one lot or dwelling unit; and

ii. For subdivisions containing 10 or more lot or dwelling units, any increase shall be limited to not more than 10 percent of that originally approved.

c. Modifications involving either increase in the height of structures, or in the elevation of building pads where the elevation of such pads has been specified by the Advisory Agency, shall be limited as follows:

   i. An increase in the height of structures of not more than 10% above the approved height of such structures;

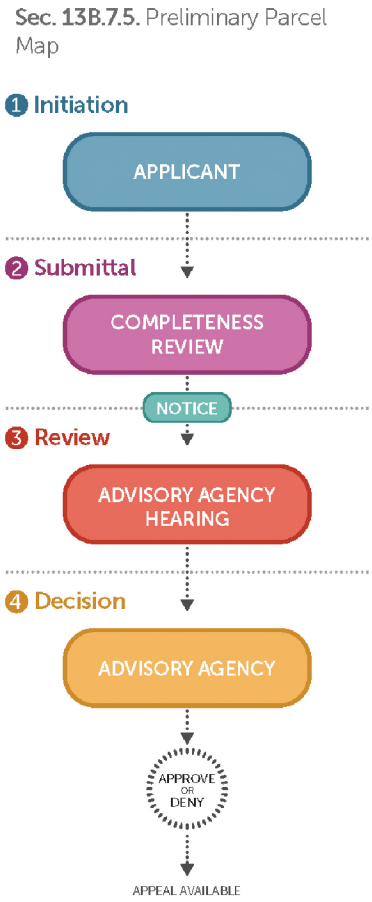
   ii. An increase in the elevation of building pads of not more than 5 feet above the approved elevation of such pads; or

   iii. Any such increase in height or elevation shall not obstruct the view from surrounding properties. A greater increase in the elevation of building pads may be approved if such increase has been determined to be necessary for health and safety reasons by the Department of Building and Safety.

d. No modifications shall be permitted which violate the intent of any of the original conditions of the Tract Map approval as that intent is expressed in the findings or otherwise by the decision maker.

5. An amending map or certificate of correction shall be recorded with the Office of the County Recorder in the manner specified in Sec. 66472 of the California Government Code. If the modification of one or more conditions does not require an amending map or certificate of correction, the approval of the modification shall be evidenced in a letter mailed to the subdivider and made a part of the subject tract file.

SEC. 13B.7.5. PRELIMINARY PARCEL MAP



A. Applicability

1. This Section applies to Parcel Maps. No land shall be separated in ownership or otherwise divided into two, three, or four parcels or condominiums, and no such divided parcel or condominium shall be separately maintained unless the division conforms to that shown on a Parcel Map which has been approved by the Advisory Agency and recorded in the Office of the County Recorder.

2. This Section does not apply to divisions of land that are exempt from the Subdivision Map Act. *Reference: See Sec. 66412 of the California Government Code*.

3. Waiver of Parcel Map

   a. The Advisory Agency may waive Parcel Maps required by this Division if the proposed division of land complies with all applicable requirements established by the Subdivision Map Act (Sec. 66410 et seq. of the California Government Code) or this Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or this Code, provided that in waiving such a Parcel Map, the Advisory Agency may receive a Preliminary Parcel Map.

   b. A request for a waiver of a Parcel Map shall be submitted by the subdivider in a form acceptable to the Advisory Agency. Notice of the action of the Advisory Agency upon such a request shall be given to the subdivider and to all persons to whom notification of the Preliminary Parcel Map is required by law. The Advisory Agency action on a request for a waiver of a Parcel Map may be appealed in accordance with the provisions of Sec. 13B.7.8. (Subdivision Appeal). Provided that in overruling an Advisory Agency denial of such a request for a waiver of a Parcel Map, the Appeal Board shall make the findings required by Subdivision 3.a. (Waiver) above.

B. Initiation

An application for a Preliminary Parcel Map, including all required materials, is filed with the Department.

C. Notice

1. Notice of Public Hearing

   a. The following notice is required for the public hearing on the initial decision by the Advisory Agency:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	10 days	• In a newspaper of general circulation in the city, designated for that purpose by the City Clerk
Mail	10 days	• Owners of all property located within 500 feet of the proposed subdivision; • All residential, commercial, and industrial occupants of all property located within 500 feet of the proposed subdivision; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing - Condominium and Stock Cooperative Notice

a. The following provisions apply only to cases where property is proposed for subdivision into condominiums, stock cooperatives, or community apartments, whether by new construction or by conversion of an existing building. In these cases, notice of the public hearing shall also be given to tenants as provided in this Subdivision.

a. The following notice is required for the public hearing on the initial decision by the Advisory Agency:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	15 days	• In addition to the notice provided in Subdivision 1. (Notice of Public Hearing) above, all names shown on a current list of tenants of the property proposed for subdivision. The subdivider shall provide the current list, which shall include the name and address of one tenant in each rental unit on the property.

b. In addition to the notice provisions for the public hearing, additional notice requirements may apply pursuant to: Sec. 12.95.2 (Conversion Projects: Residential) and Sec. 12.95.3 (Conversion Projects: Commercial/Industrial) of Chapter 1 (General Provisions and Zoning) of this Code; or Div. 11.5. (Condominiums, Community Apartments, & Stock Cooperatives) of this Chapter, as applicable.

c. Notice of Subdivision Approval

i. The subdivider shall give written notice of any subdivision approval to at least one tenant in each rental unit on the property within 30 days of the approval.

ii. The subdivider or record owner of the property for which a subdivision application is pending or approved shall give notice of that fact to any prospective tenant of the property before entering into any written or oral rental agreement with the prospective tenant.

iii. This Subdivision may be enforced through a Preliminary Parcel Map condition or a covenant running with the land.

3. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal by the Appeal Board:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	As required by state law	• Subdivider; • Appellant; • Advisory Agency; • Appeal Board (on appeal to the City Council); and • The Certified Neighborhood Council representing the area in which the property is located

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Advisory Agency is the initial decision maker.

3. Public Hearing

a. Upon receipt of a complete application, the Advisory Agency shall set the matter for public hearing at which evidence shall be taken, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Advisory Agency may waive the public hearing required in this Section if the applicant submits with the application the written approval of the owners of all properties abutting, across the street or alley from, and/or having a common corner with the parcel map.

4. Recommendation of Other Agencies

a. Upon receipt and acceptance of a properly prepared map, together with sufficient copies for appropriate City agencies, the Planning Department shall immediately forward copies to the City Engineer and, if in a Hillside Area, the Superintendent of Building for a report and recommendation.

b. The City Engineer and the Superintendent of Building shall make their reports within 21 days after the map is transmitted to them. If a geologic and soils engineering report is required as specified in Sec. 17.51 C. (Additional Reports) of Chapter 1 (General Provisions and Zoning) of this Code, they shall make their reports within 35 days after the subject geologic and soils report is received.

c. The Advisory Agency shall not take final action on any Preliminary Parcel Map until:

i. The Advisory Agency receives the City Engineer's report, and a report from the Superintendent of Building if the proposed Preliminary Parcel Map is in a Hillside Grading Area; or

ii. Until the expiration of the applicable period.

d. A copy of the preliminary Parcel Map shall be forwarded to the Chief Engineer of the Fire Department for report and recommendation to the Director. The Chief Engineer shall submit the report within seven days after the map is transmitted. Said report shall indicate whether the designated areas in which buildings are to be erected on each proposed parcel or lot, as shown on said map are less than 1,000 feet from a Los Angeles City Fire Department fire hydrant, said distance to be measured along a route providing reasonable access for the laying of fire hoses in an emergency, or whether adequate alternative fire protection exists or is in the process of being provided for said parcel or lots.

5. Action of Advisory Agency

a. The Advisory Agency shall review and either approve, conditionally approve or disapprove the map within 30 days after map is filed, or within additional time as mutually agreed upon in writing by the applicant and the Advisory Agency.

b. If geology and soils reports are required as specified in Sec. 17.51 C. (Filing of Preliminary Parcel Maps; Additional Reports) of Chapter 1 (General Provisions and Zoning) of this Code, the Advisory Agency shall act within 44 days after the subject geologic and soils reports are submitted by the applicant or within additional time as mutually agreed upon in writing by the applicant and the Director.

c. If the Advisory Agency refers a matter back to an agency as provided for in Subdivision 6.c. (Modification of Requirements) below, the time limits for action by the Advisory Agency are automatically extended for seven days.

d. Dedication

i. When the Advisory Agency determines that the proposed Parcel Map complies with all the provisions of the parcel map regulations of Article 7 (Division of Land Regulations) of Chapter 1 (General Provisions and Zoning) of this Code, and no dedication or improvement is required, it shall approve the map.

ii. When a dedication or improvement is required, the Advisory Agency may approve the proposed Parcel Map subject to the conditions for dedications as described in Sec. 17.53 C. (Approval of Preliminary Parcel Map Standards of Review; Conditions of Approval) of Chapter 1 (General Provisions and Zoning) of this Code being complied with to the satisfaction of the City Engineer.

e. Disapproval

If the Preliminary Parcel Map is disapproved, the disapproval shall be in writing, shall set forth the reasons and clearly indicate where the proposed Parcel Map would contradict any of these regulations, and shall be transmitted to the subdivider.

6. Modification of Requirements

a. The Advisory Agency may modify or waive any dedication or improvement requirements, if it determines such action is in the public interest.

b. The Advisory Agency may modify or waive the application of the Design Standards for Streets and Alleys and the improvements required by this Section and Sec. 17.05 (Design Standards) of Chapter 1 (General Provisions and Zoning) of this Code when it finds that their strict application would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of these regulations.

c. Before approving the omission of any of the above requirements, the Advisory Agency shall refer the matter back to the agency, which originally recommended the requirement, and to any other involved agency for further report, with a statement of the reasons for its omission.

d. The Advisory Agency may not waive any mandatory requirements relating to public health or safety recommended by other officials or departments in the exercise of their duties prescribed by law.

e. Where the Advisory Agency elects to modify or waive requirements it shall do so within the time limit established in Subdivision 5. (Action of Advisory Agency) above. The modification or waiver shall be consistent with the intent of these parcel map regulations.

7. Condition Consistency

If the City Council imposes a condition as part of an action on a related application that differs from a condition of approval on a Preliminary Parcel Map, then the Advisory Agency may make the Parcel Map conditions consistent with the City Council action.

8. Transmittal

A copy of the determination shall be mailed to the applicant, and to the owners of all properties abutting, across the street or alley from, or having a common corner with the subject property and/or to all persons who have filed written requests for notice with the Advisory Agency.

E. Standards for Review and Required Findings

In approving a Preliminary Parcel Map, the Advisory Agency shall find that: annotation note

1. The proposed map will be/is consistent with applicable General and specific plans;
2. The design and improvement of the proposed subdivision are consistent with applicable General and specific plans;
3. The site is physically suitable for the proposed type of development;
4. The site is physically suitable for the proposed density of development;
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems;
7. The design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; and

8. The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

F. Scope of Decision

1. General

a. See Sec. 13A.2.7 (Scope of Decision).

b. No building permit shall be issued, and no building or structure shall be constructed, altered or maintained on any land, which has been separated in ownership or otherwise divided into two to four parcels in violation of the provisions of this Section, unless a Parcel Map is recorded in the Office of the County Recorder. All conditions of approval shall be completed prior to recording the Parcel Map.

c. Neither the approval or conditional approval of any Parcel Map shall constitute or waive compliance with any other applicable provision of this Code, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of this Code.

2. Time Limit for Final Map Filing

a. Within 36 months after the approval or conditional approval of the Preliminary Parcel Map, the subdivider shall cause the proposed subdivision to be accurately surveyed and a Final Map prepared and filed with the City Engineer. The failure of a subdivider to file a map with the City Engineer within that period and to have the map submitted by the City Engineer to the City Clerk within the specified time limit shall automatically terminate and void the proceedings unless the time is extended by the Advisory Agency or the Appeal Board, upon appeal from a denial of the extension by the Advisory Agency.

b. The time limit for the submittal by the City Engineer of the Final Map to the City Council may be extended for a period or periods not exceeding a total of 72 months.

c. Exception

The term of a Preliminary Parcel Map approval shall be automatically extended pursuant to the provisions of Sec. 66452.21, 66452.22, and 66452.23 of the California Government Code, and any other current or future provision of the Subdivision Map Act that operates to extend the term of such approvals.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Subdivision Appeal

The action of the Advisory Agency may be appealed in accordance with Sec. 13B.7.8. (Subdivision Appeal).

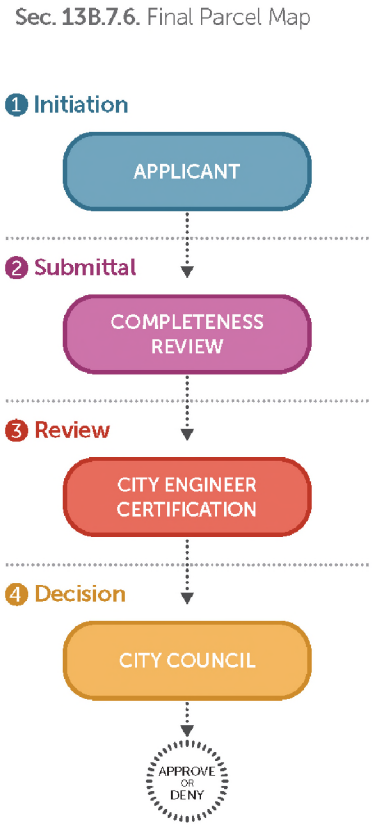
H. Modification of Entitlement

1. The Advisory Agency may grant slight modifications to a Preliminary Parcel Map upon its own initiative or upon a request from a subdivider.
2. The modifications may be granted where it is impractical to conform to the strict application of the requirements of this article for one or more of the following reasons relating to the property:
    a. Its size or shape;
    b. Title limitations of record;
    c. Topographical location or conditions, or subsurface conditions;
    d. The specific intended use; or
    e. The application of provisions of Article 1 (General Provisions) of Chapter 1 (General Provisions and Zoning) of this Code.
3. A request for slight modification shall be submitted in a form acceptable to the Advisory Agency.
4. Notice of the action of the Advisory Agency shall be given to the subdivider and to all persons to whom notification of the Preliminary Parcel Map is required by law.
5. The Advisory Agency action on a slight modification request may be appealed in accordance with the provisions of Sec. 13B.7.8. (Subdivision Appeal).
6. The action of the Advisory Agency on a slight modification or an appeal from that action shall not extend the time for recording a Parcel Map with the County Recorder.

I. Vesting Parcel Map

A Vesting Parcel Map may be filed pursuant to the provisions of Sec. 13B.7.3.I. (Tentative Tract Map; Vesting Tentative Map).

SEC. 13B.7.6. FINAL PARCEL MAP



A. Applicability

This Section applies to the approval of a Final Parcel Map after a Preliminary Parcel Map is approved.

B. Initiation

A Final Parcel map shall be prepared and filed with the City Engineer in compliance with the provisions of Article 7 (Division of Land Regulations) of Chapter 1 (General Provisions and Zoning) of this Code. Said map shall conform substantially to the approved Preliminary Parcel Map, or the approved Tentative Map, which was filed pursuant to the requirements contained in Sec. 17.50 (Parcel Maps - General Provisions) of Chapter 1 (General Provisions and Zoning) of this Code.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for a Final Parcel Map, and therefore no notice of a public hearing is required.

D. Decision

1. Decision Maker

The City Council is the decision maker.

2. Certification by City Engineer

Within 20 days after receiving the Parcel Map, the City Engineer shall examine it for the survey information shown thereon, and if satisfied that it is technically correct, shall certify the map in accordance with the provisions of the Subdivision Map Act.

3. City Council Acceptance

After the City Engineer certifies the Parcel Map in any offers of dedication, the City Council will approve or disapprove the Final Parcel Map in accordance with Sec. 66458 (Final Maps) of the California Government Code..

E. Standards for Review and Required Findings

1. The Final Parcel Map shall be accepted by the City Council provided that:

   a. The necessary improvements and grading or retaining structure construction, as set forth in the approval of the Preliminary Parcel Map, have been installed and approved by the City, or provided the subdivider executes an Improvement Agreement and submits or agrees to submit:

i. Improvement plans;

ii. Satisfactory grading or construction plans, where grading or construction of an engineered retaining structure is required in Hillside Areas; and

iii. Improvement Securities, warranty guarantees, and labor and material payment securities in accordance with provisions of Sec. 17.08 G. (Improvements) of Chapter 1 (General Provisions and Zoning) of this Code.

b. All approvals have been obtained from City departments and other public agencies; and

c. Any special assessment or bond required to be paid or guaranteed pursuant to Sec. 66493(c) of the Subdivision Map Act has been paid in full, or such payment has been guaranteed.

2. Park and Recreation Site Acquisition and Development Provisions

No final subdivision map shall be approved, nor shall it be recorded, unless land within the subdivision has been dedicated to the City of Los Angeles for park or recreational purposes or the park and recreation impact fee has been paid pursuant to Sec. 12.33 (Park Fees and Land Dedication) of Chapter 1 (General Provisions and Zoning) of this Code.

F. Scope of Decision

Each approved Parcel Map recorded with the County Recorder shall contain the following statement: "The approval of this Parcel Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits."

G. Appeals

There is no appeal.

H. Modification of Recorded Final Parcel Map

1. In addition to amendments to Parcel Maps authorized by Sec. 66469 (Correction and Amendment of Maps) of the California Government Code, after a Parcel Map is filed with the Office of the County Recorder, such recorded map, including the conditions of approval thereof, may be modified pursuant to the provisions of this Section. The provisions of this Section are not applicable to certificates of correction or amending maps filed pursuant to Sec. 66469 (Correction and Amendment of Maps) of the California Government Code.

2. Applications for certificates of correction or amending maps filed pursuant to this Section may be filed with the Advisory Agency. The submittal of an application and processing of such applications shall conform to the provisions of Sec. 13B.7.5. (Preliminary Parcel Maps) relating to the filing and processing of modifications of Preliminary Parcel Maps.

a. The public notice and hearing shall conform to the provisions of Sec. 13B.7.3. (Tentative Tract Maps). The decision of the Advisory Agency may be appealed in accordance with the applicable

provisions of Sec. 13B.7.8 (Subdivision Appeal) of this Code relating to the appeal of Preliminary Parcel Maps.

b. Consideration of and action on such applications shall be limited to the proposed modifications.

3. No such modification or amending map may be approved unless the Advisory Agency, or the Appeal Board or City Council on appeal, finds each of the following:

   a. That there are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary;

   b. That the modifications do not impose any additional burden on the present fee owner of the property;

   c. That the modifications do not alter any right, title or interest in the real property reflected on the recorded map;

   d. That the map and conditions as modified conform to the provisions of Sec. 66474 of the California Government Code and of this Code; and

   e. That the decision maker has given consideration, among other factors, to the effects of the modifications on surrounding properties.

4. Modifications and amending maps shall be governed by the following limitations.

   a. No modifications involving increases in density shall be allowed which would change the density of a parcel map as approved on appeal by the Appeal Board or the City Council, where such density was the subject of the appeal to the Appeal Board or the City Council.

   b. Modifications involving increases in density shall not exceed an increase of one lot or dwelling unit.

      i. For subdivision of fewer than 10 lots or dwelling units, any density increase shall be limited to one lot or dwelling unit; and

      ii. For subdivisions containing 10 or more lots or dwelling units, any increase shall be limited to not more than 10% of that originally approved.

   c. Modifications involving either increase in the height of structures, or in the elevation of building pads where the elevation of such pads has been specified by the Advisory Agency, shall be limited as follows:

      i. An increase in the height of structures of not more than 10 percent above the approved height of such structures;

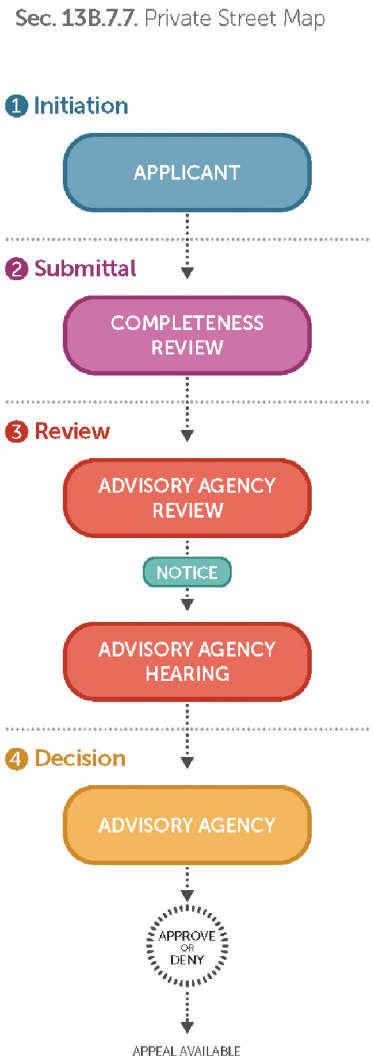
      ii. An increase in the elevation of building pads of not more than 5 feet above the approved elevation of such pads; or

      iii. Any such increase in height or elevation shall not obstruct the view from surrounding properties. A greater increase in the elevation of building pads may be approved if such increase has been determined to be necessary for health and safety reasons by the Department of Building and Safety.

d. No modifications shall be permitted which violate the intent of any of the original conditions of the parcel map approval as that intent is expressed in the findings or otherwise by the decision maker.

5. An amending map or certificate of correction shall be recorded with the Office of the County Recorder in the manner specified in Sec. 66472 (Correction and Amendment of Maps) of the California Government Code. If the modification of one or more conditions does not require an amending map or certificate of correction, the approval of the modification shall be evidenced in a letter mailed to the subdivider and made a part of the subject parcel map file.

SEC. 13B.7.7. PRIVATE STREET MAP



A. Applicability

1. This Section applies to the platting and division of land as lots or building sites, which are contiguous or adjacent to private road easements.
2. As to a lot or building site described in Subdivision 1. above, a Private Street Map must be approved before a building permit is issued.
3. This Section does not apply if the property is part of an application to approve a Parcel Map or Tract Map.

B. Initiation

An application for a Private Street Map is filed with the Department.

C. Notice

The Director shall give notice consistent with the provisions of Sec. 13B.7.3.C. (Tentative Tract Map; Notice).

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

a. The Director is the initial decision maker.

b. All private street maps and all prints or copies of maps as required in this Section shall be submitted to the Director for approval.

3. Referral

a. The Director shall not act on any Private Street Map until the City Engineer, the Department of Building and Safety, the Fire Department and the Department of Water and Power file their reports on the application.

b. Reports from the Departments shall be submitted to the Director within 30 days of the date they receive a request for the reports

4. Public Hearing

a. Upon receipt of a complete application, the Director shall set the matter for public hearing at which evidence shall be taken, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The Director may waive the public hearing required in this Section if the applicant submits with the application the written approval of all owners of properties adjacent or gaining access from the private street. No appeal hearing shall be waived.

c. With respect to private streets not set for public hearing, a copy of the determination shall be mailed to the applicant, and to the owners of properties adjacent or gaining access from the private street and to all persons who file written requests for notice with the Department.

5. Decision

a. Within 40 days after the application is deemed complete, the Director shall approve, conditionally approve, or disapprove the map.

b. The Director shall transmit its decision on the private street to the applicant in writing.

c. Any of the time limits specified in this Section may be extended by mutual consent of the applicant and the Director or the Appeal Board, as the case may be.

E. Standards for Review and Required Findings

1. General

The following standards apply to approval of a Private Street Map:

a. The private streets comply with Article 8 (Private Street Regulations) of Chapter 1 (General Provisions and Zoning) of this Code;

b. Adequate and safe vehicular access to the property exists from a public street over a private street for police, fire, sanitation and public service vehicles;

c. An adequate water supply is available for domestic and firefighting purposes;

d. An approved method of sewage disposal is available;

e. The lot or building site is graded and engineered in accordance with the grading regulations of the City as set forth in Article 1 (Buildings [Building Code]) of Chapter 9 (Building Regulations) of this Code; and

f. Any proposed name of a private street is approved by the City Engineer. The proposed street name shall not create confusion, be misleading, be unduly long, or carry connotations offensive to good taste and decency.

2. Offer to Dedicate Easements

a. Where it is necessary to acquire public easement rights, the Director may require an offer to dedicate easement.

b. The offer shall be properly executed by all parties having a record interest, including beneficiaries under deeds of trust, as shown by a current preliminary title report. The title report shall be prepared by a title company approved by the Bureau of Engineering for that purpose. The report shall be furnished by the applicant.

c. The offer shall:

i. Be on a form approved by the City Attorney and the City Engineer;

ii. Binding on the owner and its heirs, assigns or successors in interest;

iii. Continue until the City Council accepts or rejects it;

iv. Shall provide that the dedication is complete upon the acceptance by the City Council;

v. The Advisory Agency shall approve or disapprove the offer for recordation within 10 days after it is filed;

vi. The offer shall be recorded in the Office of the County Recorder upon its approval by the Director; and

vii. The recorded offer shall be promptly presented and processed by the City Departments concerned and submitted to the City Council, in order to complete the dedication within the earliest possible time. If the offer is rejected by the City Council, the Bureau of Right of Way and Land shall issue a release from such offer which shall be recorded in the Office of the County Recorder. When said Bureau approves the offer to dedicate, it shall notify the City Engineer.

F. Scope of Decision

1. No building permits shall be issued for the erection of buildings on lots or building sites which are contiguous or adjacent to private streets or private road easements unless the following requirements have been met:

   a. That the Private Street Map shall have been duly approved and written findings made as to the conditions of approval thereof.

   b. That the Director shall certify to the Department of Building and Safety that the conditions, if any, required by said written findings have been fulfilled in a satisfactory manner and that a permit may be issued.

2. The private street approval shall be void unless all conditions of approval are completed or fulfilled within six years from the date of approval, except that grading and improvement conditions are fulfilled if the required work is begun during that time limit and diligently carried on to completion.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Appeal Board is the appellate decision maker.

3. Filing

a. An applicant or any other person aggrieved by the Director's initial decision may file an appeal to the Appeal Board.

b. The appeal shall be filed within 15 days after Director's decision is mailed.

4. Decision

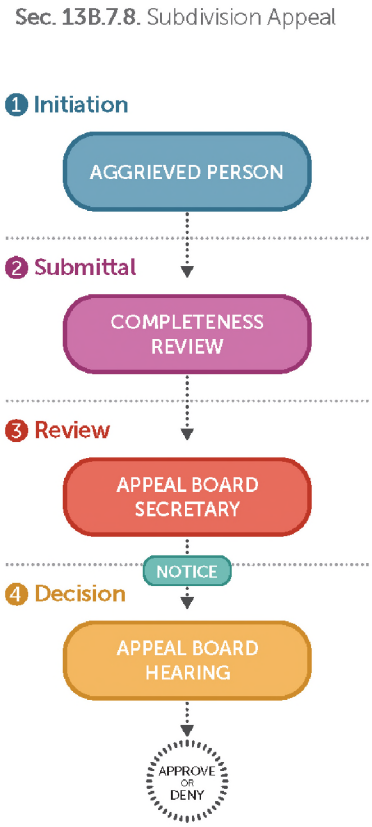
a. The Appeal Board shall consider the appeal within 30 days after the 15-day appeal period expires.

b. Within 14 days after the appeal is considered, the Appeal Board shall affirm, modify, or reverse the action or determination. The action of the Appeal Board shall be final.

H. Modification of Entitlement

The Director or the Board on appeal from a determination of the Advisory Agency, after a recommendation from the Board of Public Works, or the Department of Water and Power, or in the exercise of sound, reasonable judgment, may grant modifications from the requirements of Article 8 (Private Street Regulations) of Chapter 1 (General Provisions and Zoning) of this Code, only if the modifications are necessary because of the size, use, physical or other conditions or private road easement or the property contiguous or adjacent thereto.

SEC. 13B.7.8. SUBDIVISION APPEAL



A. Applicability

1. Each Section of this Division either establishes an appeals process, or indicates that an appeal is not available. This Section supplements those Sections. The appeal processes established for an individual procedure supersede this Section to the extent that they are inconsistent.

2. 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 Sec. 66499.35 (Remedies) of the California Government Code or an exemption from the Parcel Map regulations pursuant to Sec. 13B.7.2 (Parcel Map Exemption/Lot Line Adjustment) may appeal to the Appeal Board for a public hearing.

B. Initiation

1. An application for a Subdivision Appeal is filed with the Department.

2. Appeals must be filed within a period of 15 days after the date the initial decision was made.

3. The appeal is not considered filed unless and until the form is properly completed and all required information is submitted.

C. Notice

1. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal to the Appeal Board:

Type of Notice	When	Where / to Whom / Additional Requirements
Mail	As required by state law	• Applicant; • The person claiming to be aggrieved, if any; • The Advisory Agency; and • The Certified Neighborhood Council representing the area in which the property is located

D. Decision

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Appellate Decision

a. The complete appeal form and file shall be immediately transmitted to the Appeal Board Secretary for hearing before the Appeal Board.

b. The Appeal Board shall hear the appeal within 30 days after the expiration of the appeal period. Within 14 days after the appeal is considered, the Appeal Board shall affirm, modify, or reverse the action or determination.

c. 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.

d. Upon conclusion of the hearing, the Appeal Board shall within 14 days declare findings based upon the testimony and documents produced before it.

e. The Appeal Board may sustain, modify, reject, or overrule any recommendation or ruling of the Advisory Agency and may make findings consistent with applicable provisions of this Division.

f. Failure to timely act is deemed a denial of the appeal and the decision from which the appeal was taken shall be deemed affirmed.

g. Any of the time limits specified in this Division may be extended by mutual consent of the applicant and the Advisory Agency or the Appeal Board.

DIV. 13B.8. HISTORIC PRESERVATION

SEC. 13B.8.1. GENERAL PROVISIONS

A. Purpose

As a matter of public policy, the recognition, preservation, enhancement, and use of buildings, structures, Landscaping, Natural Features, and areas within the City having Historic, architectural, cultural or aesthetic significance are required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. This Division is designed to:

1. Protects and enhances the use of buildings, structures, Natural Features, and areas, which are reminders of the City's history, or which are unique and irreplaceable assets to the City and its neighborhoods, or which are worthy examples of past architectural styles;
2. Develops and maintains the appropriate settings and environment to preserve these buildings, structures, Landscaping, Natural Features, and areas;
3. Enhances property values, stabilize neighborhoods and/or communities, render property eligible for financial benefits, and promote tourist trade and interest;
4. Fosters public appreciation of the beauty of the City, of the accomplishments of its past as reflected through its buildings, structures, Landscaping, Natural Features, and areas;
5. Promotes education by preserving and encouraging interest in cultural, social, economic, political and architectural phases of its history;
6. Promotes the involvement of all aspects of the City's diverse neighborhoods in the historic preservation process; and
7. Ensures that all procedures comply with the California Environmental Quality Act (CEQA).

B. Applicability

1. General

This Division applies to any Project within a Historic Preservation Overlay Zone (HPOZ).

2. Exemptions

This Division does not apply to the following:

a. The correction of Emergency or Hazardous Conditions where the Department of Building and Safety, Housing and Community Investment Department, or other enforcement agency has determined that emergency or hazardous conditions currently exist and the emergency or hazardous conditions must be corrected in the interest of the public health, safety and welfare. When feasible, the Department of Building and Safety, the Housing Department, or other enforcement agency should

consult with the Director on how to correct the hazardous condition, consistent with the goals of the HPOZ. However, any other work shall comply with the provisions of this Division.

b. Department of Public Works improvements located, in whole or in part, within an HPOZ:

i. Where the Director finds:

a) That the certified Historic Resources Survey for the HPOZ does not identify any Contributing elements located within the Right-of-Way and/or where the Right-of- Way is not specifically addressed in the approved Preservation Plan for the HPOZ; and

b) Where the Department of Public Works has completed the CEQA review of the proposed improvement, and the review has determined that the improvement is exempt from CEQA, or will have no potentially significant environmental impacts.

ii. The relevant Board shall be notified of the Project, given a description of the Project, and an opportunity to comment.

c. Work authorized by an approved Historical Property Contract by the City Council.

d. Where a building, structure, Landscaping, Natural Feature or Lot has been designated as a City Historic- Cultural Monument by the City Council, unless proposed for demolition. However, those properties with Federal or State historic designation which are not designated as City Historic-Cultural Monuments or do not have a City Historical Property Contract are not exempt from review under this Division.

e. Where work consists of repair to existing structural elements and foundations with no physical change to the exterior of a building.

f. Where work consists of interior alterations that do not result in a change to an exterior feature.

g. Where the type of work has been specifically deemed exempt from review as set forth in the approved Preservation Plan for a specific HPOZ.

3. Authority of Cultural Heritage Commission Not Affected

Nothing in this Division supersedes or overrides the Cultural Heritage Commission's authority as provided in Sec. 22.171, et seq. of the Los Angeles Administrative Code.

4. Publicly Owned Property

The provisions of this Division shall apply to any building, structure, Landscaping, Natural Feature or lot within an HPOZ, which is owned or leased by a public entity to the extent permitted by law.

C. Definitions

The following definitions apply to this Division:

Addition. An extension or increase in floor area or height of a building or structure.

Alteration. Any exterior change or modification of a building, structure, Landscaping, Natural Feature or lot within a Historic Preservation Overlay Zone including but not limited to changing exterior paint color,

removal of significant trees or Landscaping, installation or removal of fencing, and similar Projects, and including street features, furniture or fixtures.

Board. The respective Historic Preservation Board as established by this Division.

Building Coverage. The area of a parcel covered by buildings measured from the outside of the exterior perimeter of a building, including covered porches, patios, and any detached or attached accessory structures. Building Coverage does not include uncovered areas such as paved parking, driveways, walkways, steps, terraces, decks, and porches; or roof overhangs and architectural projections not intended for shelter or occupancy.

Certificate of Appropriateness. An approved certificate issued for the construction, Additions over established thresholds outlined in Sec. 13B.8.4., Demolition, Reconstruction, Alteration, removal, or relocation of any publicly or privately owned building, structure, Landscaping, Natural Feature, or lot within a Historic Preservation Overlay Zone that is identified as a Contributing Element in the Historic Resources Survey for the zone, including street features, furniture or fixtures.

Certificate of Compatibility. An approved certificate issued for the construction of a new building or structure on a lot, Demolition, or building replacement of an element, identified as Non-Contributing, or not listed, in the Historic Resources Survey for the zone.

Contributing Element. Any building, structure, Landscaping, Natural Feature identified on the Historic Resources Survey as contributing to the Historic significance of the Historic Preservation Overlay Zone, including a building or structure which has been altered, where the nature and extent of the Alterations are determined reversible by the Historic Resources Survey.

Cultural. Anything pertaining to the concepts, skills, habits, arts, instruments or institutions of a given people at any given point in time.

Demolition. The removal of more than 50% of the perimeter wall framing, the removal of more than 50% of the roof framing, or the substantial removal of the exterior of a facade in the Street-Visible Area.

Historic. Any building, structure, Landscaping, Natural Feature, or lot, including street features, furniture or fixtures, which depicts, represents or is associated with persons or phenomena which significantly affect or which have significantly affected the functional activities, heritage, growth or development of the City, State, or Nation.

Historic Preservation Overlay Zone (HPOZ). Any area of the City containing buildings, structures, Landscaping, Natural Features or lots having Historic, architectural, Cultural or aesthetic significance and designated as a Historic Preservation Overlay Zone under the provisions of this Division.

Historical Property Contract. A contract between an Owner or Owners of a Historical-Cultural Monument or a Contributing Element and the City, which meets all requirements of Sec. 50281 and 50282 of the California Government Code and Sec. 19.140 et seq. of the Los Angeles Administrative Code.

Historic Resources Survey. A document, which identifies all contributing and non-contributing buildings, structures and all contributing Landscaping, Natural Features and lots, individually or collectively, including street features, furniture or fixtures, and which is certified as to its accuracy and completeness by the Cultural Heritage Commission.

Landscaping. The design and organization of landforms, hardscape, and softscape, including individual groupings of trees, shrubs, groundcovers, vines, pathways, arbors, etc.

Maintenance and Repair. Any work done to correct the deterioration, decay of, or damage to a building, structure or lot, or any part thereof, including replacement in-kind where required, and which does not involve a change in the existing design, materials, or exterior paint color.

Monument. Any building, structure, Landscaping, Natural Feature, or lot designated as a City Historic-Cultural Monument.

Natural Feature. Any significant tree, plant life, geographical or geological feature identified individually or collectively on the Historic Resources Survey as contributing to the Cultural or Historic significance of the Historic Preservation Overlay Zone.

Non-Contributing Element. Any building, structure, Natural Feature, lot, or Landscaping, that is identified in the Historic Resources Survey as a Non-Contributing element, or not listed in the Historic Resources Survey.

Owner. Any person, association, partnership, firm, corporation or public entity identified as the holder of title on any property as shown on the records of the City Engineer or on the last assessment roll of the County of Los Angeles, as applicable. For purposes of this Division, "Owner" also refers to an appointed representative of an association, partnership, firm, corporation, or public entity which is a recorded owner.

Project. The Addition, Alteration, construction, Demolition, Reconstruction, Rehabilitation, relocation, removal, or Restoration of the exterior of any building, structure, Landscaping, Natural Feature, or lot, within an HPOZ, except as provided under Subsection B.2. (Applicability; Exemptions) of this Section. A Project may or may not require a building permit, and may include but not be limited to changing exterior paint color, removal of significant trees or Landscaping, installation or removal of fencing, replacement of windows and/or doors which are character-defining features of architectural styles, removal of features that may or may not have a building permit, or changes to public spaces and similar activities.

Reconstruction. The act or process of reproducing by new construction the exact form, features and details of a vanished building, portion of a building, structure, landscape, Natural Feature, or object as it appeared at a specific period of time, on its original or a substitute lot.

Rehabilitation. The act or process of returning a property to a state of utility, through repair or Alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its Historical, architectural and Cultural values.

Renter. Any person, association, partnership, firm, corporation, or public entity which has rented or leased a dwelling unit or other structure within an HPOZ for a continuous time period of at least three years. For purposes of this Division, the "renter" also refers to an appointed representative of an association, partnership, firm, corporation, or public entity which is a renter.

Restoration. The act or process of accurately recovering the form, features and details of a property as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Right-Of-Way. The dedicated area that includes roadways, medians, and/or sidewalks.

Street Visible Area. Any portion of the front, side, and rear facades that can be seen from any adjacent street, alley, or sidewalk, or that would be visible but are currently obstructed by landscaping, fencing, or freestanding walls. It also includes undeveloped portions of the lot where new construction would be visible from the adjacent street or sidewalk; facades that are generally visible from non-adjacent streets due to steep topography; or second stories visible over adjacent one story structures.

D. Historic Preservation Board Establishment and Duties

1. Establishment

A Historic Preservation Board is established by this Section for each HPOZ. A Board may serve two or more HPOZs in joint name and administration. HPOZs may have separate individual Preservation Plans administered under one Board. Each Board shall have, as part of its name, words linking it to its area(s) of administration and distinguishing it from all other boards.

2. Composition

A Board shall be comprised of five members. Where a Board serves two or more HPOZs, the Board shall be comprised of seven members. At least three members shall be Renters or Owners of property in the HPOZ(s), with a Renter or property Owner representative from each HPOZ on the Board. If an HPOZ is established for an area insufficient in size to provide for a Board whose members meet the requirements of this Subsection, for appointment purposes only, the area may be expanded to include the community plan area in which the HPOZ is located. If a Board still cannot be comprised of members who meet the requirements of this subsection, the Director of Planning shall assume all the powers and duties otherwise assigned to the Board for the HPOZ(s), until a Board can be established.

3. Term of Membership

Members of the Board serve for a term of four years. Members of the Board whose terms have expired may continue to serve on the Board until their replacements are appointed.

4. Appointment of Members.

a. All members shall have demonstrated a knowledge of, and interest in, the culture, buildings, structures, historic architecture, history and features of the area encompassed by the HPOZ and, to the extent feasible, shall have experience in historic preservation. The appointing authorities are encouraged to consider the cultural diversity of the HPOZ in making their appointments. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term. To the maximum extent practicable, members shall be appointed as follows:

Appointing Body	Qualifications
Mayor	• One member having extensive real estate or construction experience
Councilmember	• One member who is a Renter or Owner of property in the HPOZ(s) shall be appointed by the Councilmember of the district in which the HPOZ is located • Where a Board serves two or more HPOZs, 2 Renters or Owners of property shall be appointed
Cultural Heritage Commission	• One member who is an architect licensed by the State of California • One member who is a Renter or Owner of property in the HPOZ(s) • Where a Board serves 2 or more HPOZs, 2 Renters or Owners of property shall be appointed
Board	• One member who is a Renter or Owner of property in the HPOZ(s), pursuant to the criteria set forth in Paragraph d. below

b. If a Board serves two or more HPOZs in joint name and administration, a Renter or property Owner representative shall be appointed for each HPOZ the Board serves.

c. If the HPOZ(s) is/are located in more than one council district, the appointment shall be made by the Councilmember representing the greatest land area in the HPOZs.

d. The Board shall consider appointee suggestions from the Certified Neighborhood Council representing the district in which the HPOZ(s) is/are located. In cases where the HPOZ(s) is/are located in an area represented by more than one Neighborhood Council, the appointee suggestions shall be made by the Neighborhood Council representing the greatest land area in the HPOZ(s). In those HPOZs containing no Certified Neighborhood Councils, or if, after notification of a vacancy by the Planning Department, the Certified Neighborhood Council fails to make suggestions within 45 days, or at least one Certified Neighborhood Council meeting has been held, whichever occurs first, the Board may make its appointment without delay.

5. Vacancies

In the event of a vacancy occurring during the term of a member of the Board, the same body or official, or their successors, who appointed the member shall make a new appointment. The new appointment shall serve a 4-year term beginning on the date of appointment. Where the member is required to have specified qualifications, the vacancy shall be filled with a person having these qualifications. If the appointing authority does not make an appointment within 60 days of the vacancy, the President of the City Council shall make a temporary appointment to serve until the appointing authority makes an appointment to occupy the seat or for a period of no more than one year.

6. Expiration of Term

Upon expiration of a term for any member of the Board, the appointment for the next succeeding term shall be made by the same body or official, or their successors, which made the previous appointment. No member of a Board shall serve more than two consecutive 4-year terms.

7. Board Member Performance

Board members are expected to regularly attend scheduled Board meetings and fully participate in the powers and duties of the Board. Appointees serve at the pleasure of the appointing authority and the appointment may be rescinded at any time prior to the expiration of a member's term. A board member with more than 3 consecutive unexcused absences or 8 unexcused absences in a year period from regularly scheduled meetings may be removed by the appointing authority. Excused absences may be granted by the Board chair. If a board member accrues unexcused absences, the Board shall notify the appointing authority.

8. Organization and Administration.

a. Each Board shall schedule regular meetings at fixed times within the month with a minimum of two meetings a month. Meetings may be canceled if no deemed complete applications are received at least three working days prior to the next scheduled meeting.

b. There shall be at least one meeting a year.

c. The Board shall establish rules, procedures and guidelines as it may deem necessary to properly exercise its function.

d. The Board shall elect a Chairperson and Vice-Chairperson who shall serve for a 1-year period. The Board shall designate a Secretary who shall serve at the Board's pleasure.

e. For a 5-member Board, three members is a quorum. For a 7-member Board, four members is a quorum. Decisions shall be determined by majority vote of the Board.

f. Public minutes and records shall be kept of all meetings and proceedings showing the attendance, resolutions, findings, determinations and decisions, including the vote of each member.

g. To the extent possible, the staff of the Department of City Planning may assist the Board in performing its duties and functions.

9. Power and Duties

When considering any matter under its jurisdiction, the Board has the following power and duties:

a. To evaluate any proposed changes to the boundaries of the HPOZ it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.

b. To evaluate any Historic Resources Survey, resurvey, partial resurvey, or modification undertaken within the HPOZ it administers and make recommendations to the City Planning Commission, Cultural Heritage Commission and City Council.

c. To study, review and evaluate any proposals for the designation of Historic-Cultural Monuments within the HPOZ it administers and make recommendations to the Cultural Heritage Commission and City Council, and to request that other City departments develop procedures to provide notice to the Boards of actions relating to Historic-Cultural Monuments.

d. To evaluate applications for Certificates of Appropriateness or Certificates of Compatibility and make recommendations to the Director or the Area Planning Commission.

e. To encourage understanding of and participation in historic preservation by residents, visitors, private businesses, private organizations and governmental agencies.

f. In pursuit of the purposes of this Division, to render guidance and advice to any Owner or occupant on construction, Demolition, Alteration, removal or relocation of any Monument or any building, structure, Landscaping, Natural Feature or lot within the HPOZ it administers. This guidance and advice shall be consistent with approved procedures and guidelines, and the Preservation Plan, or in absence of a Plan, the guidance and advice shall be consistent with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

g. To tour the HPOZ it represents on a regular basis, to promote the purposes of this Division and to report to appropriate City agencies matters which may require enforcement action.

h. To assist in the updating of the Historic Resources Survey for the HPOZ using the criteria in Sec. 13B.8.2.B.3 (Historic Preservation Overlay Zone Designation; Initiation; Historic Resources Survey).

i. To make recommendations to decision makers concerning façade easements, covenants, and the imposition of other conditions for the purposes of historic preservation.

j. To make recommendations to the City Council concerning the utilization of grants and budget appropriations to promote historic preservation.

k. To assist in the preparation of a Preservation Plan, which clarifies and elaborates upon these regulations as they apply to the HPOZ, and which contains the elements listed in Sec. 13B.8.3.B.2. (Preservation Plan Adoption/Amendment; Initiation; Elements).

10. Conflict of Interest

No Board member shall discuss with anyone the merits of any matter pending before the Board other than during a duly called meeting of the Board or subcommittee of the Board. No member shall accept professional employment on a case that has been acted upon by the Board in the previous 12 months or is reasonably expected to be acted upon by the Board in the next 12 months.

E. Enforcement

1. Inspections and Violations

a. The Department of Building and Safety, the Housing Department, or any successor agencies, whichever has jurisdiction, shall make all inspections of properties which are in violation of this Division when apprised that work has been done or is required to be done pursuant to a building permit.

b. Violations, the correction of which do not require a building permit, shall be investigated and resolved jointly by the Planning Department, the Department of Building and Safety, the Housing and Community Investment Department, or any successor agencies, whichever has jurisdiction, and if a violation is found, the Planning Department may then request the Department of Building and Safety, the Housing and Community Investment Department or any successor agencies to issue appropriate orders for compliance.

c. Any person who fails to comply with the provisions of this Division is subject to the provisions of Sec. 11.00 (m) (Provisions Applicable to Code) of this Code. The Owner of the property in violation shall be assessed a minimum inspection fee, as specified in Sec. 98.0412 (Inspection Fees) of this Code for each site inspection. No building permit shall be cleared by the Planning Department while an outstanding violation exists, regardless of whether a building permit is required or not for the violation.

2. Demolition of Buildings Without a Permit

If a Contributing or Non-Contributing Element, or a portion thereof, is Demolished or relocated without benefit of a building permit and Certificate of Appropriateness or Certificate of Compatibility approvals pursuant to Sec. 13B.8.6.E. (Certificate of Appropriateness (Demolition, Removal, or Relocation); Standards for Review and Required Findings) and Sec. 13B.8.7.D.4. (Certificate of Compatibility for Non-Contributing Elements; Decision), the matter shall be reviewed by the Director of Planning as provided in Subdivision 3.c. (Preliminary Evaluation of Demolition or Relocation Without Permit; Procedures) below.

3. Preliminary Evaluation of Demolition or Relocation Without Permit

a. Purpose

The purpose of this Subdivision is to require the documentation of the loss of historic features as a result of unpermitted construction or Demolition activities, relocation, neglectful ownership, or man-made disaster.

b. Prohibition

Where all or portions of a Contributing or Non-Contributing Element have been Demolished or relocated without the necessary approvals, the provisions of Sec. 13B.8.6.E. (Certificate of Appropriateness (Demolition, Removal, or Relocation); Standards for Review and Required Findings) or Sec. 13B.8.7.D.4. (Certificate of Compatibility for Non-Contributing Elements; Decision), shall not apply. Upon completion of a Preliminary Evaluation of Demolition or Relocation without Permit, and Sec. 91.106.4.1(10) proceedings by the Department of Building and Safety, an application for Certificate of Appropriateness or Certificate of Compatibility shall be reviewed in accordance with the provisions of Sec. 13B.8.5. (Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)), Sec. 13B.8.6. (Certificate of Appropriateness (Demolition, Removal, or Relocation)), and Sec. 13B.8.7. (Certificate of Compatibility for Non-Contributing Elements), whichever is applicable.

c. Procedures

i. Evaluation

The Director of Planning or his or her designee can initiate review on the Demolition or relocation of a structure, in whole or in part, commenced prior to the issuance of a building permit. During the investigation, all work on the site shall cease and an order to comply shall be issued per Subsection E.1 (Enforcement; Inspections and Violations) of this Section. Review by the Director shall include, but is not limited to: documentation of the structure(s) as it(they) existed at the time of the Historic Resources Survey, permit history research, site visits,

documentation of the loss of building features, identification of salvageable features, and evaluation of the demolition's impact on the historic resource.

ii. Evaluation Fees

Fees for the preliminary evaluation will be assessed pursuant to Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code.

d. Notice

A copy of the evaluation shall be mailed to the Department of Building and Safety, the applicant, the Board, Council Office, and any other interested parties.

e. Proceedings per LAMC Section 91.106.4.1(10)

i. Upon completion of the evaluation, the matter shall be referred to the Department of Building and Safety for investigation and enforcement pursuant to Sec. 91.106.4.1(10) of this Code. The Department of Building and Safety shall be authorized to withhold development permits on said property for five years if it determines that demolition occurred in violation of the Sec. 91.106.4.1(10) of this Code. Any person who has failed to comply with the provisions of Sec. 13B.8.6.E. (Certificate of Appropriateness (Demolition, Removal, or Relocation); Standards of Review and Required Findings) or Sec. 13B.8.7.D.6. (Certificate of Compatibility for Non-Contributing Elements; Decision; Certificates of Compatibility for the Demolition of Non-Contributing Elements) is subject to the provisions of Sec. 11.00 (l) (Provisions Applicable to Code) of this Code.

ii. During the Sec. 91.106.4.1(10) of this Code proceedings and the 5-year penalty period, the property owner is responsible for protecting any features of the original structure, which remain intact, securing the property from vandalism and theft, and keeping the property free of other nuisances.

4. Injunctive Relief

Where it appears that the Owner, occupant or person in charge of a building, structure, Landscaping, Natural Feature, lot or area within an HPOZ threatens, permits, is about to do or is doing any work or activity in violation of this Division, the City Attorney may apply to an appropriate court for a temporary restraining order, preliminary or permanent injunction, or other or further relief as appears appropriate.

F. Relation to Other Provisions of the Zoning Code

When the City Council establishes, adds land to, eliminates land from or repeals in its entirety an HPOZ, this Division does not abrogate any other provision of this Code. Any portion of a street that is located within an HPOZ(s) or shares a boundary with an HPOZ(s), is not subject to the street dedication and/or improvement requirements as set forth in Sec. 12.37 A.-C. (Highway and Collector Street Dedication and Improvement) and 17.05 (Design Standards) of Chapter 1 (General Provisions and Zoning) of this Code unless requested by the Director of Planning. However, the existing sidewalk(s) shall comply with any accessibility guidelines within the public right-of-way that are adopted to comply with Title II of the Americans with Disabilities Act. When it appears that there is a conflict, the most restrictive requirements of this Chapter or Chapter 1

(General Provisions and Zoning) of this Code apply, except for a requirement in this Division that would compromise public safety if enforced.

SEC. 13B.8.2. HISTORIC PRESERVATION OVERLAY ZONE DESIGNATION

A. Applicability

1. This Section applies to the establishment, boundary change, or repeal of a Historic Preservation Overlay Zone (HPOZ).

2. The processing of an initiation or an application to establish, change the boundaries of or repeal an HPOZ shall conform to all the requirements of Sec. 13B.1.4. (Zone Change) and the following additional requirements.

B. Initiation

1. By City Council, City Planning Commission, Director of Planning, or Cultural Heritage Commission

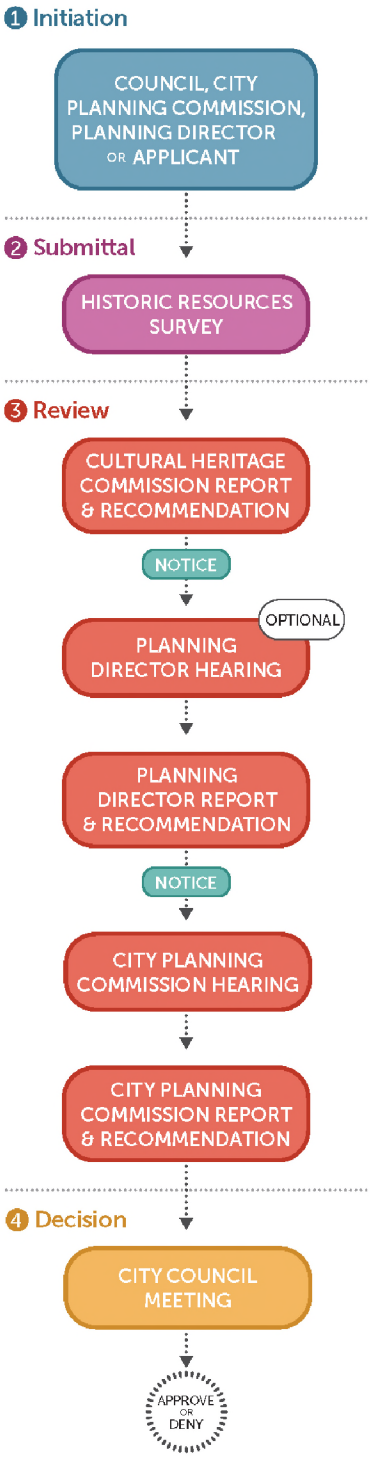
In addition to the provisions of Sec. 13B.1.4. (Zone Change), the Cultural Heritage Commission may initiate proceedings to establish, repeal, or change the boundaries of an HPOZ. Upon initiation by City Council, the City Planning Commission, the Director of Planning, or the Cultural Heritage Commission, a Historic Resources Survey shall be prepared, pursuant to Subdivision 3. (Historic Resources Survey) below.

2. By Application

a. Owners or Renters of property within the boundaries of the proposed or existing HPOZ may initiate the establishment of an HPOZ.

b. A Historic Resources Survey shall not be prepared for a proposed HPOZ until the Planning Department verifies that the application contains the signatures of at least 75% of the Owners or lessees of property within the proposed district.

c. Applications initiated by Owners or Renters are not complete until the requirements of Paragraph b. above are met and the Cultural Heritage Commission certifies a Historic Resources Survey for the proposed HPOZ pursuant to Subsection D. (Decision) of this Section.



3. Historic Resources Survey

a. Purpose

Each HPOZ shall have a Historic Resources Survey, which identifies all Contributing and Non-Contributing Elements and is certified as to its accuracy and completeness by the Cultural Heritage Commission.

b. Context Statement

In addition to the requirements above, the Historic Resource Survey shall also include a context statement supporting a finding establishing the relation between the physical environment of the HPOZ and its history, thereby allowing the identification of Historic features in the area as Contributing or Non-Contributing. The context statement shall represent the history of the area by theme, place, and time. It shall define the various Historical factors which shaped the development of the area. It shall define a period of significance for the HPOZ, and relate Historic features to that period of significance. it may include, but not be limited to, Historical activities or events, associations with Historic personages, architectural styles and movements, master architects, designers, building types, building materials, landscape design, or pattern of physical development that influenced the character of the HPOZ at a particular time in history.

c. Finding of Contribution

For the purposes of this Section, no building, structure, Landscaping, or Natural Feature shall be considered a Contributing Element unless it is identified as a Contributing Element in the Historic Resource Survey for the applicable HPOZ. Features designated as Contributing shall meet one or more of the following criteria:

i. Adds to the Historic architectural qualities or Historic associations for which a property is significant because it was present during the period of significance, and possesses Historic integrity reflecting its character at that time;

ii. Owing to its unique location or singular physical characteristics, represents an established feature of the neighborhood, community or city; or

iii. Retaining the building, structure, Landscaping, or Natural Feature, would contribute to the preservation and protection of a Historic place or area of Historic interest in the City.

d. Modification of a Previously Certified Historic Resources Survey

The City Council, City Planning Commission, or Director may find that a previously certified Historic Resource Survey needs to be modified, and may call for a revision, re-survey, or partial re-survey to a previously certified survey. Modifications, including boundary changes, re-surveys, partial re-surveys, and minor corrections of a previously certified Historic Resources Survey shall be processed as follows:

i. Revisions involving a boundary change, expansion, or contraction of an HPOZ shall be certified by the Cultural Heritage Commission as to the accuracy of the survey, and shall be forwarded to the City Planning Commission for recommendation and the City Council for final action.

ii. Revisions involving a re-survey or partial re-survey of an existing HPOZ shall be certified by the Cultural Heritage Commission as to the accuracy of the survey, and shall be forwarded to the City Planning Commission for final action.

iii. The correction of technical errors and omissions in a previously certified Historic Resource Survey can be made by the Director based on input from the Board and the Cultural Heritage Commission or its designee.

e. Application Procedure for Redesignation of an Individual Property in a Certified Historic Resources Survey (Technical Correction)

i. Application Form and Contents

To apply for a technical correction to a previously certified Historic Resources Survey pursuant to Paragraph d.iii. above, an applicant shall file an application with the Department of City Planning, on a form provided by the Department, and include all information required by the instructions on the application. Prior to deeming the application complete, the Director shall advise the applicant of the processes to be followed and fees to be paid. Upon receipt of a complete application, the Director shall review all documents submitted and may approve or deny a technical correction.

ii. Application Fees

The application fees for a Property Survey Redesignation are set forth in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning).

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Publication	24 days	• In a newspaper of general circulation in the city, designated for that purpose by the City Clerk • If City initiated, in 2 newspapers of general circulation in the city, designated for that purpose by the City Clerk
Mail	24 days	• The applicant; • The owner(s) of the property involved; • The owners and occupants of all property within and outside the City within 500 feet of the area to be changed; • Residential, commercial and industrial occupants of all properties within 500 feet of the exterior boundaries of the property involved (or the expanded area described below); and • The Certified Neighborhood Council representing the area in which the property is located

Type of Notice	When	Where / To Whom / Additional Requirements
Posting (applicant initiated Zone Changes only)	10 days	• If an applicant initiates the establishment of a new HPOZ, notice will be posted at key entry points to the proposed HPOZ with no less than 3 postings • If a Hearing Officer is designated to conduct the public hearing, then the applicant, in addition to posting notice of the public hearing, will also post notice of the initial meeting of the City Planning Commission on the matter

b. If the mailed notice does not result include at least 20 different owners of at least 20 different lots other than the subject property, then the notification radius will increase in increments of 50 feet until that number of owners and lots are within the expanded area.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Cultural Heritage Commission Determination

a. The Cultural Heritage Commission shall certify each Historic Resources Survey as to its accuracy and completeness, and the establishment of or change in boundaries of an HPOZ upon:

i. A majority vote; and

ii. A written finding that structures, Landscaping, and Natural Features within the HPOZ meet one or more of criteria in Subsection B.3.c. (Initiation; Historic Resources Survey) of this Section.

b. The Cultural Heritage Commission shall act within 45 days from the date of the submission to the Commission. This time limit may be extended for a specified further time period if the Cultural Heritage Commission requests an extension, in writing, from the City Planning Commission.

c. Upon action, or failure to act, the Cultural Heritage Commission shall transmit their determination, comments, and any related files to the City Planning Commission for recommendation.

3. City Planning Commission Approval

a. The City Planning Commission shall make its report and recommendation to approve, approve with changes, or disapprove the establishment, repeal, or change to the boundaries of an HPOZ, pursuant to Sec. 13B.1.4.D. (Zone Change; Decision).

b. However, notice of a public hearing will be given in the manner specified in Subsection C. (Notice) of this Section.

c. The Director and the City Planning Commission may recommend conditions to be included in the initial Preservation Plan for a specific HPOZ, as appropriate to further the purpose of this Section.

4. City Council

   a. The City Council may approve or disapprove the establishment, repeal, or change in the boundaries of an HPOZ.

   b. The City Council may require that a specific HPOZ not take effect until a Preservation Plan for the HPOZ is approved by the City Planning Commission.

E. Standards for Review and Required Findings

1. In approving a Historic Preservation Overlay Zone designation, the City Planning Commission and City Council shall find that the proposed boundaries are appropriate and make the findings of contribution required in Subsection B.3.c. (Initiation; Historic Resources Survey) of this Section.

2. The City Planning Commission shall also carefully consider the Historic Resources Survey and the determination of the Cultural Heritage Commission.

F. Scope of Decision

1. Once an HPOZ has been adopted, all projects within the HPOZ must comply with the procedures in this Division.

2. All Projects within HPOZs, except as exempted in Sec. 13B.8.1.B.2. (General Provisions; Applicability; Exemptions), shall be submitted in conjunction with an application, if necessary, to the Department of City Planning on a form provided for that purpose.

3. Upon receipt of an application, the Director shall review a request and find whether the Project requires:

   a. A Certificate of Appropriateness, pursuant to Sec. 13B.8.5 and Sec. 13B.8.6.;

   b. A Certificate of Compatibility, pursuant to Sec. 13B.8.7.;

   c. Is eligible for review under Conforming Work on Contributing Elements, pursuant to Sec. 13B.8.4.; or

   d. Conforming Work on Non-Contributing Elements, pursuant to Sec. 13B.8.4.

4. All questions of Street Visible Area are determined by Department of City Planning staff.

5. If multiple applications are received resulting in a significant cumulative impact to a Structure or feature in the Street Visible Area, a Certificate of Appropriateness or Certificate of Compatibility may be required for additional work.

G. Appeals

There is no appeal.

H. Modification of HPOZ Designation

The establishment or boundary change of an HPOZ may be modified or repealed by following the same procedures established above for the original action.

SEC. 13B.8.3. PRESERVATION PLAN ADOPTION/AMENDMENT



A. Applicability

This Section applies to the adoption of Preservation Plans. A Preservation Plan clarifies and elaborates upon the "HP" Historic Preservation Overlay Zone regulations as they apply to individual HPOZs. A Preservation Plan is used by the Director, Historic Preservation Board (Board), property Owners and residents in the application of preservation principles within an HPOZ.

B. Initiation

1. Preparation

The Board shall make a draft Preservation Plan available for review and comment to property Owners and Renters within the HPOZ.

a. If a Board exists, it will prepare the Preservation Plan with the Director's assistance. Historic preservation groups may also assist in this effort.

b. If no Board exists, or has yet to be appointed, the Director may create a working committee of diverse neighborhood stakeholders to prepare a Preservation Plan for the HPOZ. The Director will consult with the Councilmember(s) representing the HPOZ. This committee does not have any duties beyond preparing the Preservation Plan.

2. Elements

A Preservation Plan shall contain the following elements:

a. A mission statement;

b. Goals and objectives;

c. A function of the Plan Section, including the role and organization of a Preservation Plan, Historic Preservation Overlay Zone process overview, and work exempted from review, if any, and delegation of Board authority to the Director, if any;

d. The Historic Resources Survey;

e. A brief context statement which identifies the Historic, architectural and Cultural significance of the HPOZ;

f. The Secretary of the Interior's Standards for Rehabilitation;

g. Design guidelines for Rehabilitation or Restoration, Additions, Alterations, infill and the form of single and multi-family residential, commercial and other non-residential buildings, structures, and

public areas. The guidelines shall use the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and

h. Preservation incentives and adaptive reuse policies, including policies concerning adaptive reuse projects permitted under the Class 1 Conditional Use Permit regulations (see Sec. 12.24 X.12 of Chapter 1 of this Code).

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing on the initial decision:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The applicant (if initiated by property owners or residents); • The owner(s) and occupants of the property involved; • The owners of all property within and outside the City within 500 feet of the exterior boundaries of the area subject to the application (or the expanded area described below); • Residential, commercial and industrial occupants of all property within 500 feet of the application area; and • The Certified Neighborhood Council representing the area in which the property is located

b. If the mailed notice does not include at least 20 different owners of at least 20 different lots other than the subject property, the notification radius will increase in increments of 50 feet until that number of owners and lots are encompassed within the expanded area.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The City Planning Commission is the initial decision maker.

3. Public Hearing

a. A draft Preservation Plan shall be set for a public hearing before the City Planning Commission or a Hearing Officer designated by the City Planning Commission, with notice given in the manner specified in Subsection C. (Notice) of this Section.

b. If a Hearing Officer is designated, the Hearing Officer shall submit a written report with conclusions and recommendations to the City Planning Commission after the hearing concludes. The report shall be submitted within a period of time fixed by the Commission.

4. Cultural Heritage Commission Recommendation

The Cultural Heritage Commission shall submit its recommendation regarding a proposed Preservation Plan within 45 days of its submission to the Commission. Upon action, or failure to act, the Cultural Heritage Commission shall transmit its recommendation, if any, comments, and any related files to the City Planning Commission.

5. Decision

The City Planning Commission shall render the initial decision within 75 days of the Preservation Plan being submitted.

E. Standards for Review

In approving a Preservation Plan Adoption or Amendment, the City Planning Commission shall consider whether the Preservation Plan is reasonable, including:

1. Whether the policies, guidelines and standards are consistent with the General Plan, community plan, or any specific plan;
2. Whether the document is internally consistent;
3. Whether the document is consistent with sound planning principles;
4. Whether the document is consistent with state and federal law; and
5. Any other factors the Commission deems appropriate.

F. Scope of Decision

The Preservation Plan, Guidelines and Standards are in addition to those set forth in this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, and any other relevant ordinances and do not convey any rights not otherwise granted under the provisions and procedures contained in those Chapters and other relevant ordinances, except as specifically provided in this Section.

G. Appeals

There is no appeal.

H. Modification of Preservation Plan

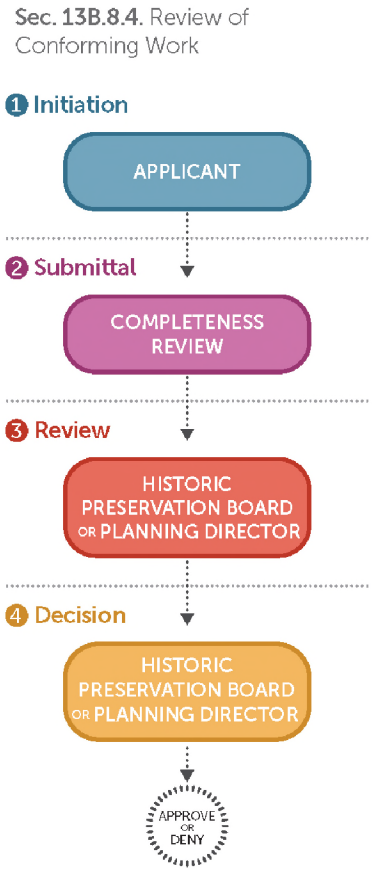
1. Review

After approval by the City Planning Commission, the Board shall review a Preservation Plan at least every 5 years, or as needed.

2. Modifications

Any modifications to a Preservation Plan resulting from the review shall be processed pursuant to the provisions of Subsections B. (Initiation) - F. (Scope of Decision) of this Section.

SEC. 13B.8.4. REVIEW OF CONFORMING WORK



A. Applicability

1. General

a. This Section applies to the Review of Conforming Work on Contributing and Non-Contributing Elements.

b. Conforming Work may fall into two categories: Major Conforming Work and Minor Conforming Work.

c. This Section requires Conforming Work on Contributing Elements for some Projects which may, or may not, require a building permit, including, but not limited to, changing exterior paint color, removal of significant trees (for Contributing Elements), removal of trees (for Non-Contributing Elements), removal of Landscaping, installation or removal of fencing, window and door replacement, changes to public spaces, and similar Projects.

2. Conforming Work on Contributing Elements

a. Conforming Work meeting the criteria and thresholds set forth in this Subsection does not require Certificates of Appropriateness set forth in Sec. 13B.8.5. (Construction, Addition, Alteration, or Reconstruction) and Sec. 13B.8.6. (Demolition, Removal, or Relocation).

b. Where the Project consists of the Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure:

i. The Director shall review the request and determine whether it qualifies for review under Conforming Work, based on at least one of the following considerations:

a) It can be demonstrated that the structure was built outside of the Period of Significance for the HPOZ through building permits, or where building permits do not exist, through Sanborn Fire Insurance Maps or historic records or photographs.

b) The Demolition of the structure will not degrade the status of the lot as a Contributing Element in the Historic Preservation Overlay Zone.

c) The Demolition will not affect the integrity and development pattern of the district as a whole.

ii. Any request for the Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure that does not meet one or more of the above criteria is reviewed pursuant to Certificate of Appropriateness provisions (see Sec. 13B.8.5. (Construction, Addition, Alteration, or Reconstruction) and Sec. 13B.8.6. (Demolition, Removal, or Relocation)).

3. Conforming Work on Non-Contributing Elements

Conforming Work meeting the criteria and thresholds set forth in this Subsection does not require Certificates of Compatibility set forth in Sec. 13B.8.7. (Certificate of Compatibility for Non-Contributing Elements).

4. Failure to Meet Conforming Elements Criteria

a. If an application fails to conform to the criteria of Conforming Work on Contributing Elements, an applicant may elect to file for review under the Certificate of Appropriateness procedure pursuant to Sec. 13B.8.5. (Construction, Addition, Alteration, or Reconstruction) and Sec. 13B.8.6. (Demolition, Removal, or Relocation)).

b. If an application fails to conform to the criteria of Conforming Work on Non-Contributing Elements, an applicant may elect to file for review under the Certificate of Compatibility procedure pursuant to Sec. 13B.8.7. (Certificate of Compatibility for Non-Contributing Elements).

B. Initiation

1. Application, Form and Contents

To apply for Conforming Work, an owner shall file an application with the Department of City Planning and include all information required by the instructions on the application. Prior to deeming the application complete, the Director shall determine and, if necessary, advise the applicant of the processes to be followed and fees to be paid.

2. Application Fees

The application fees for Major Conforming are set forth in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code. Minor Conforming Work does not require an application fee.

C. Notice

1. Notice of Public Hearing

There is no public hearing required for a Review of Conforming Work, and therefore no notice of a public hearing is required.

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

Pursuant to Sec. 13B.8.2.F.3. (Historic Preservation Overlay Zone Designation; Scope of Decision), the Director shall forward applications for Conforming Work to the Board for conformance review and sign off. The Board may delegate its review authority to the Director of Planning as specified in the Preservation Plan approved for the HPOZ.

3. Meeting and Decision

a. Time to Act

The Board shall act on a request for Conforming Work at its next agendized Board meeting within 21 days of the Director deeming an application complete, unless the applicant and the Director mutually agree in writing to an extension of time. Applications reviewed under Conforming Work shall be agendized by the Board.

b. Certification

The Board shall review and sign off a request for Conforming Work if it finds that the work meets the criteria as set forth in Subsection A.2.b. (Applicability; Conforming Work on Contributing Elements) of this Section and Subsection E. (Standards for Review and Required Findings) of this Section. The Board does not have the authority to impose conditions on Conforming Work. If the Board finds that the work does not meet the criteria, it shall specify in writing as to why.

c. Failure to Act

The applicant may request a transfer of jurisdiction to the Director if the Board fails to act within 21 days.

E. Standards for Review and Required Findings

1. Conforming Work on Contributing Elements

A request for Conforming Work on Contributing Elements shall be reviewed for conformity with the Preservation Plan for the HPOZ, or if none exists, the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and at least one of following conditions:

Review Criteria for Contributing Elements		
Project Scope		
a. Minor Conforming Work	i.	Restoration work, Rehabilitation, Maintenance, and/or Repair of architectural features on any Contributing Building, structure, Landscaping, Natural Feature, or lot
	ii.	Projects that do not require the issuance of a building permit but affect the building or site, pursuant to Sec. 91.106.2 of this Code
b. Major Conforming Work	i.	Addition(s) to any and all structures on a lot or new Building(s) that satisfy all of the following: • The Addition(s) or new Building(s) result(s) in an increase of less than 20% of the Building Coverage legally existing on the effective date of the HPOZ; • The Addition(s) or new Building(s) is/are located outside of a Street Visible Area; • No increase in height is proposed; and • The Addition(s) and/or new Building does/do not involve two or more structures

Review Criteria for Contributing Elements		
Project Scope		
	ii.	Construction of detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure in a Street Visible Area in which the proposed square footage is equal to less than 10% of the lot area
	iii.	Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure pursuant to the criteria set forth in Subsection A.2.b. (Applicability; Conforming Work on Contributing Elements) of this Section
	iv.	Demolition and Reconstruction taken in response to natural disaster or to correct a hazardous condition (subject to the provisions of Sec. 5028 of the California Public Resources Code, where applicable)
	v.	Correction of Code Enforcement Conditions

2. Conforming Work on Non-Contributing Elements

A request for Conforming Work on Non-Contributing Elements shall be reviewed for conformity with the Preservation Plan for the HPOZ, and at least one of following conditions:

Review Criteria for Contributing elements:		
Project Scope:		
a. Minor Conforming Work	i.	Rehabilitation, Maintenance, or Repair of architectural features on any Non-Contributing building, structure, Landscaping, Natural Feature or lot
	ii.	Relocation of buildings or structures dating from the HPOZ's Period of Significance onto a lot designated as a Non-Contributing element in an HPOZ
	iii.	Projects that do not require the issuance of a building permit but affect the building or site, pursuant to Sec. 91.106.2 of this Code
b. Major Conforming Work	i.	Addition(s) to any and all structures on a lot
	ii.	Construction or Demolition of a structure located outside of a Street Visible Area
	iii.	Construction of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure located in a Street Visible Area in which the proposed square footage is equal to less than 10% of the lot area.
	iv.	Relocation or Demolition of a detached garage, porte cochere, carport, storage building, tool or garden shed, or animal-keeping use structure located in a Street Visible Area
	v.	Correction of Code Enforcement Conditions

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

There is no appeal.

H. Modification of Entitlement

No modification is available.

SEC. 13B.8.5. CERTIFICATE OF APPROPRIATENESS (CONSTRUCTION, ADDITION, ALTERATION, OR RECONSTRUCTION)



A. Applicability

1. General

This Section requires the issuance of a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) for:

a. Any Project affecting a Contributing Element, except as set forth in Subdivision 3. (Conforming Work) below.

b. A Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) is required for some Projects, which may, or may not, require a building permit. Examples include changing exterior paint color, removing significant trees or Landscaping, installing or removing fencing, window and door replacement which are character-defining features of architectural styles, changes to public spaces, and similar Projects. However, an applicant not approved under Sec. 13B.8.4. (Review of Conforming Work) may elect to file for a Certificate of Appropriateness.

2. Prohibition

a. No person shall construct, add to, alter, or reconstruct any building, structure, Landscaping, or Natural Feature designated as contributing in the Historic Resources Survey for an HPOZ unless a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) is approved for that action pursuant to this Section, with the exception of Conforming Work on Contributing Elements (which shall not require a Certificate of Appropriateness).

b. In the event that Demolition, removal, or relocation has occurred without a Certificate of Appropriateness (Demolition, Removal, or Relocation) having been approved for such action pursuant to Sec. 13B.8.6., a Certificate of Appropriateness shall be based on the existing conditions of the Historic Resource prior to the Demolition, removal, or relocation.

c. No Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) shall be approved unless the plans for the construction, Alteration, Addition, or Reconstruction conform to the provisions of this Section.

3. Conforming Work

a. This Section does not require a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) for the ordinary Maintenance and repair of any exterior architectural feature of a

property within an HPOZ, which does not involve a change in design, material, color, or outward appearance.

b. Work meeting the criteria for Conforming Work on Contributing Elements shall not require a Certificate of Appropriateness.

4. Other City Approvals

The activities listed in Subdivision 1. (General) above require a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) in addition to other City approvals (building permits, variances, etc.) or other legal requirements, such as Sec. 5028 of the California Public Resources Code, which may be required.

B. Initiation

1. The applicant shall submit:

   a. Any plan for the construction, Addition, Alteration, or Reconstruction of a building, structure, Landscaping, or Natural Feature; or

   b. Any combination of the above designated as Contributing in the Historic Resources Survey for an HPOZ.

2. The plans shall be submitted to the Department of City Planning in conjunction with an application, on a form provided for that purpose.

3. The application fees for a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) shall be as set forth in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code.

C. Notice

1. Notice of Public Hearing

a. The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	• Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

a. The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• Applicant; • Appellant; • Cultural Heritage Commission; • The relevant Board; • The Certified Neighborhood Council representing the area in which the property is located; and • Any other interested parties of record

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions)

2. Decision Maker

The Director is the initial decision maker.

3. Referral

Upon an application being deemed complete by the Director, one copy each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and to each Board Member of the HPOZ for evaluation.

4. Public Hearing

Before making its recommendation to approve, conditionally approve, or disapprove an application pursuant to this Section for a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction), the Board shall hold a public hearing on the matter, giving notice in the manner specified in Subsection C. (Notice) of this Section.

5. Cultural Heritage Commission and Board Recommendations

a. The Cultural Heritage Commission (or its designee) and the Board shall submit their recommendation to the Director as to whether the Certificate should be approved, conditionally approved, or disapproved.

b. In the event that the Cultural Heritage Commission or Board does not submit their recommendations within 30 days of the postmarked date of the mailing from the City Planning Department, the Cultural Heritage Commission or Board shall be deemed to have forfeited all jurisdiction in the matter and the Certificate may be approved, conditionally approved, or disapproved as filed. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to act.

6. Decision

a. The Director shall approve, conditionally approve, or disapprove a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction).

b. Any approval, conditional approval, or denial shall include written findings in support.

7. Time to Act

The Director shall render a determination on any Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction) within 75 days after the application is deemed complete, unless the applicant and the Director mutually consent in writing to a longer period.

8. Transmittal

A copy of the determination shall be mailed to the applicant, the Board, the Cultural Heritage Commission, and any other interested parties. No Certificate of Appropriateness shall be deemed approved or issued until the appeal period has expired or until any appeal has been resolved.

E. Standards for Review and Required Findings

In making a determination on a Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction), the Director or Area Planning Commission (on appeal) shall consider the following:

1. If no Preservation Plan exists, whether the Project complies with Standards for Rehabilitation approved by the United States Secretary of the Interior considering the following factors:

   a. Architectural design;

   b. Height, bulk, and massing of buildings and structures;

   c. Lot coverage and orientation of buildings;

   d. Color and texture of surface materials;

   e. Grading and site development;

   f. Landscaping;

   g. Changes to Natural Features;

   h. Antennas, satellite dishes and solar collectors;

   i. Off-street parking;

   j. Light fixtures and street furniture;

   k. Steps, walls, fencing, doors, windows, screens and security grills;

   l. Yards and setbacks;

   m. Signs; and

n. Whether the Project protects and preserves the Historic and architectural qualities and the physical characteristics, which make the building, structure, landscape, or Natural Feature a Contributing Element of the Preservation Zone.

2. If a Preservation Plan exists, whether the Project complies with the approved Preservation Plan for the HPOZ.

F. Scope of Decision

See Sec. 13.2.7. (Scope of Decision).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

a. An appeal may be filed by the applicant, any aggrieved party, the Mayor, or a member of the City Council. Unless a Board member is an applicant, he or she may not appeal any initial decision of the Director as it pertains to this Section.

b. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy of the appeal to the Board and the Cultural Heritage Commission.

4. Public Hearing

Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

5. Appellate Decision

a. The Area Planning Commission may grant, conditionally grant, or deny the appeal.

b. The Area Planning Commission shall render its decision within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body.

c. The failure of the Area Planning Commission to submit a timely decision shall be deemed a denial of the appeal, and the original action on the matter shall become final.

H. Modification of Entitlement

1. Modification of an Approved Certificate of Appropriateness

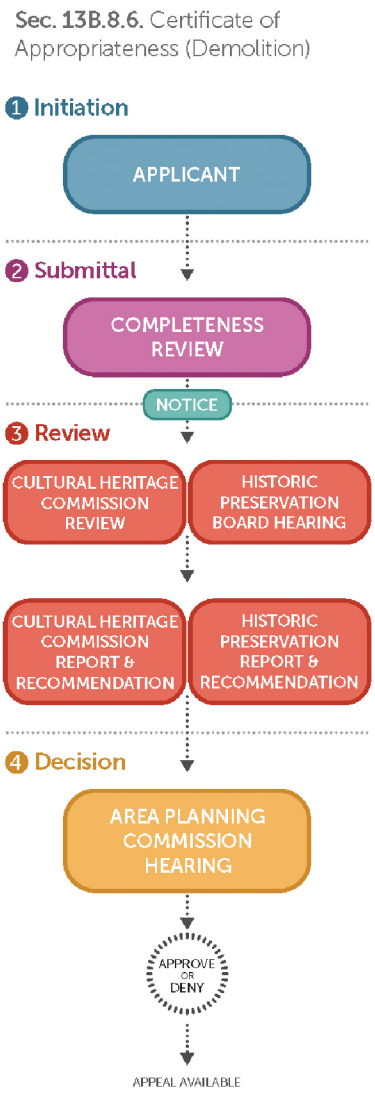
Once a Certificate of Appropriateness becomes effective, the Director shall review any subsequent proposed modification to the project. The Director shall approve the modification if he or she finds the

modification to be substantially in conformance with the original approved project. If the Director finds that the proposed modification does not substantially conform to the original approved project, then the applicant shall resubmit the project for a new Certificate of Appropriateness.

2. Modification Procedure

To modify an approved Certificate of Appropriateness, an applicant shall submit to the Department of City Planning plans, elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Board and/or the Cultural Heritage Commission's designee for consultation.

SEC. 13B.8.6. CERTIFICATE OF APPROPRIATENESS (DEMOLITION, REMOVAL, OR RELOCATION)



A. Applicability

1. General

This Section requires the issuance of a Certificate of Appropriateness (Demolition, Removal, or Relocation) for:

a. The Demolition, relocation or removal of any contributing building, structure, Landscaping, or Natural Feature, except as set forth in Subdivision 3. (Conforming Work) below; or

b. Any combination of the above designated as Contributing in the Historic Resources Survey for an HPOZ.

2. Prohibition

a. No person shall cause the Demolition, relocation or removal of any building, structure, Landscaping, or Natural Feature designated as contributing in the Historic Resources Survey for an HPOZ unless a Certificate of Appropriateness (Demolition, Removal, or Relocation) is approved for that action pursuant to this Section, with the exception of Conforming Work on Contributing Elements (which shall not require a Certificate of Appropriateness).

b. If the event that Demolition, removal, or relocation occurs without a Certificate of Appropriateness (Demolition, Removal, or Relocation) having been approved for that action pursuant to this Section, a Certificate of Appropriateness shall be based on the existing conditions of the Historic Resource prior to the Demolition, removal, or relocation.

c. No Certificate of Appropriateness (Demolition, Removal, or Relocation) shall be approved unless the plans for the Demolition, relocation, or removal conform to the provisions of this Section.

3. Conforming Work

a. This Section does not require a Certificate of Appropriateness (Demolition, Removal, or Relocation) for the ordinary Maintenance and repair of any exterior architectural feature of a property within an HPOZ, which does not involve a change in design, material, color, or outward appearance.

b. Work meeting the criteria for Conforming Work on Contributing Elements does not require a Certificate of Appropriateness.

4. Other City Approvals

The activities listed in Subdivision 1. (General) above require a Certificate of Appropriateness (Demolition, Removal, or Relocation) in addition to other City approvals (building permits, variances, etc.) or other legal requirements, such as Sec. 5028 of the California Public Resources Code, which may be required.

B. Initiation

1. The applicant shall submit:
   a. Any plan for the Demolition, removal, or relocation of a building, structure, Landscaping, or Natural Feature; or
   b. Any combination of the above designated as Contributing in the Historic Resources Survey for an HPOZ.
2. The plans shall be submitted to the Department of City Planning in conjunction with an application, on a form provided for that purpose.
3. The application fees for a Certificate of Appropriateness (Demolition, Removal, or Relocation) shall be as set forth in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code.

C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	• Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• Applicant; • Appellant; • Cultural Heritage Commission; • The relevant Board; • The Certified Neighborhood Council representing the area in which the property is located; and • Any other interested parties of record

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Area Planning Commission is the initial decision maker.

3. Referral

Upon an application being deemed complete by the Director, one copy each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and to each Board Member for the HPOZ for evaluation.

4. Public Hearing

Before making its recommendation to approve, conditionally approve, or disapprove an application pursuant to this Section for a Certificate of Appropriateness (Demolition, Removal, or Relocation), the Board shall hold a public hearing on the matter, giving notice in the manner specified in Subsection C. (Notice) of this Section.

5. Cultural Heritage Commission and Board Recommendations

a. The Cultural Heritage Commission (or its designee) and the Board shall submit their recommendations to the Area Planning Commission as to whether the Certificate should be approved, conditionally approved, or disapproved.

b. In the event that the Cultural Heritage Commission or Board does not submit their recommendations within 30 days of the postmarked date of the mailing from the City Planning Department, the Cultural Heritage Commission or Board shall be deemed to have forfeited all jurisdiction in the matter and the Certificate may be approved, conditionally approved, or disapproved as filed. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to act.

6. Decision

a. The Area Planning Commission shall approve, conditionally approve, or disapprove a Certificate of Appropriateness (Demolition, Removal, or Reconstruction).

b. Any approval, conditional approval, or denial shall include written findings in support.

7. Time to Act

The Area Planning Commission shall render a determination on any Certificate of Appropriateness (Demolition, Removal, or Relocation) within 75 days after the application is deemed complete, unless the applicant and the Director mutually consent in writing to a longer period.

8. Transmittal

A copy of the determination shall be mailed to the applicant, the Board, the Cultural Heritage Commission, and any other interested parties. No Certificate of Appropriateness (Demolition, Removal, or relocation) shall be deemed approved or issued until the appeal period has expired or until any appeal has been resolved.

E. Standards for Review and Required Findings

1. No Certificate of Appropriateness (Demolition, Removal, or Relocation) shall be issued for Demolition, removal, or relocation of any contributing building, structure, Landscaping, Natural Feature or Lot within an HPOZ that is designated as a Contributing Element unless the Owner can demonstrate to the Area Planning Commission that the Owner would be deprived of all economically viable use of the property.

2. In making a determination on a Certificate of Appropriateness (Demolition, Removal, or Relocation), the Area Planning Commission or City Council (on appeal) shall consider any evidence presented concerning the following:

   a. An opinion regarding the structural soundness of the structure and its suitability for continued use, renovation, Restoration, or Rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior's Professional Qualification Standards as established by the Code of Federal Regulation, 36 CFR Part 61. This opinion shall be based on the Secretary of the Interior's Standards for Architectural and Engineering Documentation with Guidelines;

   b. An estimate of the cost of the proposed Alteration, construction, Demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendation of the Board for changes necessary for it to be approved;

   c. An estimate of the market value of the property in its current condition; after completion of the proposed Alteration, construction, Demolition, or removal; after any expenditure necessary to comply with the recommendation of the Board for changes necessary to approve a Certificate of Appropriateness; and, in the case of a proposed Demolition, after renovation of the existing structure for continued use; and

   d. In the case of a proposed Demolition, an estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in Rehabilitation as to the

economic feasibility of Restoration, renovation, or Rehabilitation of any existing structure or objects. This includes tax incentives and any special funding sources, or government incentives, which may be available.

3. In a case where Demolition, removal, or relocation of any Contributing Element, without a Certificate of Appropriateness (Demolition, Removal, or Relocation) has occurred, this Subsection does not apply. Procedures in Sec. 13B.8.5. (Certificate of Appropriateness (Construction, Addition, Alteration, or Reconstruction)) and/or Sec. 13B.8.1.E. (General Provisions; Enforcement) apply.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decisions).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The City Council is the appellate decision maker.

3. Filing

a. An appeal may be filed by the applicant, any aggrieved party, the Mayor, or a member of the City Council. Unless a Board member is an applicant, he or she may not appeal any initial decision of the Director as it pertains to this Section.

b. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy of the appeal to the Board and the Cultural Heritage Commission.

4. Public Hearing

Before acting on any appeal, the City Council shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

5. Appellate Decision

a. The City Council may grant, conditionally grant, or deny the appeal.

b. The City Council shall render its decision within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body.

c. The failure of the City Council to submit a timely decision shall be deemed a denial of the appeal, and the original action on the matter shall become final.

H. Modification of Entitlement

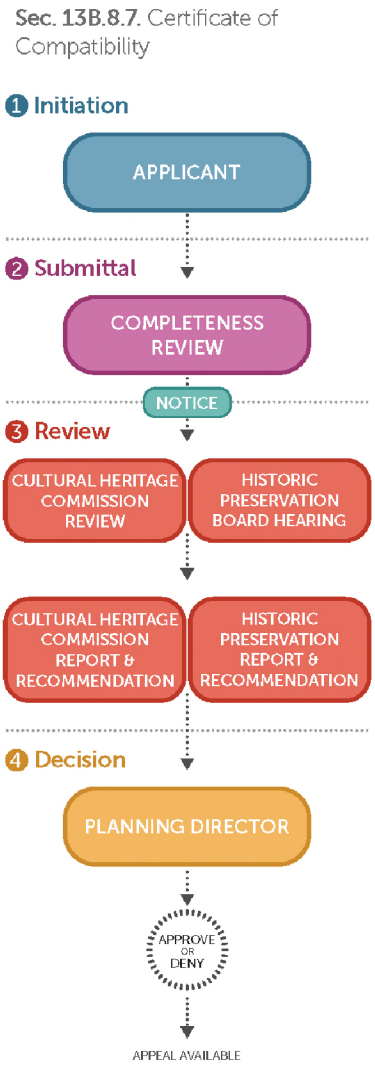
1. Modification of an Approved Certificate of Appropriateness

Once a Certificate of Appropriateness becomes effective, the Director shall review any subsequent proposed modification to the project. The Director shall approve the modification if he or she finds the modification to be substantially in conformance to the original approved project. If the Director finds that the proposed modification does not substantially conform to the original approved project, then the applicant shall resubmit the project for a new Certificate of Appropriateness.

2. Modification Procedure

To modify an approved Certificate of Appropriateness, an applicant shall submit to the Department of City Planning plans, elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Board and/or the Cultural Heritage Commission's designee for consultation.

SEC. 13B.8.7. CERTIFICATE OF COMPATIBILITY FOR NON-CONTRIBUTING ELEMENTS



Purpose. The intent of this Section is to ensure compatibility of Non-Contributing Elements with the character of the HPOZ and to ensure that any construction or Demolition work is undertaken in a manner that does not impair the essential form and integrity of the Historic character of its environment.

A. Applicability

1. General

A request for a Certificate of Compatibility shall be reviewed for conformity with the Preservation Plan for the HPOZ and shall consist of at least one of following project types:

a. Where the Project on a Non-Contributing Element does not qualify as Conforming Work;

b. Where a structure is constructed or Demolished in a Street Visible Area on a lot designated as a Non-Contributing Element; or

c. Where structures not dating from the HPOZ's period of significance are replaced or relocated onto a lot designated as a Non-Contributing Element.

2. Prohibition

a. No person shall construct, add to, alter, cause the Demolition, relocation, or removal of any building, structure, Landscaping, or Natural Feature designated as a Non-Contributing Element or not listed in the Historic Resources Survey for an HPOZ unless a Certificate of Compatibility has been approved for that action pursuant to this Section.

b. Additions and Alterations may be exempt from this Section provided they meet the criteria in Sec. 13B.8.4. (Review of Conforming Work).

c. No Certificate of Compatibility shall be approved unless the plans for the construction, Demolition, Alteration, Addition, relocation, or removal conform to the provisions of this Section. Any approval, conditional approval, or denial shall include written justification pursuant to Subsection E. (Standards for Issuance of a Certificate of Compatibility for New Building Construction or Replacement, and the Relocation of Buildings or Structures Not Dating from the Preservation Zone's Period of Significance Onto a Lot Designated as a Non-Contributing Element) of this Section.

3. Conforming Work

a. Other types of work solely involving Non-Contributing Elements, including the relocation of buildings or structures dating from the HPOZ's period of significance onto a lot designated as a Non-Contributing Element, are eligible for review under Conforming Work on Non-Contributors as set forth in Sec. 13B.8.4. (Review of Conforming Work)

b. The Director shall review a request, pursuant to Sec. 13B.8.2.F. (Historic Preservation Overlay Zone Designation; Scope of Decision) and find whether the application is eligible for Conforming Work on Non-Contributors as outlined in Sec. 13B.8.4. (Review of Conforming Work) or requires a Certificate of Compatibility.

c. An applicant not approved under Sec. 13B.8.4. (Review of Conforming Work) may elect to file for a Certificate of Compatibility.

4. Other City Approvals

The requirements for a Certificate of Compatibility are in addition to other City approvals (building permits, variances, etc.) and other legal requirements, such as Sec. 5028 of the Public Resources Code, which may be required. The time periods specified above may be extended, if necessary, with the written mutual consent of the applicant and the Director.

B. Initiation

1. Plans shall be submitted, in conjunction with an application, to the Department of City Planning upon a form provided for that purpose.

2. Upon an application being deemed complete by the Director, one copy of the application and relevant documents shall be mailed by the Department of City Planning to each Board member of the HPOZ for evaluation.

3. The application fees for a Certificate of Compatibility are set forth in Article 9 (Fees) of Chapter 1 (General Provisions and Zoning) of this Code.

C. Notice

1. Notice of Public Hearing

The following notice is required for the public hearing held prior to a recommendation:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	• Owners and occupants of all properties abutting, across the street or alley from, or having a common corner with the subject property; and • The Certified Neighborhood Council representing the area in which the property is located
Posting	10 days	• The applicant will post notice in a conspicuous place on the property

2. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• Applicant; • Appellant; • Cultural Heritage Commission; • The relevant Board; • The Certified Neighborhood Council representing the area in which the property is located; and • Any other interested parties of record

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions).

2. Decision Maker

The Director is the initial decision maker.

3. Referral

Upon an application being deemed complete by the Director, one copy each of the application and relevant documents shall be mailed by the Department of City Planning to both the Cultural Heritage Commission and to each Board member of the HPOZ for evaluation.

4. Public Hearing

Before making its recommendation to approve, conditionally approve, or disapprove an application pursuant to this Section for a Certificate of Compatibility, the Board shall hold a public hearing on the matter, giving notice in the manner specified in Subsection C. (Notice) of this Section.

5. Cultural Heritage Commission and Board Recommendations

a. The Cultural Heritage Commission (or its designee) and the Board shall submit their recommendation to the Director as to whether the Certificate of Compatibility should be approved, conditionally approved, or disapproved.

b. In the event the Cultural Heritage Commission or the Board does not submit its recommendations within 30 days of the postmarked date of mailing of the application from the City Planning Department, the Cultural Heritage Commission or the Board shall forfeit all jurisdiction. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to act.

6. Certificates of Compatibility for the Demolition of Non-Contributing Elements

a. After notice pursuant to Subsection C. (Notice) of this Section and a hearing, the Board shall submit its comments on a request to Demolish a Non-Contributing Element, considering the impact(s) of the Demolition of the Non-Contributing Element to the essential form and integrity of the Historic character of its surrounding built environment within 30 days of the postmarked date of mailing of the application from the City Planning Department. In the event the Board does not submit its comment within 30 days, the Board shall forfeit all jurisdiction. The applicant and the Director may mutually agree in writing to a longer period of time for the Board to comment.

b. In a case where Demolition of any Non-Contributing Element, without a Certificate of Compatibility for the Demolition of Non-Contributing Elements or permit has occurred, Subdivision 5.a. (Cultural Heritage Commission and Board Recommendations) above does not apply. Procedures in Subsections A. (Applicability) - G. (Appeals) of this Section and/or Sec. 13B.8.1.E. (General Provisions; Enforcement) apply.

7. Decision

a. The Director shall approve, conditionally approve, or disapprove a Certificate of Compatibility.

b. Any approval, conditional approval, or denial shall include written findings in support.

8. Time to Act

The Director shall render a determination on any Certificate of Compatibility within 75 days after the application is deemed complete, unless the applicant and the Director mutually consent in writing to a longer period.

9. Transmittal

A copy of the determination shall be mailed to the applicant, the Board, and any other interested parties. No Certificate of Compatibility shall be deemed approved or issued until the time period for appeal has expired.

E. Standards for Issuance of a Certificate of Compatibility for New Building Construction or Replacement, and the Relocation of Buildings or Structures Not Dating from the Preservation Zone's Period of Significance Onto a Lot Designated as a Non-Contributing Element

In making a determination on a Certificate of Compatibility, the Director or Area Planning Commission (on appeal) shall consider each of the following:

1. If no Preservation Plan exists, whether the following aspects of the Project do not impair the essential form and integrity of the Historic character of its surrounding built environment, considering the following factors:

   a. Architectural design;

   b. Height, bulk, and massing of buildings and structures;

c. Lot coverage and orientation of buildings;

d. Color and texture of surface materials;

e. Grading and lot development;

f. Landscaping;

g. Changes to Natural Features;

h. Steps, walls, fencing, doors, windows, screens, and security grills;

i. Yards and setbacks;

j. Off street parking;

k. Light fixtures and street furniture;

l. Antennas, satellite dishes and solar collectors; or

m. Signs; and

2. New construction shall not destroy Historic features or materials that characterize the property. The design of new construction shall subtly differentiate the new construction from the surrounding Historic built fabric, and shall be contextually compatible with the massing, size, scale, and architectural features of nearby structures in the HPOZ; or

3. Whether the Project complies with the Preservation Plan approved by the City Planning Commission for the HPOZ.

F. Scope of Decision

See Sec. 13.2.7. (Scope of Decision).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker.

3. Filing

a. An appeal may be filed by the applicant, any aggrieved party, the Mayor, or a member of the City Council. Unless a Board member is an applicant, he or she may not appeal any initial decision of the Director as it pertains to this Section.

b. An appeal shall be filed in triplicate, and the Planning Department shall forward a copy of the appeal to the Board and the Cultural Heritage Commission.

4. Public Hearing

Before acting on any appeal, the Area Planning Commission shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

5. Appellate Decision

a. The Area Planning Commission may grant, conditionally grant, or deny the appeal.

b. The Area Planning Commission shall render its decision within 75 days after the expiration of the appeal period or within an additional period as may be agreed upon by the applicant and the appellate body.

c. Failure of the Area Planning Commission to submit a timely decision shall be deemed a denial of the appeal, and the original action on the matter shall become final.

H. Modification of Entitlement

1. Modification of an Approved Certificate of Compatibility

Once a Certificate of Compatibility becomes effective, any subsequent proposed modification to the project shall require review by the Director, who shall approve the modification if he or she finds the modification to be substantially in conformance with the original approved project. If the Director finds that the proposed modification does not substantially conform to the original approved project, then the applicant shall resubmit the project for a new Certificate of Compatibility.

2. Modification Procedure

To modify an approved Certificate of Compatibility, an applicant shall submit to the Department of City Planning plans, elevations, or details of the proposed modification and any additional information determined necessary for conformance review. The Director may forward proposed modifications to the Board and/or the Cultural Heritage Commission's designee for consultation.

DIV. 13B.9. COASTAL DEVELOPMENT

SEC. 13B.9.1. COASTAL DEVELOPMENT PERMIT (PRE-CERTIFICATION)

Purpose. It is the purpose of this Section to provide for the approval or denial of Coastal Development Permits, prior to the certification of the Local Coastal Program, in accordance with Sec. 30600(b) of the California Public Resources Code. In adopting the California Coastal Act of 1976 the State Legislature finds and declares:

- That the California Coastal Zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
- That the permanent protection of the State's natural and scenic resources is a paramount concern to present and future residents of the State and nation.
- That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and to prevent its deterioration and destruction.

A. Applicability

1. Definitions

For the purpose of this Section the following words and phrases are defined:

Aggrieved Person. Any person who, in person or through a representative, appeared at a hearing on the application for a Coastal Development Permit, or appeal hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the permit issuing authority, or appeal body of the nature of his or her concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a Coastal Development Permit.

Coastal Zone. That land and water area within the City as specified on maps prepared by the California Coastal Commission, copies of which are on file with the Department of City Planning and the Office of City Engineer. Such "coastal zone" extends seaward to the City's outer limit of jurisdiction, and generally extends inland 1000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone extends inland 1000 yards.

Development. On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Sec. 66410 of the California Government Code), and any other division of land, including parcel maps and private street divisions, except where any land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any

structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Sec. 4511 of the California Public Resources Code). As used in this definition, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Local Coastal Program (LCP). The City's land use plans and other applicable general plan elements, zoning ordinances, zoning district maps, and proposed implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of, the California Coastal Act of 1976.

Permit. Any license, certificate, approval, or other entitlement for use granted, conditionally granted, or denied by any public agency, which is subject to the provisions of this Section.

Public Project. Any development initiated by the Department of Public Works or any of its bureaus, any development initiated by any other department or agency of the City, and any development initiated or to be carried out by any other governmental agency which is required to obtain a local government permit. Public Project shall not include any development by any department or agency of the City or any other governmental entity which otherwise requires action by or approval of the City Planning Commission, Area Planning Commission or the Office of Zoning Administration, or any development by any department or agency of the City or any other government entity for which a permit from the Department of Building and Safety is required. Public Project shall also not include any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled. (Definition Amended by Ord. No. 173,268, eff. 7/1/00, Oper. 7/1/00.)

Sea. The Pacific Ocean and all harbors, bays, channels, canals, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non- estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

2. Use

No Development shall be undertaken in the Coastal Zone unless and until an application for such Development has been submitted to the City for a Coastal Development Permit and such Permit has been obtained from the appropriate City Department in conformance with the provisions of this Section and has become final. Where the particular coastal project requires a coastal development permit from the Commission in addition to the one obtained from the City, no development may be commenced until both such permits have been obtained, and both have become final.

Exception

The provisions of this Section shall not apply to developments which do not need locally issued coastal development permits under the Coastal Act of 1976 or Division 5.5 Title 14 California Coastal Commission Regulations, of the California Administrative Code. A current copy of these regulations

is on file with the Department of City Planning and the Office of City Engineer. This exception shall not relieve any person from obtaining from the proper authority a Coastal Development Permit for a Development within the Coastal Zone where such permit is required but can only be issued by the California Coastal Commission, the Regional Commission, or the Executive Director. The provisions of this Section shall also not apply to any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled; any development by a public agency for which a local government permit is not otherwise required; any emergency repair authorized by Sec. 30611 of the Public Resources Code; any permits authorized to be issued by the Executive Director of the California Coastal Commission or the Executive Director of the Regional Commission pursuant to Sec. 30624 of the Public Resources Code; and any other permits over which the City is not authorized to exercise the option provided for in Subdivision (b) of Sec. 30600 of the Public Resources Code.

B. Initiation

Proceedings for a Permit shall be initiated by the filing of a verified application upon a form or forms prescribed for that purpose. An application for a Coastal Development Permit for a public project, or for a private project where the approval for the underlying permit is within the jurisdiction of the City Engineer shall be filed in the public office of the City Engineer. All other applications for Coastal Development Permits shall be filed in a public office of the Department of City Planning.

1. All applications filed with the City Engineer and the Department of City Planning shall be accompanied by the following data:

    a. An adequate description of the project including, but not limited to maps, plans, photographs, drawings, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the California Coastal Act of 1976. Each application shall contain sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the permit issuing authority will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this Section the term “significant adverse impact on the environment” shall be defined as in the California Environmental Quality Act and the State and City Guidelines adopted pursuant thereto.

    b. A description and documentation of the applicant’s legal interest in the property on which the Development is to be located if the application were approved (e.g., ownership, leasehold, enforceable option, authority to acquire the specific property by eminent domain.)

    c. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness, and accuracy of the contents of the application and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant’s representative and to bind the applicant in all matters concerning the application.

d. A statement of the status of the environmental documentation for the project and a copy of the required environmental documentation.

e. Any additional information as may be required by the permit granting authority.

2. Filing Exception

Despite any other provisions of this Section or Code, an applicant may file an application for a Permit at any point of the project approval process relating to his or her Development. However, upon initiation of the project approval process by the applicant, said applicant shall sign and notarize a form prescribed for this purpose which shall contain the following:

a. A statement advising the applicant that no permits or permission for a Development in the Coastal Zone shall be issued unless and until a Permit has been approved in accordance with the provisions of this Section.

b. A statement relieving the City of any legal or other responsibility in the event that failure to apply for a Permit results in, or contributes to, a violation of Sec. 65950, 65951, or 65952 of the California Government Code.

C. Notice

1. Notice of Application – Posting

At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development a notice that an application has been made for a Coastal Development Permit. Such notice shall contain specific information as to the nature of the proposed development and be in a form as prescribed for that purpose.

2. Notice of Public Hearing – Mailing

a. Hearing on Coastal Development Permit Combined with Other Hearing

The applicant shall furnish to the City, accompanying the application, a list containing the name and address of each property owner of record and the addresses of all residences, including apartments within 300 feet from each boundary of the site of the proposed development. Where the hearing on the Coastal Development Permit is to be combined with a public hearing otherwise required by this Code for the proposed development, and the provisions of this Code require notification to persons beyond 300 feet of the site of the proposed development, no separate list shall be required, and all persons notified of the hearing for the proposed development shall also be notified that the hearing shall include the application for a Coastal Development Permit. Notice of such hearing shall also be sent to an occupant of all residences, including apartments within 300 feet of the boundary of the proposed development, all persons known, or thought to have a particular interest in the application, the Certified Neighborhood Council representing the area in which the property is located, and all other persons requesting notice.

b. Hearing on Coastal Development Permit Only

For those projects for which no hearing would otherwise be required by law, the appropriate City agency shall notify by mail, at least 24 days prior to the hearing, the following:

i. Those persons whose names appear on the list of property owners within 300 feet of the boundary of the site of the proposed development;

ii. An occupant of all residences, including apartments, within 300 feet of the boundary of the site of the proposed development. This requirement can be met by mailing such notice to "occupant" of the subject residence;

iii. Those persons known or thought to have a particular interest in the application; and

iv. All other persons requesting notice.

3. Charges for Notification

No person requesting notification of any application, hearing, or decision by any permit granting authority or any notification of hearing or decision on any appeal therefrom shall be required to bear the cost of any such notification.

D. Decision

1. General Procedures

a. Decisions must be made within the time period specified in this Article, or as otherwise required by law. Unless otherwise provided in the regulations governing the particular application, this time limit may be extended by mutual consent of the decision maker and the applicant. The extension of time to act also applies to applications or initiations under the multiple approval provisions in Sec. 13A.2.10. (Multiple Approvals).

b. Where extensions on the City Council's time to act on a matter may be granted by mutual consent of an application and the City Council, the Council President or the Council President's councilmember designee may consent to a time extension on behalf of the City Council.

c. Each decision is subject to all applicable standards of this Code, including the applicable zone.

d. Each process described in Part B. (Processes & Procedures) of this Article includes standards and/or findings for approval. In approving an application, the decision maker must find that the project substantially conforms to the standards and/or findings for approval.

e. The initial decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record.

f. Unless otherwise provided, an application may be approved or disapproved in whole or in part.

g. Unless otherwise provided, the decision maker may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.

h. The decision maker transmits a letter of determination that notifies the applicant, owner, and interested parties, as applicable, of the decision. The notification will indicate whether the application is approved, approved with conditions, or denied.

i. An initial decision or decision of the City Planning Commission or Area Planning Commission that is appealable to the City Council is final and effective upon the close of the appeal period if no appeal is filed.

j. An appellate agency's decision or decision of the City Planning Commission or Area Planning Commission that is not appealable to the City Council is final as provided in Charter Section 245.

2. Proceedings and Hearing

a. To the extent possible, any Permit application for a Development within the Coastal Zone shall be processed in accordance with established policies and procedures of a permit granting authority in conformance with the provisions of this Code.

b. At the public hearing, all interested persons shall be afforded a reasonable opportunity to testify and present evidence.

3. Determination

a. Authority

A permit granting authority shall have the authority to approve, conditionally approve, or disapprove any application for a Permit under the provisions of the California Coastal Act of 1976; and, standards as established by Division 5.5 Title 14 of the California Administrative Code.

b. Conditions of Approval

In approving an application for a permit under the provisions of this Section, the City shall impose such reasonable terms and conditions as it deems necessary to assure a development that is in accordance with the provisions of the California Coastal Act of 1976 and those other criteria set forth in Subsection E. (Standards for Review and Required Findings) of this Section.

4. Notification of Determination

A copy of the permit granting authority's action approving, conditionally approving, or disapproving any application for a Coastal Development Permit, along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant and to any person or persons who, in writing, request a copy of such action.

5. Transmittal

a. After the decision of the last appeal body, or the time within which any appeal can be taken has expired, the permit granting authority, or any appeal body whose action became final on the permit, shall transmit a copy, by mail, with return receipt requested, of the notice of permit issuance or permit denial to the Executive Director of the Regional Coastal Commission. Such notice shall include the requisite findings, a project description, and a verbatim copy of any conditions attached to the permit, all as required by Sec. 13302(g) of the California Coastal Commission Regulations.

Notice shall also be mailed to the applicant, the appellant, and any persons who, in writing, requested such notice.

b. The decision of the permit granting authority, or any appeal body to approve issuance of a permit shall not be deemed to be final and no Coastal Development Permit may be issued until 20 working days have expired from the date said notice of permit issuance is deemed received by said Executive Director and without an appeal having been taken to the South Coast Regional Commission.

c. If a timely, valid appeal is taken to the Regional Commission, the operation and effect of the Coastal Development Permit is stayed pending final action on the appeal by the Regional Commission or the Commission, and the City shall within 5 working days of the receipt of such notice, deliver to the Executive Director copies of all relevant documents and materials used by the City in its consideration of the permit application.

d. If no appeal is taken within 20 working days of the date of the notice of the City's decision to issue a permit is deemed received by the Executive Director, the applicant may commence utilization of the permit. If no timely appeal is taken from the City's decision to deny a permit, such decision is final.

e. Neither an applicant nor any other aggrieved party may appeal the approval, conditional approval, or disapproval of any permit to the Regional Commission unless and until all of the City's appeal procedures for such permit have been taken, and a decision thereon has been made.

E. Standards for Review and Required Findings

The permit granting authority shall have the authority to approve, conditionally approve or disapprove any application for a Permit under the provisions of the California Coastal Act of 1976; and, standards as established by Division 5.5 Title 14 of the California Administrative Code. In making its determination under the provisions of this Section, the permit granting authority shall not approve, or conditionally approve a permit unless it makes written findings, including specific factual findings, supporting the following conclusions:

1. That the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Sec. 30200 of the California Public Resources Code).

2. That the permitted development will not prejudice the ability of the City to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

3. That the interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination.

4. That the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Sec. 30625(c) of the Public Resources Code.

5. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

6. Any other finding or findings as may be required for the development by the California Environmental Quality Act.

F. Scope of Decision – Extension of Permits

1. Prior to the expiration of a Coastal Development Permit, an applicant may apply to the initial approving authority of the original permit for an extension of the permit for a period of one year. This request shall automatically extend the expiration date of the permit until the approving authority has acted upon the request and the approving authority's action becomes effective. However, if construction has not commenced at the time the application for extension is made, construction may not commence during the period of the automatic extension until the approving authority has acted upon the request and it becomes effective. The application shall state the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership interest in the property. The applicant shall also furnish to the City the information required in Subsection C. (Notice) of this Section.

2. The approving authority, in considering the request for extension, shall determine whether there are changed circumstances that may affect the consistency of the project with the findings required under Subsection E. (Standards for Review and Required Findings) of this Section.

3. If the approving authority determines that there are no changed circumstances that may affect the consistency of the project with the findings required under Subsection E. (Standards for Review and Required Findings) of this Section, notice of the determination, including a summary of the procedures set forth in this Subsection, shall be posted on the subject property by the applicant and shall be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons requesting notice.

4. If no written objection to the determination is received within 10 working days of the posting and mailing, the extension shall be approved.

5. If the approving authority determines that, due to changed circumstances, the proposed development is no longer consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, or if objection is made to the determination of consistency, the approving authority shall set the matter for public hearing and give notice in accordance with the provisions of Subsection C. (Notice) of this Section. In addition, the approving authority shall notify any persons who objected to the approving authority's determination of consistency.

6. The approving authority shall make a determination based on the facts presented at the public hearing. If the proposed development is determined to be consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, the extension shall be approved. If the proposed development is determined to be inconsistent with these requirements, the extension shall be denied.

7. Notice of any action taken by the approving authority on an application for an extension of a permit shall be provided as set forth in Subsection D.4 (Decision; Notification of Determination) of this Section.

8. Any action taken by the approving authority on an application for an extension of a permit is appealable to the first City appellate body referenced in Subsection G. (Appeals) of this Section in the same manner as an appeal of the original permit as set forth in Subsection G. (Appeals) of this Section.

9. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection C. (Notice) of this Section are applicable to applications for extensions of permits.

G. Appeals

1. General Procedures

a. Appeals shall be in writing and filed on forms maintained by the Department.

b. An appeal shall specifically state the points at issue and the reasons why the decision should be overturned.

c. An appeal not properly or timely filed shall not be accepted, and will not be considered by the appellate body.

d. Unless otherwise required by a specific process, appeals must be filed within 15 days after the date on the letter of determination to the applicant.

e. Despite any provisions of this Chapter, whenever the final day for filing an appeal from any action, decision or determination of the Director of Planning, Zoning Administrator, Area Planning Commission, or City Planning Commission falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the close of business on the next succeeding working day, and the effective or final date of any action, decision, or determination shall be extended to the close of that appeal period.

f. If in any individual case involving a 15-day appeal period, that appeal period fails to include at least 10 working days, then the appeal period shall be extended as many days as the Director of Planning, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council determines are necessary to include 10 working days.

g. An appeal stays the processing of the application and entitlement, and any development of the project at issue until the appellate body makes a decision.

h. After an appeal is filed, the initial decision maker will transmit the appeal and the file to the appellate body, together with any report if one was prepared by staff responding to the points raised made in the appeal. The Department of City Planning will make investigations and furnish any reports requested by the body to which the matter is transferred.

i. When the appellate body receives the appeal, the initial decision maker loses jurisdiction.

j. Upon the date set for the hearing, the appellate body shall either hear the appeal, or continue the matter by mutual agreement to another date if there is cause to do so. No additional notice of continuance need be given if the continuance to a date certain is announced at the time of the original hearing. If no date for the continued hearing is provided publicly at the original hearing, then notice of the continued hearing shall be provided in the same manner as the original notice for the appellate hearing.

k. The appellate body will conduct a public hearing. After the public hearing, the appellate body will render a decision:

   i. Affirming the initial decision in whole or in part; or

   ii. Reversing the initial decision in whole or in part, after which it may render its own decision or remand the decision to the initial decision maker for further proceedings.

l. The appellate body may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.

m. Appellant(s) may withdraw an appeal of an initial determination if the withdrawal is filed with the Department at least 15 days prior to the public hearing by the appellate body on the appeal.

n. Withdrawal of an appeal shall be in writing and does not require the decision maker to concur. The withdrawal shall be filed with the Department.

o. If the withdrawal of the appeal is received by the Department after the close of the original appeal period, the Department shall notify the same persons who received notice of the decision that was appealed, that an appeal had been filed and was now withdrawn. The notice shall state that the appeal period is being reopened. The reopened appeal period shall run for 10 days from the date the notice of withdrawal of the appeal is mailed. If more than one appeal was filed, the appeal period is only reopened if the withdrawal of the appeal would result in no other appeal going forward. The appeal period shall only be reopened once.

p. If the withdrawal is received by the Department before any required public hearing notice is mailed, then the time for the appellate body to act is extended for 10 days.

q. If the withdrawal is received by the Department after the public hearing notice is mailed, then any appeal filed during the reopened appeal period shall be heard on the same date and time as set forth in the previously mailed public hearing notice. No further notice of the appeal hearing is required.

r. If the withdrawal of the appeal, and the subsequent reopening of the appeal period, results in no appeal going forward:

   i. The withdrawal of the appeal is permanent; and

   ii. The decision from which the appeal was taken automatically becomes final at the end of the appeal period or reopened appeal period.

s. The appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellate body's hearing.

t. Unless required otherwise by this Chapter or Chapter 1 (General Provisions and Zoning), in making a decision to grant a project approval, the appellate body shall make the same findings as required to be made by the initial decision maker, supported by substantial evidence.

u. Unless otherwise required by a specific process, the appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body.

v. Failure of the appellate body to render a timely decision shall result in the denial of the appeal.

2. Appellate Decision

Appeals from the approval, conditional approval, or disapproval of a permit under the provisions of this Section, may be taken by the applicant or any aggrieved person as follows:

a. Where a Coastal Development Permit hearing has been combined with the hearing on the project itself, an appeal may be taken to the appellate body that would hear and decide the appeal from the underlying project. If the appeal from any underlying project is further appealable to a second appellate body, the Coastal Development Permit is likewise further appealable. The time within which to appeal shall be the same as that provided for an appeal of the project itself, but the decision of the permit granting authority on the coastal permit may be separately appealed, without appealing the action on the underlying project. The times for notification of hearing and action on such appeal shall be the same as for the underlying project, whether or not such underlying project is also appealed.

b. Where a Coastal Development Permit application is for a public project, the action of the City Engineer may be appealed to the Board of Public Works. Such appeal shall be filed with the Office of the City Engineer within 15 days of the mailing of the decision of the permit granting authority.

c. Where a Coastal Development Permit (other than for a Public Project) involves an underlying activity, which is not otherwise appealable, the action of a permit-granting authority on an application may be appealed to the Area Planning Commission. That appeal shall be filed with the Area Planning Commission within 15 days of the mailing of the decision of the permit-granting authority.

d. Any appeal filed with either the City Engineer or the Area Planning Commission shall be heard and decided within 30 days of the filing of the appeal. Notice shall be mailed to the required parties at least 10 days prior to the hearing.

e. Action on any appeal shall be in writing. If the action of any appeal body is further appealable within the City's appeal structure, notice of such intermediate appeal body's action approving, conditionally approving or disapproving any appeal of a Coastal Development Permit along with any findings made and conditions imposed in connection therewith, shall be mailed to the applicant, the appellant, and to any person or persons who, in writing, request a copy of such action.

H. Amendments to Permits

1. The holder of a Coastal Development Permit may apply to amend the permit by filing a written application with the initial approving authority who approved the original permit. The application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or any other information as may be required by the approving authority, and shall be accompanied by evidence of a valid, unexpired permit and of the applicant's continued legal ownership

interest in the property. The applicant shall also furnish to the City the information required in Subsection C. (Notice) of this Section. If the application is deemed complete and accepted, the approving authority shall determine if the requested amendment constitutes an immaterial or material change to the permit.

2. For applications representing immaterial changes, the approving authority shall prepare a written notice containing the same information required for the notice of the original application for a Coastal Development Permit, a description of the proposed amendment and a summary of the procedures outlined in this Subsection. The notice shall be posted on the subject property by the applicant and shall also be mailed, by first class mail by the appropriate City agency, to all persons who testified at any public hearing on the original permit and left their names and addresses, or submitted written testimony or to any other persons who requested to be notified. If no written objection is received by the approving authority within 10 working days of the posting and mailing, the approving authority shall approve the amendment provided the following findings are made:

    a. That the proposed amendment will not lessen or avoid the intended effect of the original permit, as approved or conditioned consistent with the findings required in Subsection E. (Standards for Review and Required Findings) of this Section, unless the proposed amendment is necessitated by a change in circumstances, and the applicant has presented newly discovered material which he or she could not, with reasonable diligence, have discovered and produced before the original permit was granted;

    b. That the proposed amendment will not lessen or eliminate any conditions imposed for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Subsection E. (Standards for Review and Required Findings) of this Section;

    c. That all of the findings required by Subsection E. (Standards for Review and Required Findings) of this Section can still be made;

    d. That the proposed amendment will not result in any increase in the density or intensity of the project; and

    e. That the proposed amendment will not cause any adverse impact on surrounding properties.

3. For applications representing material changes, applications whose immateriality has been challenged or applications for amendments which affect coastal resource or coastal access protection as required by Sec. 30604 of the California Public Resources Code, the approving authority shall set the matter for public hearing and shall give notice in accordance with the provisions of Subsection C. (Notice) of this Section. The approving authority shall also notify all persons who objected to the approving authority's determination of immateriality. If the approving authority can make the findings contained in Subdivision 2. above, it shall approve the application for amendment to the permit. If the approving authority cannot make the findings referenced above, the application for amendment shall be denied.

4. Notice of any action taken by the approving authority on an application for an amendment to a permit shall be provided as set forth in Subsection D.4 (Decision; Notice of Determination) of this Section.

5. Any action taken by the approving authority on an application for an amendment to a permit is appealable in the same manner as an appeal on the original permit as set forth in the Subsection G. (Appeals) of this Section.

6. The notification procedures and the procedures applicable to appeals to the Coastal Commission set forth in Subsection D.5 (Decision; Transmittal) of this Section are applicable to applications for amendments to permits.

I. Enforcement

1. Violations

Any violation of the provisions of this Section and Code relating to the processing of permits shall be subject to enforcement and penalties of Chapter 9 of the California Coastal Act of 1976 and subsequent amendments thereto.

2. Revocation

Any permit application filed or approved under the provisions of this Section or Code may be immediately terminated or revoked by the permit granting authority upon a finding that one or more of the following grounds exist:

a. That inaccurate, erroneous or incomplete information was filed or presented in conjunction with said Permit application.

b. That names and addresses of all property owners as shown on the records of the City Engineer or of the County Assessor, were not provided within the required radius of the involved property in conformity with the requirements of this Section and Code.

c. That the addresses of all residential occupancies within 300 feet of each boundary of the site of the proposed development were not provided.

d. That the applicant failed to post and maintain the required notice at the project site in accordance with Subsection C. (Notice) of this Section.

SEC. 13B.9.2. COASTAL DEVELOPMENT PERMIT (POST-CERTIFICATION)

A. Applicability

1. Requirement of a Coastal Development Permit

A Coastal Development Permit issued by the City in conformance with the provisions of this Section is required for all Coastal Development located within an area of the City covered by a certified Local Coastal Program, unless:

a. The Coastal Development is exempted under Subdivision 4. (Exemptions) below; or

b. The proposed project site lies completely within the Coastal Commission Permit jurisdiction; or

c. The Coastal Commission previously issued a Coastal Development Permit for the Coastal Development.

2. Amendments

Amendments to these procedures are not effective until certified by the Coastal Commission.

3. Definitions

The following definitions apply to the Coastal Zone of the City within areas subject to certified Local Coastal Programs. Words and phrases not defined here shall be construed as defined in Sec. 12.03 (Definitions) of Chapter 1 (General Provisions and Zoning) of this Code or the California Coastal Commission Regulations, if defined there.

Appealable Area. The area identified in Sec. 30603 of the Public Resources Code. The area that meets this criteria includes, but is not limited to, the area shown on the "Post-LCP Certification Permit and Appeals Jurisdiction Map" certified by the Coastal Commission in accordance with the provisions of Sec. 13576 of Title 14 of the California Code of Regulations and attached as an exhibit in each certified coastal specific plan.

Appealable Development. In accordance with Sec. 30603(a) of the Public Resources Code, any development that constitutes a major public works project or a major energy facility, or any development located in the Appealable Area.

Applicant. The person, partnership, corporation, or other entity or state or local government agency applying for the Coastal Development Permit.

Approving Authority. The initial decision maker and appeal body, including the Director of Planning, City Engineer, Zoning Administrator, City Planning Commission, Area Planning Commission, Board of Public Works, City Council or other applicable decision-making person or body within the City, which has the authority to approve a Coastal Development Permit pursuant to this Section or by reason of jurisdiction over other permits and approvals sought in conjunction with an application for a Coastal Development Permit.

Categorically Excluded Development. A development, which is excluded from the Coastal Development Permit requirements pursuant to a categorical exclusion order adopted by the Coastal Commission that sets forth the specific categories of development that qualify for the exclusion within a specific geographic area, and which establishes that those categories of development in the specified geographic areas will have no potential for significant adverse effects, either individually or cumulatively on coastal resources or on public access to or along the coastline.

Coastal Bluff. The upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. The minimum length of bluff line or edge used in making these determinations is 500 feet.

Coastal Development. Any of the following on land, in or under water: the placement or erection of any solid material or structure; the discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; the grading, removing, dredging, mining or extraction of any materials; any change in the density or intensity of use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with California Government Code Sec. 66410), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use; any change in the intensity of use of water or of access to the water; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations, which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Sec. 4511 of the Public Resources Code).

Coastal Zone. That land and water area specified on the maps cited in Sec. 30103 of the Public Resources Code, extending seaward to the State's outer limit of jurisdiction, including all offshore islands, but with some additional criteria for special areas as specified in Sec. 30103.5 and 30166 of the Public Resources Code.

Disaster. Fire, flood, wind, earthquake, or other natural or man-made disaster.

Emergency. A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Environmentally Sensitive Habitat Area. Any officially mapped area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments, and any area identified as a wetland, an environmentally sensitive habitat or as a Sensitive Coastal Resource Area, in a certified Local Coastal Program, a certified land use plan or a certified specific plan.

First Public Road Paralleling the Sea. That road nearest to the sea, as defined in Sec. 30115 of the Public Resources Code, which: (a) is lawfully open to uninterrupted public use and is suitable for that use; (b) is publicly maintained; (c) is an improved, all-weather road open to motor vehicle traffic in at least one direction; (d) is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and (e) does, in fact, connect with other public roads, providing a continuous access system, and generally parallels and follows the shoreline of the sea to include all portions of the sea where the physical features, such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward from the generally continuous coastline.

Public Project. Any development initiated by the Department of Public Works or any of its bureaus, any development initiated by any other department or agency of the City, and any development initiated or to be carried out by any other governmental agency that is required to obtain a local government permit. Public Project shall not include any development by any department or agency of the City or any other governmental entity that otherwise requires action by or approval of the City Planning Commission, Area Planning Commission, or the Office of Zoning Administration, or any development by any department or agency of the City or any other government entity for which a permit from the Department of Building and Safety is required. Public Project shall also not include any development on tidelands, submerged lands, or on public trust lands, whether filled or unfilled.

Wetland. Lands within the Coastal Zone, which may be covered periodically or permanently with shallow, water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

4. Exemptions

The following types of Coastal Development are exempt from the requirement to obtain a Coastal Development Permit in accordance with the provisions of this Section:

a. Improvements to Existing Structures

i. Improvements to any existing structure are exempt. For purposes of this Section, in order to qualify as an improvement, the Coastal Development shall retain 50% or more of the existing exterior walls of the building or structure. In addition, the following shall be considered a part of an existing structure:

a) All fixtures and other structures directly attached to the existing structure and landscaping on the lot; and

b) For single-family residences, in addition to Sub-subparagraph a) above, structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds, but not including guest houses or self-contained dwelling units, shall also be considered part of that structure.

ii. Despite the exemption provided in Subparagraph i. above, the following improvements require a Coastal Development Permit:

a) Improvements to any structure on a beach, Wetland, stream or lake, seaward of the mean high tide line, where the structure or proposed improvement would encroach within 50 feet of the edge of a Coastal Bluff, stream or in areas of natural vegetation designated by

resolution of the Coastal Commission as a significant natural habitat, or identified in a certified local coastal plan or specific plan as a significant natural habitat; or within 100 feet of the edge of a Coastal Bluff if the structure is a single family dwelling;

b) Any significant alteration of land forms, including the removal or placement of vegetation, on a beach, Wetland or sand dune, or within 100 feet of the edge of a Coastal Bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission or in a certified specific plan as a significant natural habitat; or within 50 feet of the edge of a Coastal Bluff if the structure is a single family dwelling;

c) The expansion or construction of water wells or septic systems;

d) Improvements to any structure on property located in the Appealable Area that would result in:

    1) An increase of 10% or more of internal floor area of the existing structure; or

    2) An additional improvement of 10% or less where an improvement to the structure has previously been undertaken pursuant to Public resources Code SEC. 30610(b); and/or

    3) An increase in height by more than 10% of an existing structure.

e) Improvements to any structure on property in the non-appealable area that would result in an increase of 10% or more of internal floor area of the existing structure;

f) Improvements to any structure in significant scenic resource areas as designated by the Coastal Commission or in a certified specific plan that would result in:

    1) An increase of 10% or more of internal floor area of the existing structure; or

    2) An additional improvement of 10% or less where an improvement to the structure has previously been undertaken pursuant to Public resources Code SEC. 30610(b); and/or

    3) An increase in height by more than 10% of an existing structure.

g) In areas the Coastal Commission has previously declared, by resolution after public hearing, to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specific major water-using Coastal Development including, but not limited to, swimming pools, or the construction or extension of any landscaping irrigation system;

h) Any improvement to a structure where the development permit issued for the original structure by the Coastal Commission indicated that any future improvements would require a Coastal Development Permit;

i) Any improvement to a structure that results in a Change in the intensity of Use of the structure; and

j) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including, but not limited to, a condominium conversion, stock cooperative conversion or hotel/motel timesharing conversion.

b. Repair and Maintenance Activities of Public Utilities

Repair and maintenance activities of public utilities as specified in the repair, maintenance and utility hook-up exclusion adopted by the Coastal Commission on September 5, 1978.

c. Other Repair and Maintenance

Repair and maintenance activities that do not result in a material addition to or an enlargement or expansion of the object of those activities, except as otherwise specified by the Coastal Commission in Sec. 13252 of Title 14 of the California Code of Regulations, and any amendments subsequently adopted, except if the repairs or maintenance involve any of the following:

i. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work that involves:

a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

b) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, Wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

c) The replacement of 20% or more of the materials in an existing structure with materials of a different kind; or

d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.

ii. Any method of maintenance dredging that involves:

a) The dredging of 100,000 cubic yards or more within a 12 month period;

b) The placement of dredge spoils of any quantity within an Environmentally Sensitive Habitat Area, on any sand area, within 50 feet of the edge of a Coastal Bluff or Environmentally Sensitive Habitat Area or within 20 feet of coastal waters or streams; or

c) The removal, sale or disposal of dredge spoils of any quantity that would be suitable for beach nourishment in an area that the Coastal Commission has declared by resolution, or has been identified in a certified Local Coastal Program, to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

iii. Any repair or maintenance to facilities or structures or work located in an Environmentally Sensitive Habitat Area, any sand area, within 50 feet of the edge of a Coastal Bluff or

Environmentally Sensitive Habitat Area or within 20 feet of coastal waters or streams that includes:

a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; or

b) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

iv. Unless destroyed by Disaster, the replacement of 50% or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance under Sec. 30610(d) of the Public Resources Code, but instead constitutes a replacement structure requiring a Coastal Development Permit.

d. Replacement Structures

The replacement of any structure destroyed by a Disaster if the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10% and is sited in the same location on the affected property as the destroyed structure.

i. As used in this Subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

ii. As used in this Subdivision, "structure" includes landscaping and any erosion control structure or device, which is similar to that which existed prior to the occurrence of the Disaster.

e. Categorically Excluded Development

Any Coastal Development that has been categorically excluded pursuant to a categorical exclusion approved by the Coastal Commission.

f. Geologic Testing

Geologic testing that does not require other City permits, does not involve cutting access roads and does not remove significant vegetation.

g. Temporary Events

i. A temporary event that meets all of the following criteria:

a) Does not involve a charge for general public admission or seating; and

b) Will not restrict public access or use of roadways, parking areas, or recreational areas; and

c) Will not either directly or indirectly impact Environmentally Sensitive Habitat Areas, rare or endangered species, significant scenic resources, or other coastal resources, such as water-oriented activities, visitor facilities, marine resources, biological resources, agricultural lands, and archaeological or paleontological resources.

ii. Any temporary event which has previously received a Coastal Development Permit, will be in the same location, during the same time period, will be operated in the same manner, and was not the subject of previous complaints.

B. Initiation

1. General

An application for a Coastal Development Permit shall be filed with either the Department of City Planning or the City Engineer on a form provided by the Department and include all information required by the instructions on the application and any applicable adopted guidelines.

a. Within 30 days of the submittal of the application and the payment of fees, the Director or City Engineer, whichever has jurisdiction, shall determine whether the application is complete.

b. Prior to deeming an application complete, the Director or City Engineer shall determine, and if necessary, advise the Applicant, of the processes to be followed, any additional information required, and the fees to be paid. The Director or City Engineer shall adopt guidelines and use them to determine when an application is deemed complete.

2. Jurisdiction

a. An application for a Coastal Development Permit for a Public Project, or for a private project where the approval of the underlying permit is within the jurisdiction of the City Engineer, shall be filed in the office of the City Engineer.

b. All other applications for Coastal Development Permits shall be filed in a public office of the Department of City Planning.

3. Preliminary Notice of Jurisdiction

a. At the time an application for Coastal Development is submitted, the Director of Planning (Director) or City Engineer, whichever has jurisdiction, shall determine whether:

i. The development is within the Coastal Commission's jurisdiction or the City's jurisdiction; and

ii. The development is located within the appealable or non-appealable jurisdiction of the Coastal Zone; and

iii. The development is within an area designated by a certified Local Coastal Program or within the area subject to the provisions of Sec. 12.20.1 (SL Ocean - Submerged Land Zone) of Chapter 1 (General Provisions and Zoning) of this Code; and

iv. The development is exempt or categorically excluded according to the criteria of Subsection A.4. (Applicability; Exemptions) of this Section.

b. The Director or City Engineer shall use the following criteria: the certified Local Coastal Program, including any maps, the Post LCP Certification Permit and Appeals Jurisdiction Map certified by the California Coastal Commission, land use designations, special programs and zoning ordinances that

are certified as part of the Local Coastal Program and categorical exclusion orders granted by the Coastal Commission.

c. If the preliminary notice of jurisdiction of the Director or City Engineer is challenged by the Applicant or an interested person within 15 days after the determination is made, the Director or City Engineer may request an opinion of the Coastal Commission Executive Director. The decision of the Executive Director or the Coastal Commission pursuant to Sec. 13569 of Title 14 of the California Code of Regulations shall apply.

4. Notice of Exemption

a. After jurisdiction has been established and the Director or City Engineer has determined that the Coastal Development is exempt pursuant to Subsection C. (Notice) of this Section, the Director or the City Engineer, whichever has jurisdiction, shall issue a notice of exemption for a Coastal Development which is exempt from the Coastal Development Permit requirements. The Director or City Engineer shall mail a copy of the notice of exemption to the Applicant and the Coastal Commission.

b. The City shall maintain a record of all notices issued for exempt Coastal Developments, including Categorically Excluded Developments, which shall be made available to the Coastal Commission or any interested person upon request. This record may be in the form of a list of issued permits or approvals currently maintained by the City, provided that the record includes the Applicant's name, the location of the Coastal Development, and a brief description of the Coastal Development.

C. Notice

1. Notice of Coastal Development Permit Application

a. The City, at the Applicant's expense, shall provide a Notice of Coastal Development Permit Application by first class mail, pursuant to the requirements of this Subdivision.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days before the initial decision	• Applicant; • The Certified Neighborhood Council; • All persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone; • All property owners and residents within 300 feet of the perimeter of the parcel on which the Coastal Development is proposed exclusive of streets; and • The Coastal Commission
Posting	At the time the application is submitted for filing	• In a conspicuous place, and as close as possible to the proposed Coastal Development

b. The notice shall contain the following information:

i. A statement that the Coastal Development is within the Coastal Zone;

ii. The date of filing of the application and the name of the Applicant;

iii. The case number assigned to the application; and

iv. A description of the Coastal Development and its proposed location.

2. Notice of Waiver of Public Hearing

a. For Coastal Development in the Appealable Area where the requirement for a public hearing is proposed to be waived, the City shall provide the following statement in the manner provided in Subdivision 1. (Notice of Coastal Development Permit Application) above: "The public hearing will be waived unless a hearing is requested by any person within ten working days of the date of this notice. The failure to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission the City's action on the Coastal Development Permit."

b. For a Coastal Development that does not require a public hearing pursuant to this Section, the notice shall contain the date the application will be acted upon by the Approving Authority and the general procedure for submitting public comments in writing to the Approving Authority prior to the decision date.

3. Notice of Public Hearing

a. For a Coastal Development that requires a public hearing pursuant to this Section, the City, at the Applicant's expense, shall provide a Notice of Public Hearing by first class mail pursuant to the requirements of this Subdivision. This notice may be combined with the Notice of Coastal Development Permit Application for applications that require a public hearing.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days before the first public hearing	• Applicant; • The Certified Neighborhood Council; • All persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone; • All property owners and residents within 300 feet of the perimeter of the parcel on which the Coastal Development is proposed, exclusive of streets; and • The Coastal Commission
Posting	At the time the application is submitted for filing	• In a conspicuous place, and as close as possible to the proposed Coastal Development

b. The notice shall contain the following information:

i. A statement that the Coastal Development is within the Coastal Zone;

ii. The date of filing of the application and the name of the Applicant;

iii. The case number assigned to the application;

iv. A description of the Coastal Development and its proposed location;

v. The date, time, and place at which the public hearing on the application will be heard;

vi. A brief description of the general procedure concerning the conduct of the public hearing and City actions;

vii. The procedure for City and Coastal Commission appeals, if any, including any required fees;

viii. If applicable, the criteria for eligibility to appeal to the Coastal Commission; and

ix. A statement that an interested person must request to be on the mailing list for the particular Coastal Development in order to receive notice of the written determination and in order to appeal to the City.

4. Continuation of Public Hearing – Notice

If a decision on a Coastal Development Permit is continued to a time which is neither previously stated in the notice of public hearing provided pursuant to this Subsection, nor announced at the hearing as being continued to a time certain, notice of the further hearings or action on the proposed Coastal Development shall be provided in the same manner, and within the same time limits, as established in this Subsection.

5. Posted Notice

The Applicant must post, in a conspicuous place, and as close as possible to the proposed Coastal Development, the City's notice that an application has been filed for a Coastal Development Permit. The notice shall contain specific information as to the nature of the proposed Coastal Development and be in a form as required by the approving department for that purpose.

6. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• Applicant; • Appellant(s); • The Certified Neighborhood Council; • All persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone; • All property owners and residents within 300 feet of the parcel on which the Coastal Development is proposed, exclusive of streets; and • The Coastal Commission

7. Notification of Failure to Act and Approval by Operation of Law

a. Notification by Applicant

If the Approving Authority fails to act on an application within the time limits set forth in Sec. 65950 - 65957.1 of the California Government Code, the person claiming a right to proceed pursuant to those Code sections shall notify, in writing, the Approving Authority and the Coastal Commission and all persons entitled to receive notice of an appeal pursuant to Subsection C. (Notice) of this Section that the Coastal Development has been approved by operation of law. The notice shall specify the application, which is claimed to have been approved.

b. Notification by Approving Authority

When the Approving Authority determines that the time limits established pursuant to Sec. 65950 - 65957.1 of the California Government Code have expired, and that the notice required to all persons entitled to receive notice of an appeal pursuant to Subsection C. (Notice) of this Section has occurred, the Approving Authority shall, within seven calendar days of its determination, notify any person entitled to receive notice of an appeal pursuant to Subsection C. (Notice) of this Section that it has taken final action by operation of law pursuant to Sec. 65950 - 65957.1 of the California Government Code, and that the application, if it is for an Appealable Development, may be appealed to the Coastal Commission pursuant to Sec. 13110, et seq. of Title14 of the California Code of Regulations.

D. Decision

1. General Procedures

a. Decisions must be made within the time period specified in this Article, or as otherwise required by law. Unless otherwise provided in the regulations governing the particular application, this time limit may be extended by mutual consent of the decision maker and the applicant. The extension of time to act also applies to applications or initiations under the multiple approval provisions in Sec. 13A.2.10. (Multiple Approvals).

b. Where extensions on the City Council's time to act on a matter may be granted by mutual consent of an application and the City Council, the Council President or the Council President's councilmember designee may consent to a time extension on behalf of the City Council.

c. Each decision is subject to all applicable standards of this Code, including the applicable zone.

d. Each process described in Part B. (Processes & Procedures) of this Article includes standards and/or findings for approval. In approving an application, the decision maker must find that the project substantially conforms to the standards and/or findings for approval.

e. The initial decision maker shall adopt written findings of fact supporting the decision based upon evidence in the record.

f. Unless otherwise provided, an application may be approved or disapproved in whole or in part.

g. Unless otherwise provided, the decision maker may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.

h. The decision maker transmits a letter of determination that notifies the applicant, owner, and interested parties, as applicable, of the decision. The notification will indicate whether the application is approved, approved with conditions, or denied.

i. An initial decision or decision of the City Planning Commission or Area Planning Commission that is appealable to the City Council is final and effective upon the close of the appeal period if no appeal is filed.

j. An appellate agency's decision or decision of the City Planning Commission or Area Planning Commission that is not appealable to the City Council is final as provided in Charter Section 245.

2. Decision Maker

The initial decision maker on a Coastal Development Permit is the Director or the City Engineer, pursuant to Subsections B.1. (Initiation; General) and 2. (Initiation; Jurisdiction).

3. Public Hearing

a. General

The Approving Authority shall hold a public hearing on any application for a Coastal Development Permit for an Appealable Development except as waived in Paragraph b. below. It shall hold the hearing at least 24 calendar days following the mailing of the notice required in Subsection C. (Notice) of this Section and shall consolidate the hearing with any other public hearing required for any other approvals required by this Code or other City ordinance.

b. Waiver of Public Hearing

The Approving Authority may waive the public hearing for Coastal Development in the non-appealable area and may propose to waive the requirement for a public hearing for Coastal Development in the Appealable Area if it determines that the Coastal Development meets the following criteria:

i. The Coastal Development is consistent with the Certified Local Coastal Program;

ii. The Coastal Development requires no discretionary approvals other than a Coastal Development Permit; and

iii. The Coastal Development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

4. Initial Decision

a. If an application for a Coastal Development Permit is submitted to the City and there is no application for another Quasi-judicial or Legislative approval, the initial decision shall be made by the Director or City Engineer, whichever has jurisdiction.

b. The Director or City Engineer may approve, conditionally approve, or deny a Coastal Development Permit.

c. The Approving Authority, in approving an application for a Coastal Development Permit, shall impose any conditions considered necessary to ensure that the proposed use will be consistent with the findings in Subsection E. (Standards for Review and Required Findings) of this Section.

d. An application for a Coastal Development Permit shall be denied when the evidence submitted by the Applicant and/or presented at a public hearing fails to support the findings in Subsection E. (Standards for Review and Required Findings) of this Section to the satisfaction of the Approving Authority).

5. Concurrent Processing with Other Permits or Approvals

a. When a proposed Coastal Development is required to obtain a Coastal Development Permit and is also required to obtain other Quasi-judicial or Legislative approvals, the application for a Coastal Development Permit shall be filed and processed concurrently with the other permits or approvals. The action of the Approving Authority is considered one consolidated action.

b. If a condition of the Coastal Development Permit varies from a condition contained in the other permits and approvals, the more restrictive condition controls.

c. No additional fees shall be charged for appeal of a Coastal Development Permit that is combined with an appeal for the other permits and approvals.

6. Time Limit for Initial Decision

a. The initial Approving Authority shall make an initial decision within 75 days after:

i. The date the application is deemed complete; or

ii. When an environmental impact report (EIR) is required, the date preparation of the EIR is complete consistent with State law.

b. The time limit may be extended by mutual consent of the Director and the Applicant.

7. Transmittal of Written Decision

Upon making a written decision, the Approving Authority shall transmit a copy by First Class Mail to each Applicant, to all persons who have requested to be on the mailing list for the particular Coastal Development or for all coastal decisions within the Coastal Zone, to all property owners and residents within 300 feet of the perimeter of the parcel on which the Coastal Development is proposed, exclusive of streets, and to the Coastal Commission.

8. Effective Date of City Action

The City shall issue a Coastal Development Permit only:

a. For a non-appealable development, 15 days after the final City action if no appeal is filed or if the Coastal Commission does not assert jurisdiction.

b. For an Appealable Development:

   i. Only after receiving the final City action and notification that the 10 working day appeal period to the Coastal Commission established by California Code of Regulations has ended and no appeal was filed; or

   ii. An appeal was filed and the Coastal Commission made a determination of no substantial issue with the City's decision.

c. If a decision on a Coastal Development Permit is appealed to the Coastal Commission and the Coastal Commission determines that a substantial issue exists, the issuance of the permit will be regulated by the Coastal Commission.

9. Recordation of the Coastal Development Permit

Within 14 days of the issuance of the Coastal Development Permit for a Coastal Development subject to the jurisdiction of the Director, the Applicant shall record the Permit with the Los Angeles County Recorder's Office and provide a certified copy to the City Planning Department.

10. Notice of Final City Action

Within seven calendar days of a final decision on an application for any Coastal Development, the Approving Authority shall provide notice of its action, at the expense of the Applicant, by first class mail to the Coastal Commission and to any persons who specifically requested notice of the final action by submitting a self-addressed, stamped envelope to the Approving Authority. The notice shall include conditions of approval, written findings, and, if applicable, the procedures for appeal to the Coastal Commission.

E. Standards for Review and Required Findings

An application for a Coastal Development Permit shall be approved if the Approving Authority, based on information obtained during an investigation and/or public hearing, if applicable, makes specific written findings justifying the City's action, including any conditions imposed in order to bring the Coastal Development into conformity with the certified Local Coastal Program. These findings shall include the following:

1. That the proposed Coastal Development conforms to the certified Local Coastal Program;
2. That the Coastal Development conforms to all applicable provisions of any adopted community plan and specific plan for the area; and
3. Where applicable, that any Coastal Development located between the First Public Road Paralleling the Sea and the sea or shoreline of any body of water located within the Coastal Zone conforms to the public access and public recreation policies of Chapter 3 of Division 20 of the California Public Resources Code.

F. Scope of Decision

1. Coastal Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms, and conditions approved in the Permit.
2. Duration of Permits

   a. Validity

      A Coastal Development Permit that was granted pursuant to this Section runs with the land and continues to be valid upon any changes of ownership of the land or any changes to the existing building or structure on the land.

   b. Termination

      i. A permit, which is not used within the time, specified in the permit, or, if no time is specified, within 2 years after the permit is granted, becomes void.

      ii. The Director or City Engineer, whichever has jurisdiction, may grant extensions of time for the using the permit, if the extension is requested prior to the expiration date, under the provisions of Subdivision 4. (Extensions of Time) below.

      iii. Where other approvals are granted concurrent with the Coastal Development Permit, the time limits and extensions shall be the same as those for the other approvals. However, the Coastal Development Permit shall become void after 6 years.

   c. Use of Permit

      i. A Coastal Development Permit shall be considered used when construction or other development authorized by that permit, which would be prohibited in that location if no Coastal Development Permit had been issued, has commenced.

      ii. A Coastal Development Permit shall automatically cease to be in effect if the use for which the permit was granted has ceased or has been suspended for a consecutive period of two or more years.

3. Revocation

a. Failure to Comply with Conditions

If the Director or City Engineer, whichever has jurisdiction, determines that the conditions of any Coastal Development Permit granted pursuant to this Section have not been complied with, the Director or City Engineer may give notice to the record owner or lessee of the real property to appear at a time and place fixed by the Director or City Engineer and show cause why the determination of the Approving Authority granting the Coastal Development Permit should not be rescinded. An appeal from a revocation action may be taken in the same manner prescribed in Subsection G. (Appeals) of this Section.

b. Request by Aggrieved Person

Any aggrieved person may request revocation of a permit by application to the Director or City Engineer, whichever has jurisdiction, specifying with particularity the grounds for revocation. The Director or City Engineer shall review the stated grounds for revocation and shall determine whether to initiate revocation proceedings. An appeal from a revocation action may be taken in the same manner prescribed in Subsection G. (Appeals) of this Section.

4. Extensions of Time

a. Application

i. Prior to the expiration of a Coastal Development Permit, an Applicant may apply for a 1-year extension of the permit. Prior to the expiration of any extension, the Applicant may apply for another 1-year extension of the permit.

ii. An application for an extension of time shall automatically keep the permit in effect until the Approving Authority has acted upon the request. However, if construction has not commenced at the time the application is made, construction may not commence after the initial expiration date until the Approving Authority has acted upon the request.

iii. The application shall state the reasons for the request and shall be accompanied by evidence of a valid, unexpired permit and of the Applicant's continued property interest.

b. Procedures

The procedures for applying for an extension of time shall be in accordance with Subsections B. (Initiation) - E. (Standards for Review and Required Findings) of this Section.

c. Findings

The Approving Authority shall only grant an extension if the Approving Authority can make the same findings as were required for the original permit, with no new conditions, and must make an additional finding that there are no changed circumstances, which would affect the Coastal Development's consistency with the Local Coastal Program.

d. Appeal

An extension of time for a Coastal Development Permit may be appealed in accordance with Subsection G. (Appeals) of this Section. However, in addition to the notice provisions required for appeals in the table in Subsection C. (Notice) of this Section, the Approving Authority shall also notify any persons who objected to the Approving Authority's approval of an extension.

G. Appeals

1. General Procedures

a. Appeals shall be in writing and filed on forms maintained by the Department.

b. An appeal shall specifically state the points at issue and the reasons why the decision should be overturned.

c. An appeal not properly or timely filed shall not be accepted, and will not be considered by the appellate body.

d. Unless otherwise required by a specific process, appeals must be filed within 15 days after the date on the letter of determination to the applicant.

e. Despite any provisions of this Chapter, whenever the final day for filing an appeal from any action, decision or determination of the Director of Planning, Zoning Administrator, Area Planning Commission, or City Planning Commission falls on a Saturday, Sunday or legal holiday, the time for filing an appeal shall be extended to the close of business on the next succeeding working day, and the effective or final date of any action, decision, or determination shall be extended to the close of that appeal period.

f. If in any individual case involving a 15-day appeal period, that appeal period fails to include at least 10 working days, then the appeal period shall be extended as many days as the Director of Planning, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council determines are necessary to include 10 working days.

g. An appeal stays the processing of the application and entitlement, and any development of the project at issue until the appellate body makes a decision.

h. After an appeal is filed, the initial decision maker will transmit the appeal and the file to the appellate body, together with any report if one was prepared by staff responding to the points raised made in the appeal. The Department of City Planning will make investigations and furnish any reports requested by the body to which the matter is transferred.

i. When the appellate body receives the appeal, the initial decision maker loses jurisdiction.

j. Upon the date set for the hearing, the appellate body shall either hear the appeal, or continue the matter by mutual agreement to another date if there is cause to do so. No additional notice of continuance need be given if the continuance to a date certain is announced at the time of the original hearing. If no date for the continued hearing is provided publicly at the original hearing, then notice of the continued hearing shall be provided in the same manner as the original notice for the appellate hearing.

k. The appellate body will conduct a public hearing. After the public hearing, the appellate body will render a decision:

   i. Affirming the initial decision in whole or in part; or

   ii. Reversing the initial decision in whole or in part, after which it may render its own decision or remand the decision to the initial decision maker for further proceedings.

l. The appellate body may impose conditions that it determines are needed to ensure substantial compliance with the standards or findings for approval.

m. Appellant(s) may withdraw an appeal of an initial determination if the withdrawal is filed with the Department at least 15 days prior to the public hearing by the appellate body on the appeal.

n. Withdrawal of an appeal shall be in writing and does not require the decision maker to concur. The withdrawal shall be filed with the Department.

o. If the withdrawal of the appeal is received by the Department after the close of the original appeal period, the Department shall notify the same persons who received notice of the decision that was appealed, that an appeal had been filed and was now withdrawn. The notice shall state that the appeal period is being reopened. The reopened appeal period shall run for 10 days from the date the notice of withdrawal of the appeal is mailed. If more than one appeal was filed, the appeal period is only reopened if the withdrawal of the appeal would result in no other appeal going forward. The appeal period shall only be reopened once.

p. If the withdrawal is received by the Department before any required public hearing notice is mailed, then the time for the appellate body to act is extended for 10 days.

q. If the withdrawal is received by the Department after the public hearing notice is mailed, then any appeal filed during the reopened appeal period shall be heard on the same date and time as set forth in the previously mailed public hearing notice. No further notice of the appeal hearing is required.

r. If the withdrawal of the appeal, and the subsequent reopening of the appeal period, results in no appeal going forward:

   i. The withdrawal of the appeal is permanent; and

   ii. The decision from which the appeal was taken automatically becomes final at the end of the appeal period or reopened appeal period.

s. The appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellate body's hearing.

t. Unless required otherwise by this Chapter or Chapter 1 (General Provisions and Zoning), in making a decision to grant a project approval, the appellate body shall make the same findings as required to be made by the initial decision maker, supported by substantial evidence.

u. Unless otherwise required by a specific process, the appellate body shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the applicant and the appellate body.

v. Failure of the appellate body to render a timely decision shall result in the denial of the appeal.

2. Filing

a. An Applicant or any other person aggrieved by the initial decision on a Coastal Development Permit may appeal the decision to the Area Planning Commission or to the Board of Public Works for a Public Project or for a private project where the approval of the underlying permit is within the jurisdiction of the City Engineer. The appeal on an Appealable Development and non-appealable development shall be filed within 15 days of the date of mailing of the decision.

b. The appeal shall set forth specifically the points at issue and the reasons for the appeal. Any appeal not filed within the 15-day filing period shall not be considered by the Area Planning Commission or Board of Public Works. The filing of an appeal stays proceedings in the matter until the Commission or Board has made a decision. Once an appeal is filed, the initial decision maker shall transmit the appeal and the file to the Commission or Board, together with any reports responding to the allegations made in the appeal.

3. Public Hearing on Appellate Decision

Before acting on any appeal of a Coastal Development Permit, the Area Planning Commission or Board of Public Works shall set the matter for hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

4. Time for Appellate Decision

The Area Planning Commission or Board of Public Works shall act within 75 days after the expiration of the appeal period or within any additional period mutually agreed upon by the Applicant and the Commission or Board.

5. Appellate Decision

The Area Planning Commission or Board of Public Works may reverse or modify the initial decision, in whole or in part. In reversing or modifying the initial decision, the Commission or Board shall make the same findings required to be made by the initial decision maker.

6. Appeal Procedures for Multiple Applications Including a Coastal Development Permit

a. If a Coastal Development Permit is combined with another Quasi-judicial or Legislative approval, an appeal of the initial decision on a Coastal Development Permit application shall automatically constitute an appeal of the decision on the application for the other discretionary permits and approvals. Any appeal of the other permits and approvals also constitute an appeal of the Coastal Development Permit unless the appeal of the Coastal Development Permit would violate Sec. 563 (Conditional Use Permits and Other Approvals) of the City Charter. The time for appeal of the Coastal Development Permit to the Coastal Commission shall commence after action on the other permits and approvals becomes final.

b. The Approving Authority for multiple applications for a Coastal Development Permit and other Quasi-judicial or Legislative approvals shall be as established in Sec. 13A.2.10. (Multiple Approvals). However, the appeal procedures for the consolidated action shall follow the procedural requirements for notice, public hearing, and final action of an initial decision on a Coastal Development Permit in accordance with Subsections C. (Notice) - E. (Standards for Review and Required Findings) of this Section.

H. Amendments to Permits

1. Immaterial Changes to a Coastal Development Permit

a. Application

An application for an immaterial change to a Coastal Development Permit shall be filed with the Approving Authority that approved the existing permit.

b. Approval

If the Approving Authority finds that the proposed change conforms to the original findings and conditions required for the Coastal Development Permit and is in substantial conformance with that Permit, then the Approving Authority may approve the proposed change.

2. Permit Amendments

a. Application

If the Approving Authority that originally granted the Coastal Development Permit finds that a proposed change does not substantially conform to the original Coastal Development Permit, the holder of the Permit may apply for an amendment to the Permit in the same manner as an application for a new Coastal Development Permit. This application shall contain a description of the proposed amendment, the reason for the amendment, together with maps, plans or other material appropriate to the request, and shall be accompanied by evidence of a valid, unexpired permit and of the Applicant's continued legal ownership or interest in the property.

b. Procedures

The procedures for an amendment are the same as would be required of a new application at the same location in accordance with Subsections B. (Initiation) - E. (Standards for Review and Required Findings) of this Section.

c. Appeals

Decisions on amendment applications are appealable as provided in Subsection G. (Appeals) of this Section.

I. Emergency Permits

An emergency permit shall only be issued in cases where an emergency necessitates immediate action that would normally require a Coastal Development Permit, and where the worth of any permanent structures erected does not exceed $25,000.

1. Applications

An application for an Emergency Coastal Development Permit shall be made to the Director or the City Engineer, whichever has jurisdiction, within 3 days of the emergency or discovery of the danger. The following information shall be included in the request:

a. Nature of the emergency;

b. Cause of the emergency, if this can be determined;

c. Location of the emergency;

d. The remedial, protective or preventive work required to deal with the emergency; and

e. The circumstances during the emergency that justify the proposed course of action, including the probable consequences of failing to take action.

2. Verification of Emergency

The Director or City Engineer shall verify the facts, including the existence and the nature of the emergency, insofar as time permits.

3. Procedure

The Director or City Engineer shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of the emergency. The Director or City Engineer shall not issue an emergency permit for any work that falls within the provisions of Sec. 30519(b) and 30601 of the Public Resources Code. The Director or City Engineer may grant an emergency permit upon reasonable terms and conditions, if the Director or City Engineer finds that:

a. An emergency exists that requires action more quickly than the regular permit process would allow, and the work can or will be completed within 30 days, unless otherwise specified by the terms of the permit;

b. Public comment on the proposed emergency action has been reviewed, if time allows; and

c. The work proposed would be consistent with the certified Local Coastal Program and any adopted, relevant community or specific plans.

4. Compliance

An emergency permit shall be valid for not more than 60 days from the date of issuance. Prior to expiration of the emergency permit, the permittee must submit a Coastal Development Permit application for the Coastal Development or else remove the Coastal Development undertaken pursuant to the emergency permit in its entirety and restore the site to its previous condition. Failure to comply with the provisions of this Subsection or failure by the permittee to properly notice and report any emergency actions may result in the revocation of the emergency permit.

5. Reporting

The Director or City Engineer shall notify the Coastal Commission of the issuance of an emergency permit by phone or letter as soon as possible, but in any event within 3 days of the issuance of the emergency permit.

DIV. 13B.10. DEPARTMENT OF BUILDING AND SAFETY

SEC. 13B.10.1. GENERAL PROVISIONS

A. Purpose

This Division describes the powers, duties, and processes of the Department of Building and Safety as they relate to this Chapter and Chapter 1 (General Provisions and Zoning) of this Code.

B. Permits and Vesting of Development Plan

1. Permits

No permit pertaining to the use of land or buildings shall be issued by any department, officer, or employee of this City, vested with such duty, unless the application for the permit has been approved by the Department of Building and Safety as to conformance of said use with the provisions of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code. Any permit or certificate of occupancy issued in conflict with the provisions of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code shall be null and void.

2. Vesting of Development Plan

a. Whenever plans sufficient for a complete plan check are accepted by the Department of Building and Safety and a fee is paid, a vested right is granted to the project to proceed with its development in substantial compliance with the zoning, and development rules, regulations, ordinances and adopted policies of the City of Los Angeles in force on the date that the plan check fee is paid as indicated on a valid building permit application. These rights shall not include exemption from other applications or approvals that may be necessary to entitle the project to proceed (i.e., subdivision, zone variance, design review board review, etc.) and from subsequent changes in the Building and Safety and Fire regulations found necessary by the City Council to protect the public health and safety and which are applicable on a citywide basis, contained in Chapters 5 (Public Safety and Protection) and 9 (Building Regulations) of this Code and policies and standards relating to those Chapters or from citywide programs enacted after the application is deemed complete to implement State or Federal mandates.

b. These rights shall end:

i. 18 months after the plan check fee is paid, or if a permit is issued during that time, when the building permit terminates pursuant to Sec. 98.0602 (Expiration of Permits) of this Code;

ii. When subsequent changes are made to those plans that increase by more than 5% or decrease by more than 10% the height, floor area, or occupant load of the proposed-structure;

iii. When the use of the property is changed;

iv. When changes exceed or violate the regulations of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code in force on the date the plan check fee was paid; or

v. When the discretionary land use approval for the project terminates under the provisions of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code or any ordinance adopted pursuant to this Chapter or Chapter 1 (General Provisions and Zoning) of this Code.

c. In the case that a discretionary land use approval is required, the vesting rights in plan check will be extended for the time period during which the discretionary land use approval is being processed. However, in no case will the extension of vesting rights exceed more than 18 months beyond the original vesting expiration timeline.

C. Yard Area Modifications

Sec. 98.0403.1(a)11. (Powers of the Department and the Board) of Chapter 9 (Building Regulations) of this Code provides in part that:

1. "The Department shall have the power to hear and determine requests for slight modifications for individual cases in the yard area requirements of the zoning ordinance, provided that in each such modification, the Superintendent shall first find that a special, individual reason makes the strict letter of the ordinance impractical and that the modification is in conformity with the spirit and purpose of the ordinance involved. Any action granting a modification shall be recorded and entered in the files of the Department."

2. "For structures and additions constructed after January 1, 1995, slight modifications from the yard requirements shall be limited to deviations permitting portions of buildings to extend into a required yard or other open space a distance of not to exceed 20% of the width or depth of such required yard or open space. However, for structures and additions existing prior to January 1, 1995, slight modifications may be granted for yard deviations slightly over 20%".

3. "Except as expressly provided herein, the Superintendent of Building shall not grant deviations from the lot area, height, or density requirements. Further, the Superintendent shall not grant deviations from the yard requirements relating to the height of fences and walls, or including those for tennis or paddle tennis courts and other game courts."

4. "If the yard regulations cannot reasonably be complied with or it is difficult to determine their application on lots of peculiar shape or location, then the regulations may be modified or determined by the Superintendent of Building. The Superintendent may also waive all or part of the required loading space on unusually shaped lots, oddly located lots, or hillside lots, when such space cannot reasonably be provided or utilized."

5. "Requests for yard modifications as provided in this subsection shall be made in accordance with the procedures established in Sec. 98.0403.2 of the Los Angeles Municipal Code."

D. Parking Facility Modifications

1. The Superintendent of Building or the Superintendent's designee may grant slight modifications in the requirements of Sections 12.21 A.5. and 12.21 A.16. of Chapter 1 of this Code if it is impractical to apply the design criteria set forth therein due to the unusual topography, peculiar shape of location of the lot, or where parking angles are less than 40 degrees. The Superintendent of Building may also grant slight

modifications in such requirements where such modifications will improve the design or functioning of the parking area or garage, or where attendant parking is ensured to his or her satisfaction.

2. The power to grant such modifications shall be exercised in accordance with the procedure established in Section 98.0403 of this Code.

E. Inspection of Premises

1. Whenever it is necessary to make an inspection to enforce any of the provisions or to perform any duty imposed by this Code or other applicable law, or whenever the Superintendent of Building or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Article or other applicable law, the Superintendent of Building or his/her authorized representative is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the General Manager by this Code or other applicable law, provided that:

    a. If such property be occupied, he/she shall first present proper credentials to the occupant and request entry explaining his/her reasons therefor; and

    b. If such property be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry, explaining his reasons therefor. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Superintendent of Building or his/her authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

SEC. 13B.10.2. APPEALS FROM LADBS DETERMINATIONS



A. Applicability

1. The Director may investigate and make a decision upon appeals from determinations of the Los Angeles Department of Building and Safety (LADBS) where it is alleged there is error or abuse of discretion in any order, interpretation, requirement, determination or action made by LADBS in the enforcement or administration of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code and other land use ordinances in site specific cases.

2. This Section does not apply to requests for extensions of time to comply with any order issued by LADBS.

3. An appeal to the Director may only be made after the LADBS has rendered a decision in writing and provided written justification and findings on an appeal made pursuant to Sec. 98.0403.2(a) (Procedures for Appeals to the Department and to the Board) of this Code.

B. Initiation

1. Any aggrieved person may file an appeal at a public counter of the Department of City Planning. For the purposes of this process, the person filing an appeal on the LADBS determination will be considered the applicant.

2. The appeal shall be filed within 15 days after the LADBS renders a decision in writing with justification and findings on the issues set forth in the appeal made pursuant to Sec. 98.0403.2(a) (Procedures for Appeals to the Department and to the Board) of this Code.

3. The appeal to the Director must be accompanied by a written copy of the decision of LADBS, and any written copy of the underlying order, interpretation, requirement, determination or action taken on the matter by LADBS. The applicant shall set forth specifically how there was error or abuse of discretion in the action of LADBS. Each appeal shall be accompanied by a filing fee as specified in Article 9 of Chapter 1 (General Provisions and Zoning) of this Code.

4. Filing an appeal stays, with respect to that site, all enforcement proceedings and actions pertaining to this Chapter or Chapter 1 (General Provisions and Zoning) of this Code, and other land use ordinances pending the Director's decision. However, filing an appeal will not prevent the issuance of a building permit or performance of work authorized by the permit when all Code and other land use requirements are met to the satisfaction of the LADBS, and only after consideration of the issues set forth in the appeal to the LADBS made pursuant to Sec. 98.0403.2(a) (Procedures for Appeals to the Department and to the Board) of this Code. Filing an appeal does not delay enforcement proceedings or actions related to the abatement of imminent life safety hazards.

C. Notice

1. Notice of Appeal Filing

Upon receipt of the Appeal from LADBS Determination, the Department of City Planning shall notify the owner of the subject property if an appeal is filed by a third party.

2. Notice of Public Hearing

The following notice is required for the public hearing on the initial decision, if held:

Type of Notice	When	Where / to Whom / Additional Requirements
Mail	24 days	• Appellee and property owner; • Applicant; • Department of Building and Safety; • Owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

3. Notice of Public Hearing on Appeal

The following notice is required for the public hearing on the appeal to the Area or City Planning Commission:

Type of Notice	When	Where / to Whom / Additional Requirements
Mail	24 days	• Appellee and property owner; • Applicant; • Department of Building and Safety; • Owners of all properties abutting, across the street or alley from, or having a common corner with the subject property; • The Certified Neighborhood Council representing the area in which the property is located; and • Interested parties who have requested in writing to be notified

D. Decision

1. General Procedures

See Sec. 13A.2.5. (Decisions)

2. Decision Maker

The Director is the initial decision maker.

3. Public Hearing

The Director shall set the matter for hearing if it is likely to be controversial, giving notice in the manner specified in Subsection C. (Notice) of this Section.

4. Decision

a. The Director shall investigate the matter.

b. The Director shall render a decision within 75 days after the appeal period expires. If the Director fails to make a timely decision, the applicant may file a request for transfer of jurisdiction to the Area Planning Commission pursuant to Sec. 13A.2.6. (Transfer of Jurisdiction).

5. Transmittal

The Director shall transmit a copy of the decision to the applicant, property owner, appellant, the Department of Building and Safety, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property, and to all persons who requested notification in writing.

E. Standards for Review and Required Findings

1. In making a determination on an Appeal from LADBS Determination, the Director shall consider whether there was an error or abuse of discretion by LADBS.

2. The Director shall make a finding regarding whether the matter may have a citywide impact.

3. The Director shall find that there is no citywide impact if the matter concerns only the use of the specific property, or circumstances or issues connected with other zoning matters which are unique to the affected site and would not generally apply to other sites in the City, or would not result in changes in the application of this Chapter and Chapter 1 (General Provisions and Zoning) of this Code and other land use ordinances to other sites.

4. In making a determination on an appeal of the Director's initial decision on an Appeal from LADBS Determination, the Area Planning Commission or City Planning Commission shall consider whether there was an error or abuse of discretion by the Director.

F. Scope of Decision

See Sec. 13A.2.7. (Scope of Decision).

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Decision Maker

The Area Planning Commission is the appellate decision maker on a matter that the Director found did not have a citywide impact. The City Planning Commission is the appellate decision maker on a matter that the Director found does have a citywide impact.

3. Filing

An applicant or any other person aggrieved by a decision of the Director may appeal that decision to the Area Planning Commission or City Planning Commission.

4. Appellate Decision

a. Before acting on any appeal, the appellate body will set the matter for a public hearing, giving notice in the manner specified in Subsection C. (Notice) of this Section.

b. The appellate body shall act within 75 days after the expiration of the appeal period.

H. Modification of the Action

No modification is available.

SEC. 13B.10.3. ANNUAL INSPECTION MONITORING (AUTO DISMANTLING YARDS, JUNK YARDS, SCRAP METAL or RECYCLING MATERIALS PROCESSING YARDS, RECYCLING COLLECTION and/or BUYBACK CENTERS, RECYCLING MATERIALS SORTING FACILITES, CARGO CONTAINER STORAGE YARDS, and COLLECTION BINS)

A. Applicability

1. The provisions of this Section shall apply to every recycling center or yard operating pursuant to a valid certificate of occupancy and to every Collection Bin operating pursuant to a valid building permit. In addition, these provisions shall be applicable to every recycling center or yard operating with nonconforming status pursuant to Sec. 12.23 (Nonconforming Building and Uses) of Chapter 1 (General Provisions and Zoning) of this Code, and as to such recycling centers or yards, any revocation proceedings authorized by these provisions shall be deemed to be proceedings to revoke and void any rights otherwise granted by Sec. 12.23 (Nonconforming Building and Uses) of Chapter 1 (General Provisions and Zoning) of this Code.

2. Definitions

For the purpose of this Section the following words and phrases are defined:

Board. The Board of Building and Safety Commissioners.

Department. The Department of Building and Safety.

Recycling Center. Any recycling collection or buyback site, recycling sorting facility, or other recycling oriented site which does not do any processing other than mechanical compaction to reduce the volume of recyclable containers for economy of storage.

Superintendent. The Superintendent of Building or his or her authorized representative.

Yard. Any automobile or truck dismantling yard, junk yard, scrap metal or recycling materials processing yard or cargo container storage yard or any open storage location where used materials and equipment of any kind, including vehicles, boats, or airplanes, which are inoperable, wrecked, damaged, or unlicensed, i.e., not currently licensed by the Department of Motor Vehicles, are stored or processed.

B. Initiation

1. Annual Inspections

a. The Department shall make an inspection of each recycling center, yard or Collection Bin at least once a year to verify compliance with all applicable provisions of this Code.

b. An annual inspection fee as specified in Sec. 98.0402(e) (Annual Inspection Fee) of this Code shall be paid by each business operator or property owner to the Department. The business operator and the property owner of every site under the jurisdiction of this Section shall be notified of all fees,

fines, penalties, costs, or other assessments resulting from enforcement of this Section and are jointly and severally responsible to ensure that code compliance is maintained, at all times, and that payment of all fees, fines, penalties, costs, or other assessments due for each qualifying business as specified by this Section, is made to the Department. If all fees, fines, penalties, costs or other assessments due pursuant to this Section are not paid, a lien may be placed upon the property as provided for in Sec. 98.0402(g) of this Code and Sec. 7.35.1 et seq. of the Los Angeles Administrative Code. In addition, failure to pay all fees, fines, penalties, costs or other assessments is sufficient cause to institute a certificate of occupancy revocation hearing.

c. An inspection may also be made whenever a complaint is received by the Department concerning a violation of this Code or as needed to verify continued compliance with applicable Code requirements. Accessory storage only yards, where no business is conducted, which are nearby but not contiguous with a main yard may be approved and inspected with an additional fee of one half of the annual inspection fee for each yard.

2. Order to Comply

If a recycling center, yard or Collection Bin that is inspected is found to be in violation of any provision of this Code, the Superintendent shall send an Order to Comply ("Order") to the owner of the property and the operator of the recycling center, yard or Collection Bin. The Order shall clearly state the following:

a. The violation must be corrected by a compliance date specified in the Order, which date shall be no more than 30 days from the date the Order is mailed;

b. The compliance date as specified in the Order may be extended for an additional period not to exceed 45 days if the owner or operator of the recycling center, yard or Collection Bin presents satisfactory evidence to the Superintendent that unusual difficulties prevent substantial compliance without an extension; and

c. Failure to correct the violation on or before the compliance date or any authorized extension will lead to commencement of certificate of occupancy revocation proceedings. A revocation hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Subsection I. (Additional Standards and Provisions) of this Section If a Collection Bin is found in violation of this Section after the Department has issued and resolved an Order to Comply for a previous Collection Bin violation on the same property, then revocation proceedings shall commence on the Certificate of Occupancy for the Collection Bin and the Department shall issue no further Certificates of Occupancy permits for Collection Bins on that property.

3. Re-Inspection

The Superintendent shall re-inspect a recycling center, yard, or Collection Bin for which an Order was issued pursuant to this Section subsequent to the compliance date or any authorized extension thereof.

4. Citation Authority Prior to Revocation Notice

An arrest may be made or citation issued pursuant to Sec. 98.0408 (Issuance of Citations by Designated Employees) of this Code if the violations noted in an Order are not corrected on or before the due date

noted upon such notice. This action does not preclude the commencement of certificate of occupancy revocation proceedings.

C. Notice of Intent to Revoke and Revocation Hearing

1. If any violation specified in an order or citation is not corrected prior to the compliance date or any extension thereof, or if the annual inspection fee has not been paid within 60 days of assessment, then certificate of occupancy revocation proceedings shall be commenced by issuance of a Notice of intent to Revoke ("Notice"), which shall be sent to the owner of the property and the operator of the recycling center or yard subsequent to any re-inspection pursuant to Subsection A (Applicability) of this Section.

2. The Notice shall state the following:

   a. The date and place of the revocation hearing, which shall be scheduled at least 15 days and not more than 90 days from the date of issuance of the Notice.

   b. A list of all violations uncorrected as of the compliance date.

   c. Copies of all inspection reports related to these violations, unless the copies were previously furnished to the owner or operator.

   d. Termination of revocation proceedings may only be obtained if each violation noted in the Notice is corrected before the date of the revocation hearing and if a specified fine is paid, which fine shall be fixed in accordance with the fine schedule in Subsection I. (Additional Standards and Provisions) of this Section.

   e. The owner or operator is entitled to be represented by legal counsel at any revocation hearing.

   f. Each violation of the Code and each day of operation without a certificate of occupancy is a misdemeanor.

3. Revocation Hearing

   On the date specified in the Notice, a certificate of occupancy revocation hearing shall be held. The Board may appoint a Hearing Officer to conduct the hearing, which Hearing Officer shall not be any individual who participated in the issuance of any of the Notices required by this Section. Subpoenas may be issued pursuant to Sec. 98.0307 (Subpoenas) of this Code. The hearing shall be conducted pursuant to the provisions of Sec. 98.0308 (Evidence) and 98.0309 (Official Notices) of this Code.

D. Decision

1. Hearing Officer's Report

   Within 30 days of the last day of the revocation hearing, the Hearing Officer shall report its findings and recommendations in writing to the Board.

2. Board Determination

   a. Within 30 days of receipt of the Hearing Officer's report, the Board shall determine whether the certificate of occupancy shall be revoked.

b. Revocation shall be ordered by the Board if it finds that any required fees, fines, penalties, costs or other assessments have not been paid or any of the violations specified in the Order have not been corrected, except for the circumstances stated in Subsection E. (Standards for Review and Required Findings) of this Section.

c. In making its determination, the Board may hear from the owner, operator, or other interested party.

d. The determination of the Board is final.

E. Standards for Review and Required Findings

1. The Board may, in its discretion, determine that a certificate of occupancy should not be revoked if it makes both of the following findings:

   a. Taken together, the remaining uncorrected violations specified in the Order, do not have an adverse effect on neighboring properties or on the general public; and

   b. The owner or operator of the yard has paid the fine specified in Subsection I. (Additional Standards and Provisions) of this Section with respect to all violations listed in the Notice of Revocation.

F. Scope of Decision

1. Termination of Revocation Proceedings

The Superintendent shall terminate certificate of occupancy revocation proceedings upon a finding that each violation of this Code specified in the Notice has been corrected and the fine specified in such Notice has been paid. Termination may only occur on or before the date of the revocation hearing.

2. Loss of Non-Conforming Rights

Notwithstanding any provision of this Code to the contrary, where a certificate of occupancy is revoked pursuant to this Section, a new certificate of occupancy for the property may only be issued if all requirements of the Code in effect at the time of issuance of the new certificate are satisfied. In the case of a site which has no valid certificate of occupancy any and all rights which may be granted by Sec. 12.23 (Nonconforming Building and Uses) of Chapter 1 (General Provisions and Zoning) of this Code are revoked.

G. Appeals

There is no appeal.

H. Further Action

1. Repeat Violations

Despite any provision of this Section to the contrary, if an Order is issued for violation of a provision of the Code, and after compliance with it, a subsequent Order is issued for a violation of the same provision occurring within 1 year of the date of the initial notice:

a. Each violation cited in a subsequent Order shall carry a fine as specified in Sec. 98.0402(f)1. (Code Enforcement Costs Incurred; Investigation Costs, Fees and Fines) of this Code and shall be paid within 15 days of the compliance date of any subsequent order.

b. The compliance date for any such notice to comply shall be no more than 10 days from the date of mailing of such notice.

c. No extension of the compliance date may be granted.

d. The amounts set forth in the fine schedule in Subsection I. (Additional Standards and Provisions) of this Section shall be doubled if revocation proceedings were started for any previous Order.

I. Additional Standards and Provisions

1. Fine Schedule

The fine for each violation listed in the Notice shall be as specified in Sec. 98.0402(f)2. (Code Enforcement Costs Incurred; Investigation Costs, Fees and Fines) of this Code.

2. Parking of Vehicles in Custody of Any Yard

No vehicle or any part of any vehicle in the custody or possession, for any reason, of a yard, as defined in this Section, shall be parked, left standing, placed, or stored outside of the approved enclosure on the lot on which the yard is located, except that vehicles and parts may be stored within an approved auxiliary storage yard. In addition, all parking spaces on the lot and any access driveways leading to the parking spaces, which are required by this Code, must be maintained clear and available only for parking of operative vehicles.

SEC. 13B.10.4. ANNUAL INSPECTION MONITORING (AUTOMOTIVE REPAIR GARAGE AND USED VEHICLE SALES AREAS)

A. Applicability

1. The provisions of this Section shall apply to every automotive repair garage use in the City of Los Angeles, including those in existence prior to May 27, 1990, the effective date of Ordinance No. 165,798.

2. The provisions of this Section shall also apply to every used vehicle sales area in the City of Los Angeles, including those in existence prior to the effective date of this Section.

3. Exception

   Used car sales areas operated in conjunction with and on the same lot or on contiguous lots with a new car dealer are exempted from yearly inspections.

4. Definitions

   For the purpose of this Section the following words and phrases are defined:

   Board. The Board of Building and Safety Commissioners.

   Department. The Department of Building and Safety.

   Used Vehicle Sales Area. An area or lot where any type of used motor vehicle or trailer is displayed for sale.

   Automotive Repair Garage. All retail or wholesale uses which are enumerated in the definition for "Automotive Repair" in Section 12.03 (Definitions) of Chapter 1 (General Provisions and Zoning) of this Code, and, in addition, includes all testing, installation of vehicle equipment or accessories, and the application of paint, sprayed coloring, or other types of covering or the recovering of any part of a vehicle interior or exterior. Included in this definition are smog testing shops whether for test only or for repairs, window tinting or replacement shops, application of vinyl or similar covering materials, installation of parts or accessories on the site of a parts store, and all other similar uses.

B. Initiation

1. Annual Inspections

   a. The Department shall inspect the physical facilities of each automotive repair garage or used vehicle sales area at least once a year.

   b. An annual inspection fee as specified in Sec. 98.0402(e) (Annual Inspection Fee) of this Code shall be paid by each business operator or property owner to the Department. The business operator and the property owner of every site under the jurisdiction of this Section shall be notified of all fees, fines, penalties, costs, or other assessments resulting from enforcement of this Section and are jointly and severally responsible to ensure that code compliance is maintained, at all times, and that payment of all fees, fines, penalties, costs, or other assessments due for each qualifying business as

specified by this Section, is made to the Department. If all fees, fines, penalties, costs or other assessments due pursuant to this Section are not paid, a lien may be placed upon the property as provided for in Sec. 98.0402(g) (Code Enforcement Costs Incurred: Investigation Costs, Fees and Fines) of this Code and Sec. 7.35.1 et seq. of the Los Angeles Administrative Code. In addition, failure to pay all fees, fines, penalties, costs or other assessments is sufficient cause to institute a certificate of occupancy revocation hearing.

c. An inspection may also be made whenever a complaint is received by the Department concerning a violation of this Code by an automotive repair garage or used vehicle sales area or as needed to verify continued compliance with applicable Code requirements. Accessory storage only yards, where no business is conducted, which are nearby but not contiguous with a main automotive repair garage may be approved and inspected with an additional fee of one half of the annual inspection fee for the yard or building.

2. Order to Comply

If the physical facilities of an automotive repair garage or used vehicle sales area are found to be in violation of any provision of this Code, the Department shall send an Order to Comply ("Order") to the owner of the property and the operator of the automotive repair garage or used vehicle sales area. The Order shall clearly state the following:

a. The nature of the violation and the Code section violated;

b. That the violation must be corrected by a compliance date specified in the order or any extension authorized pursuant to Subsection I. (Additional Standards and Provisions) of this Section;

c. That failure to correct the violation on or before the compliance date or any authorized extension may result in commencement of proceedings to revoke the certificate of occupancy. These proceedings may involve a revocation hearing. A personal appearance at the hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Subsection I. (Additional Standards and Provisions) of this Section; and

d. That an appeal may be filed from the order in the manner provided by Subsection G. (Appeals) of this Section.

3. Re-Inspection

The Department shall re-inspect an automotive repair garage or used vehicle sales area for which an Order was issued pursuant to this Section subsequent to the compliance date or any authorized extension.

4. Citation Authority Prior to Revocation Notice

An arrest may be made or citation issued pursuant to Sec. 98.0408 (Issuance of Citations by Designated Employees) of this Code if the violations noted in an Order are not corrected on or before the due date noted upon such notice. This action does not preclude the commencement of certificate of occupancy revocation proceedings.

C. Notice of Intent to Revoke and Revocation Hearing

1. If any violation specified in the Order is not corrected prior to the compliance date or any extensions, or if the annual inspection fee has not been paid within 60 days of assessment, pursuant to Sec. 98.0402(e) (Annual Inspection Fee) of this Code, then the Department shall commence certificate of occupancy revocation proceedings by issuance of a Notice of Intent to Revoke ("Notice"). This Notice shall be sent to the owner of the property and the operator of the automotive repair garage or used vehicle sales area.

2. The Notice shall state the following:

   a. The date and place of the revocation hearing, which shall be scheduled at least 15 days and not more than 90 days from the date of issuance of the Notice.

   b. A list of all violations uncorrected as of the compliance date.

   c. That copies of all inspection reports related to such violations are available for inspection by the owner or operator.

   d. That termination of revocation proceedings may only be obtained if each violation noted in the Notice is corrected before the date of the revocation hearing and if a specified fine is paid, which fine shall be fixed in accordance with the fine schedule in Subsection I. (Additional Standards and Provisions) of this Section.

   e. That the owner or operator is entitled to be represented by legal counsel at any revocation hearing.

   f. That the proceedings may result in the revocation of the certificate of occupancy.

   g. That each violation of the Code and each day of operation without a certificate of occupancy is a misdemeanor.

3. Revocation Hearing

   On the date specified in the Notice, a certificate of occupancy revocation hearing shall be held. The Board may appoint a Hearing Officer to conduct the hearing, which Hearing Officer shall not be any individual who participated in the issuance of any of the Notices required by this Section. Subpoenas may be issued pursuant to Sec. 98.0307 (Subpoenas) of this Code. The hearing shall be conducted pursuant to the provisions of Sec. 98.0308 (Evidence) and 98.0309 (Official Notices) of this Code.

D. Decision

1. Hearing Officer's Report

Within 30 days of the last day of the revocation hearing, the Hearing Officer shall report its findings and recommendations in writing to the Board.

2. Board Determination

a. Within 30 days of receipt of the Hearing Officer's report, the Board shall determine whether the certificate of occupancy shall be revoked.

b. In making its determination, the Board may hear from the owner, operator, or other interested party.

c. The determination of the Board is final.

E. Standards for Review and Required Findings

1. In ordering a Revocation, the Board shall find that:

   a. Any of the violations specified in the Order have not been corrected, or that the fines specified in Subsection I. (Additional Standards and Provisions) have not been paid;

   b. That, taken together, the remaining uncorrected violations have significant adverse effects on surrounding properties or the health, peace, or safety of persons residing or working in the surrounding area; and

   c. The owner or operator of the automotive repair garage or used vehicle sales area has failed to demonstrate to the satisfaction of the Board the ability or willingness to eliminate problems associated with the automotive repair garage or used vehicle sales area operation.

2. The Board may determine that a certificate of occupancy should not be revoked if it makes the following findings:

   a. The remaining uncorrected violations specified in the Order do not have an adverse effect on neighboring properties or on the general public; and

   b. The owner or operator of the automotive repair garage or used vehicle sales area has paid the fine specified in Subsection I. (Additional Standards and Provisions) of this Section with respect to violations stipulated in the Notice.

F. Scope of Decision

1. Loss of Non-Conforming Rights

Notwithstanding any provision of this Code to the contrary, if a Certificate of Occupancy is revoked pursuant to this subsection, then a new Certificate of Occupancy for the property may only be issued if all requirements of the Code in effect at the time of application for such new Certificate are satisfied.

G. Appeals

1. General Procedures

See Sec. 13A.2.8. (Appeals)

2. Appellate Decision

a. Except for extensions of time granted by the Department as authorized in Subsection I. (Additional Standards and Provisions) and despite any provisions of this Code to the contrary, there shall be no appeal to the Board from any notice issued or determination made by the Department pursuant to this Section.

b. Appeals may be made from Department determinations of violations of Subdivisions 3. (Parking of Cars in Custody of Automotive Repair Garage or Used Vehicle Sales Area) and 4. (Minimum Standards) of Subsection I. (Additional Standards and Provisions) of this Section.

H. Further Action

1. Repeat Violations

Notwithstanding any provision of this Section to the contrary, if an Order is issued for violation of a provision of the Code, and after compliance with it, a subsequent Order is issued for a violation of the same provision occurring within 1 year of the date of the initial notice:

a. Each violation cited in a subsequent Order shall carry a fine as specified in Sec. 98.0402(f)1. of this Code and shall be paid within 15 days of the compliance date of any subsequent order.

b. The compliance date for any such notice to comply shall be no more than 10 days from the date of mailing of such notice.

c. No extension of the compliance date may be granted.

d. The amounts set forth in the fine schedule in Subsection I. (Additional Standards and Provisions) of this Section shall be doubled if revocation proceedings were started for any previous Order.

I. Additional Standards and Provisions

1. Fine Schedule

a. The fine for each violation listed in the Notice shall be as specified in Sec. 98.0402(f)2. (Code Enforcement Costs Incurred: Investigation Costs, Fees and Fines) of this Code.

b. Fines Distinct from Other Penalties and Fees

The above fines are separate and distinct from both the general misdemeanor penalties provided in the Code and the noncompliance fees authorized in Sec. 98.0411 (Non-Compliance Fees) of this Code.

2. Time Limits for Compliance With Order

a. The automotive repair garage or used vehicle sales area shall comply with the Order described in Subsection B.2 (Initiation; Order to Comply) of this Section on or before the compliance date specified in the Order, or any authorized extension. The compliance date shall be not more than 30 days from the date of the Order.

b. The Department may grant an extension of the compliance date specified in the Order for an additional period not to exceed 45 days if the owner or operator of the automotive repair garage or used vehicle sales area presents satisfactory evidence to the Department that unusual difficulties would prevent substantial compliance without such extension.

c. Upon an appeal, the Board may grant an extension of the compliance date for an additional period not to exceed 180 days if it finds that the correction of major Code violations requiring extensive building alterations would create a hardship without such extension.

3. Parking of Cars in Custody of Automotive Repair Garage or Used Vehicle Sales Area

No vehicle left in the custody or possession, for any reason, of an automotive repair garage or used vehicle sales area shall be parked, left standing or stored outside the lot on which the automotive repair garage or used vehicle sales area is located, except that such vehicles may be stored within an approved storage yard. A responsible person shall be on the premises of each automotive repair garage or used vehicle sales lot during the hours in which the garage or lot is in operation. This person shall maintain current records, in a manner that can be immediately supplied to any enforcement agency upon request, stating the license plate number, vehicle identification number and registered owner of each vehicle currently in the custody or possession of the automotive repair garage or used vehicle sales lot for purposes of repair, sales, trade, shipment or other disposition. This Subdivision shall not apply to employees' vehicles used daily for commuting.

4. Minimum Standards

All automotive repair garages shall comply with the minimum standards described in Sec. 12.26 F. (Automotive Repair Garage and Used Vehicle Sales Area; Minimum Standards) of Chapter 1 (General Provisions and Zoning) of this Code.

DIV. 13B.11. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PROVISIONS

SEC. 13B.11.1. ENVIRONMENTAL REVIEW PROCEDURES

A. Applicability of CEQA

1. This purpose of this Section is to comply with the requirements of the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) to adopt local procedures that implement CEQA.

2. This Section applies to CEQA compliance for all Projects subject to approval under the authority of this Article.

3. This Section supersedes any contradicting provisions in this Code or any other City ordinance, regulation, guideline, or policy.

4. CEQA and the CEQA Guidelines, as applicable, are incorporated and made a part of this Section as though fully set forth herein. In the review and approval of Projects under Article 13, all officers and employees of the City shall comply with each and every applicable provision of CEQA and the CEQA Guidelines.

5. Prohibition

   No permit shall be issued or entitlement approved by the Department of City Planning or the Department of Building and Safety that would violate CEQA, including by approving a discretionary Project without making the necessary findings under CEQA. Discretionary Projects include Projects that require only discretionary actions or both discretionary and ministerial actions.

B. CEQA Review Responsibility

1. Director of Planning Responsibilities

   The Director of Planning shall prepare all environmental documents necessary to comply with CEQA and the CEQA Guidelines, and assist the decision maker in approving CEQA Clearances.

2. Director of Planning Authority

   The Director of Planning may:

   a. Issue administrative guidelines to implement CEQA and this Section, consistent with CEQA, the CEQA Guidelines, this Section, and any City Council policy; and

   b. Determine significance of environmental effects based on applicable administrative guidelines, CEQA and the CEQA Guidelines.

C. Notice Rules for CEQA

1. All notice is provided pursuant to the requirements of CEQA and the CEQA Guidelines.
2. If CEQA does not provide notice requirements, then notice shall be given pursuant to California Government Code Section 54950 et seq.
3. Notice of Public Hearing on CEQA Appeal
   a. The following notice is required for the CEQA appeal hearings held pursuant to Subsection F. (Appeals of CEQA Decision) of this Section:

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	24 days	• The Project applicant; • The owner(s) of the property subject to the CEQA Clearance; • Appellant; • The Certified Neighborhood Council representing the area in which the property is located; and • Any interested parties who have requested in writing to receive notices related to the CEQA Clearance or any action on the Project.

4. Notice of Hearing on Sustainable Communities Project
   a. The following minimum notice is required for a hearing held pursuant to Paragraph a. of Subdivision D.3. (CEQA Decisions; Sustainable Communities Project Exemption) of this Section, or a hearing by the City Council, the City Planning Commission, or an Area Planning Commission for a Sustainable Communities Environmental Assessment, pursuant to Sec. 21155.2 (Transit Project Review) of the Public Resources Code.

Type of Notice	When	Where / To Whom / Additional Requirements
Mail	10 days	• The Project applicant; • The owner(s) of the property subject to the CEQA Clearance; • The owner(s) and occupant(s) of properties within 500 feet of the property subject to the CEQA Clearance; • The Certified Neighborhood Council representing the area in which the property is located; and • Any interested parties who have requested in writing to receive notices related to the CEQA Clearance or any action on the Project.

D. CEQA Decisions

1. Lead Agency

The City of Los Angeles is the lead agency for all Projects reviewed and approved under this Article, except where the City of Los Angeles is a responsible agency under CEQA and the CEQA Guidelines.

2. Decision Maker

Any entity authorized to decide a Project approval or appeal of an approval under this Article is the decision maker for purposes of compliance with CEQA. When a Project has more than one approval, the decision maker on the initial approval, or the appeal of the initial approval, determines the CEQA Clearance for the Project, subject to any available CEQA appeal to the City Council under Subsection F. (Appeals of CEQA Decisions) of this Section and all other requirements of CEQA and the CEQA Guidelines.

3. Sustainable Communities Project Exemption

a. The hearing and determination of the use of the Sustainable Communities Project Exemption (SCP Exemption) shall be determined by the City Council after it holds a public hearing and adopts findings consistent with Sec. 21155.1. (Transit Project; applicability requirements) of the Public Resources Code. This hearing and the determination on the use of the SCP Exemption may completed before or after the Project approval.

b. Where the only CEQA Clearance proposed for a Project is a SCP Exemption, no Project approval is final and effective until the City Council determines the Project is exempt as a Sustainable Communities Project. No actions shall be taken and no permits issued in reliance on a Project approval prior to the City Council's determination that the SCP Exemption applies, absent the approval of an alternative CEQA Clearance.

c. If the City Council holds a hearing on the SCP Exemption and determines that it does not apply to the Project, and no other CEQA Clearance is approved for the Project, any prior Project approval shall be void.

d. If the only CEQA clearance proposed for a Project is a SCP Exemption and there are no Project related approvals or appeals subject to City Council action, and there are no further appeals available for the Project approval, the City Council shall hold the public hearing on the SCP Exemption within 75 days of the issuance of the letter of determination.

4. Finality of Project Approvals

For purposes of filing a Notice of Determination or a Notice of Exemption or the filing of a CEQA appeal to the City Council pursuant to Subsection F. (Appeals of CEQA Decisions) of this Section, a Project approval is final pursuant to the provisions of Subsection 13A.2.5.E. (Decisions; Effective Date), or if finality for the Project approval is not provided for in Sec. 13A.2.5.E, approval is effective immediately unless otherwise provided by the City Charter, the Code, or CEQA and the CEQA Guidelines.

E. Standards for CEQA Review and Required Findings

1. CEQA Clearances

In approving Projects, decision makers may rely on any CEQA Clearance consistent with CEQA and the CEQA Guidelines.

a. Where an Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), Negative Declaration (ND), or Sustainable Communities Environmental Assessment (SCEA) has been adopted or certified for a Project, no subsequent EIR, MND, ND, or SCEA shall be adopted or certified, except as required by CEQA, including Sec. 21166. (Lead agency prohibition to require subsequent reports for a certified project unless specific events.) of the Public Resources Code.

b. To the extent applicable and supported by substantial evidence, the City may rely on multiple CEQA Clearances, including CEQA Clearances approved in the alternative.

c. This Section is not intended to expand the City's discretion to approve or condition Projects. Subject to the requirements of CEQA, the environmental analysis of a Project is limited to the extent the decision maker has discretion to mitigate or avoid environmental impacts in the approval of the Project.

2. Appeals

A City Council decision on an appeal filed under Subsection F. (Appeals of CEQA Decisions) of this Section shall be based on the requirements of CEQA and the CEQA Guidelines.

F. Appeals of CEQA Decisions

1. General Procedures

See Sec. 13A.2.8. (Appeals).

2. Appeal of CEQA Clearances

The following CEQA Clearances may be appealed to the City Council by any interested party, when the decision maker was not the City Council, and no further appeals on the Project approval are available:

a. Certification of an Environmental Impact Report.

b. Adoption of a Negative Declaration or a Mitigated Negative Declaration.

c. Adoption of a Sustainable Communities Environmental Assessment.

d. A determination that an approval under this Article is not subject to CEQA either because it is not a Project as defined by CEQA or the CEQA Guidelines or because it is exempt.

3. Exhaustion

No appeal of the CEQA Clearance shall be accepted by the City unless all Project approval appeals were previously exhausted.

4. CEQA Appeal Filing Requirements

No appeal of the CEQA Clearance shall be considered by the City Council unless the appellant does all of the following:

a. Files a CEQA appeal with the Department within 15 days of the date the Project approval is final.

b. Pays the applicable fee, if any.

c. Fills out the application form required by the City and provides the following information:

i. The name, address, and telephone number of the appellant and the person filing the appeal if different from the appellant;

ii. A statement that the appeal is made pursuant to this Section;

iii. The decision maker of the CEQA Clearance subject to the appeal;

iv. The CEQA Clearance to which the appeal is filed, including applicable case number(s), and the date of the certification, adoption or determination of the CEQA Clearance;

v. A written statement setting forth all of the reasons for the appeal, and specifying in detail why the appellant believes the CEQA Clearance fails to comply with CEQA; and

vi. Any other information required by the Office of the City Clerk or the Director of Planning.

d. At any time, the City may reject an appeal that does not comply with all the requirements of Subdivisions 2, 3, or 4 of this Subsection F.

5. Effect of Filing an Appeal of the CEQA Clearance

a. The filing of an appeal of the CEQA Clearance stays:

i. The CEQA Clearance;

ii. Any Project approvals that rely upon the CEQA Clearance;

iii. Any action or approval by the Department on related Project approvals that will rely on the CEQA Clearance;

iv. Any action or approvals by other City departments in reliance upon the Project approval that relied upon the CEQA Clearance; and

b. Upon the filing of a CEQA appeal, the applicant's time to act under any Project approval or permit shall be tolled until the appeal is decided.

c. Upon the filing of a CEQA appeal, the City's time to act on any related Project approval shall be tolled until the appeal is decided.

d. Nothing in this Subdivision F.5, is intended to affect the finality of Project approvals for purposes of an applicable statutes of limitations.

6. Withdrawal of Appeal

a. An appeal filed under this Subsection F. (Appeals of CEQA Decisions) may be withdrawn at any time by the Appellant prior to the date and time scheduled for the hearing. Upon withdrawal of the appeal, no further action on the appeal shall be taken by the City and the timeline to file an appeal under this Subsection I. shall not be extended or restarted.

b. All stays and tolling under Subdivision 5. (Effect of Filing an Appeal of the CEQA Clearance) of this Subsection F. shall terminate upon the withdrawal of the appeal.

7. Hearing on Appeal

a. Timeline for City Council Hearing

The City Council shall hold a public hearing before deciding the appeal, giving notice in the manner specified in Subsection C. (Notice Rules for CEQA) of this Section. The appeal shall be decided by the City Council within 75 days of the appeal being filed. The timeline to decide the appeal may be extended by the mutual consent of the Project applicant and the City Council.

b. Joint Hearings on the CEQA Clearance and Project Approvals

i. Applicability

If there are related Project approvals or appeals for which the City Council is the decision maker or appellate body and have been transmitted to City Council for its action at any time after the CEQA appeal is filed and before the hearing on the CEQA appeal, the City Council shall hold a joint hearing on the CEQA appeal and the related Project approvals or appeals.

ii. Time Limits Extended

Any Code required time limits to hear or act on any appeal of the CEQA Clearance or the approval or appeal of any related Project approvals shall automatically be extended as necessary to comply with this Subsection.

iii. CEQA Clearance is Considered Before Project Entitlements

After the joint hearing concludes, the City Council shall decide the appeal on the CEQA Clearance before taking action on the related Project approvals.

8. Time to File Documents for the Hearing

All appeal-related documents filed by or on behalf of the appellant must be filed with the City Clerk no later than 5 business days prior to the date set for the hearing. Appeal-related documents filed by any other party, must be filed with the City Clerk no later than 2 business days prior to the date of the hearing. Documents submitted after these deadlines shall be accepted for filing, but shall not be considered by the City Council in its review and decision on the appeal. The City Clerk shall mark late-filed documents to indicate that they were filed after the deadline provided in this Subdivision.

9. Council Authority on Appeal

a. The City Council shall conduct a de novo review of the CEQA Clearance and shall consider the whole of the administrative record, including any documents timely filed on the appeal, and affirm, reverse, or modify the CEQA Clearance.

b. After conducting a public hearing, the City Council shall do one of the following:

i. Affirm the decision maker's approval of the CEQA Clearance.

ii. Reverse the decision maker's approval of the CEQA Clearance and remand the environmental review of the Project to the decision maker who last approved the CEQA Clearance with direction to correct the substantive or procedural error.

iii. Reverse the decision maker's approval of the CEQA Clearance without remand.

iv. Approve a modified or alternative CEQA Clearance provided no new mitigation or change to the Project is required.

10. Findings

The City Council shall adopt findings based upon substantial evidence to support its decision as to why the CEQA Clearance does or does not comply with CEQA, including adopting the decision maker's findings or findings recommended by the Director of Planning, the appellant, the applicant, or any other interested party. In affirming any decision maker's approval of the CEQA Clearance, the City Council shall make all necessary findings and take all necessary actions required by CEQA for the approval of that CEQA Clearance.

11. Exhaustion of Administrative Remedies

No person entitled to file a CEQA Appeal pursuant to this section may initiate action in a court of law challenging the Environmental Determination unless and until such person files the CEQA Appeal and the City Council has taken final action on the CEQA Appeal.

G. Scope of CEQA Appeal Action

The following procedures apply to the City Council action on a CEQA Appeal under Subsection F. (Appeals of the CEQA Decisions) of this Section.

1. Affirmed

If the City Council affirms the CEQA Clearance, or any one CEQA Clearance when multiple CEQA Clearances are appealed, the stays in Subdivision F.5. (Appeals of CEQA Decisions; Effect of Filing an Appeal of the CEQA Clearance) of this Section are lifted.

2. Reversed Without Remand

If the City Council determines the CEQA Clearance(s) should be reversed without remand, the Project approval(s) subject to the CEQA Clearance(s), as well as any City action taken or approval granted in reliance upon the Project approval(s), are void.

3. Reversed With Remand

If the City Council reverses and remands the CEQA Clearance(s) to the decision maker for further action:

a. Project Approvals Void

All Project approvals subject to the CEQA Clearance, as well as any City actions taken or approvals granted in reliance upon the Project approvals, are void. All stays on actions or approvals pursuant to Subsection F.5 (Appeals of CEQA Decisions; Effect of Filing an Appeal of the CEQA Clearance) of this Section, shall remain in place until the decision maker on remand under Paragraph b. (Decision Maker Responsibility on Remand) below, approves a CEQA Clearance on the Project. All times to act on related Project approvals shall be extended to comply with this Subsection G.

b. Decision Maker Responsibility on Remand

After approving a CEQA Clearance consistent with Council direction, the decision maker shall reconsider the Project approvals.

c. Planning Director Responsibility on Remand

The Director of Planning shall prepare all necessary analysis, reports, studies, findings, and notices to assist the decision maker in its compliance with Council direction on remand.

d. Applicant Fees

Applicants shall pay applicable fees in Article 9 (Fees) of Chapter 1 of this Code, if any, for additional environmental review on remand.

e. Project Timelines

All Code required timelines to act on the Project approvals shall automatically be extended to the extent reasonably necessary for the Director of Planning and decision maker to complete the necessary environmental review on remand.

f. Applicable Project and CEQA Requirements

On remand, the review and approval of the Project approvals shall comply with the Code requirements and all review and approval of the CEQA Clearance shall comply with CEQA and the CEQA Guidelines.

g. Appeal of CEQA Clearance on Remand

An action to approve a CEQA Clearance on remand may be appealed to the City Council under Subsection F. (Appeals of CEQA Decisions) of this Section, provided the City Council's review is limited to modifications to the original CEQA Clearance.

4. City Council Action on Joint Hearings on CEQA Appeals and Project Approvals

In addition to the above provisions in Subsection F. (Appeals of CEQA Decisions) of this Section and this Subsection G. (Scope of CEQA Appeal Action), the following rules apply when the City Council is required to hold a joint hearing under Paragraph F.7.b. (Appeals of CEQA Decisions; Joint Hearings on the CEQA Clearance and Project Approvals) of this Section:

a. City Council Decision to Affirm the CEQA Clearance

If the City Council affirms the CEQA Clearance, the City Council shall comply with Paragraph E.1.a (Standard for CEQA Review and Required Findings; CEQA Clearances) of this Section and review the related Project approval or appeal as a subsequent approval of the affirmed CEQA Clearance, if applicable.

b. City Council Decision to Reverse the CEQA Clearance

If the City Council determines the CEQA Clearance should be reversed, the Project approvals subject to the CEQA Clearance are void. The City Council shall approve or remand the decision on a new CEQA Clearance and the decision on the related Project approvals pursuant to the following provisions:

i. Remand to the Lower Decision Maker

If any Project approval is voided or stayed by the City Council's reversal of the CEQA Clearance, the City Council shall use one of the following procedures.

a) Remand the CEQA Clearance

The City Council may continue its decision on the related Project approval or appeal and remand the CEQA Clearance to the lower decision maker for further action under the procedures in Subdivision G.3 (Reversed with Remand) of this Section. The action on the related Project approval subject to City Council approval shall be continued until the lower decision maker adopts a new CEQA Clearance and a new hearing before the City Council is scheduled.

b) Approve a New or Modified CEQA Clearance and Remand Project Approvals

The City Council may adopt a new CEQA Clearance for the Project, decide the related Project approval or appeal, and remand action on the Project approval subject to the lower decision-making body for the sole purpose of taking an action on the Project approval considering the CEQA Clearance approved by the City Council, including but not limited to, modifying the Project approval to incorporate mitigation measures as conditions of approval. The lower decision-making body shall comply with Paragraph E.1.a (Standard for CEQA Review and Required Findings; CEQA Clearances) of this Section, if applicable, and review the remanded Project approval as a subsequent approval of the CEQA Clearance approved by the City Council.

ii. Project Approval and Finality

If the City Council approves the CEQA Clearance on the Project under the procedures in this Subdivision, the date the Project is approved and final for purposes of CEQA and the CEQA Guidelines is the day the City Council approves the CEQA Clearance and acts on any Project approval.

iii. Time Limits

All Code required time limits to act or hold hearings on Project-related approvals or appeals are stayed to comply with this Section.

5. Housing Projects

a. Notwithstanding Subsection F. (Appeals of CEQA Decisions) and Subsection G. (Scope of CEQA Appeal Action) in this Section, if a Project includes dwelling units, and the City Council reverses all CEQA Clearances for a Project, the Council does not have the option to reverse the CEQA Clearance without Remand in Paragraph F.9.b.iii (Council Authority on Appeal) of this Section.

b. While the CEQA Clearance for a Project that includes dwelling units is on remand to the decision maker all of the following requirements shall be met:

i. The Director, subject to the Applicant's payment of fees and cooperation, shall work diligently to complete all CEQA analysis in an expeditious manner.

ii. The decision maker shall act on the CEQA Clearance and the Project approval within thirty (30) days of the revised or new CEQA Clearance being completed.

iii. The decision maker's discretion to modify the previously approved Project shall be limited to the mitigation or avoidance of significant environmental impacts, and any necessary findings under Sec. 65589.5 (Findings to assure the approval of adequate housing) of the Government Code shall be made.

H. Modification of Project or Mitigation Measure

1. Modification of Project

The applicant may modify the approved Project under the applicable provisions of this Article, provided all requirements of CEQA and the CEQA Guidelines are met.

2. Modification to Mitigation Measures after Project Approval

a. The deletion of an adopted mitigation measure imposed as a condition of approval on an approved Project, or the modification of such a condition where the Director cannot otherwise find substantial conformance, shall require the approval of a Modification to Mitigation Measure pursuant to the procedures in this Subdivision 2.

b. A Modification to Mitigation Measure is approved upon the Director doing the following:

i. Complying with CEQA and the CEQA Guidelines; including if necessary preparing a new CEQA Clearance, such as an addendum or supplemental or subsequent EIR.

ii. Preparing written findings that support the need for the modification or deletion of the mitigation measure.

c. Director approval of a Modification to Mitigation Measure is final and not appealable. A CEQA Clearance approved in support of the Modification to Mitigation Measure, may be appealed under Subsection F. (Appeals of CEQA Decisions) of this Section, if applicable.

d. Modifying a condition of approval imposing an adopted mitigation measure does not require the approval of any other Project approval or Project modification in this Article 13.

I. Prohibition and Enforcement of Improper Segmentation of Projects

1. Prohibition

No person or entity, including without limitation, the applicant, the property owner, or a representative of the applicant or the property owner, shall take any action to avoid CEQA review of the Project, including through the misrepresentation of the whole of the Project in any City application.

2. Loss of Historical Resources from Improper Segmentation

If the Zoning Administrator, or the Area Planning Commission on appeal, finds a violation of Subdivision 1. (Prohibition) of this Subsection I. under the process in Subdivision 3. (Zoning Administrator Determination) or Subdivision 4. (Appeal) of this Subsection I., and finds the violation resulted in the material impairment in the significance of a historical resource, the Zoning Administrator or the Area Planning Commission shall issue the maximum penalties in Paragraph 5.a. (Penalties) of this Subdivision I., unless the Zoning Administrator or the Area Planning Commission adopts written findings showing that the maximum penalty is excessive in light of the criteria in Paragraph 5.b. (Penalties) of this Subdivision I.

For purposes of this Subsection 2., "historical resource" means those resources that meet the definition of a historical resource in Sec. 21084.1 (Historical resources) of the Public Resources Code and Sec. 15064.5(a) (Determining the Significance of Impacts to Archaeological and Historical Resources) of the CEQA Guidelines. For purposes of meeting the definition above, the historical resource shall be presumed to retain its integrity unless proven otherwise by a preponderance of the evidence.

3. Zoning Administrator Determination

The following procedures shall be followed to enforce a violation of Subdivision 1. (Prohibition) of this Subsection I.:

a. If the Director reasonably believes that there has been a violation of Subdivision 1. (Prohibition) of this Subsection I., the Director may refer the matter to the Zoning Administrator for investigation pursuant to the procedures in this Subdivision. If the Director refers the matter for investigation to the Zoning Administrator, the Director shall request the Department of Building and Safety to issue a Notice of Intent to Revoke Permits and a Stop Work Order for the Project site.

b. Within 45 days of the issuance of a Notice of Intent to Revoke Permits or a Stop Work Order, the Zoning Administrator shall either issue a letter of determination finding a violation of Subdivision 1. (Prohibition) of this Subsection I., or request the Department of Building and Safety to rescind the Notice of Intent to Revoke Permits and the Stop Work Order.

c. For the purpose of deciding the Zoning Administrator's determination, the Zoning Administrator shall have the power of subpoena to obtain documents from the Applicant.

d. If the Zoning Administrator finds a violation under Subdivision 1. (Prohibition) of this Subsection I., the letter of determination shall include written findings supporting the determination and the

penalty, if imposed and the letter of determination shall be forwarded to the Department of Building and Safety.

e. The letter of determination shall be noticed to the applicant and the property owner by certified mail or personal service, and posted on the Project site. If the Zoning Administrator finds a violation, the notice shall include the timeline and manner in which an appeal may be filed under this Subsection.

4. Appeal

a. A Zoning Administrator determination of a violation under this Subsection is appealable by the applicant or the property owner to the Area Planning Commission within 15 days of the notice of the letter of determination being issued. If no appeal is filed, the determination is final.

b. Any appeal filed to the Area Planning Commission shall be decided after a public hearing where the City and the appellant have an opportunity to present evidence in support its case. Notice of the hearing shall be given at least 24 days before the hearing to the appellant and property owner (if the property owner is not the appellant) by mail.

c. At the hearing, the City and the Appellant shall have the opportunity to testify, cross-examine witnesses, and present witnesses and evidence in support of its case. Written and oral evidence submitted at the hearing shall be submitted under penalty of perjury. Documentary and other tangible evidence must be authenticated to the satisfaction of the Area Planning Commission.

d. The Area Planning Commission shall decide the appeal within 75 days of the appeal being filed. The time to act may be continued upon agreement of the appellant and the Area Planning Commission. No reasonable request of the appellant for additional time shall be denied.

e. On appeal, the standard of review shall be de novo, the standard of proof shall be preponderance of the evidence, and except as otherwise provided in this Subsection I. (Prohibition and Enforcement of Improper Segmentation of Projects), the City has the burden of proof.

f. Within 15 days of the conclusion of the hearing, the Area Planning Commission shall render a written decision that shall include a determination of whether a violation occurred, a penalty, if any, written findings as well as a summary of the evidence supporting its decision and any penalty.

g. The decision of the APC shall be issued in writing and transmitted by mail to the property owner and the applicant, and forwarded to the Department of Building and Safety.

5. Penalties

a. The following penalties may be imposed for the violation of Subdivision 1. (Prohibition) of this Subsection I.:

i. No entitlements, permits, or approvals under this Article may be issued for the Project Site for up to five (5) years from issuance of the Letter of Determination.

ii. No permits may be issued by the Department of Building and Safety for new development on the Project Site for up to five (5) years from issuance of the Letter of Determination. The above notwithstanding, the Department of Building and Safety may issue any permits necessary to

address a threat to the public health and safety. In imposing this penalty, the Zoning Administrator, or Area Planning Commission on appeal, may take into account any action taken by the Department of Building and Safety pursuant to Section 91.106.4.1.10 (Permits Issuance; Issuance; Exceptions).

iii. An administrative penalty of up to $100,000.

b. In determining penalties, the Zoning Administrator, or the Area Planning Commission on appeal, shall consider any aggravating or mitigating factors, including the following:

i. the culpability of the violating party;

ii. efforts, if any, to correct the violation;

iii. the benefit to the violating party conferred by the violation;

iv. the seriousness of the violation, including any damage to the physical environment;

v. the financial status of the violating party; and

vi. any other factors that justice may require.

c. If the Zoning Administrator or the Area Planning Commission finds a violation of Subdivision 1. (Prohibition) of this Subsection I. has occurred, the violator shall pay any cost recovery fee established in Article 9 (Fees) of Chapter 1 of this Code.

d. Administrative penalties collected under this Subsection I. (Prohibition and Enforcement of Improper Segmentation of Projects) shall be placed into a special fund for the purpose and promotion of historical resource preservation to be administered by the Department.

e. If the City imposes a penalty under this Subsection I. (Prohibition and Enforcement of Improper Segmentation of Projects) staying the issuance of permits, the Director, as applicable, shall record an affidavit with the County Recorder providing notice that no permits for any new development shall be issued on the property for the period of time imposed. If penalties or costs are imposed, the City may record a lien against the property subject to the requirements of State law and the City Code and Charter.

6. CEQA Review of Improperly Segmented Projects

The City may use a Project description that includes the whole of the Project, including those activities that have already occurred on the Project site, and analyze the Project against a baseline of the physical conditions prior to an improper segmentation if the decision maker finds all of the following:

a. Improper segmentation of the Project occurred as a result of misrepresentations of the applicant or the property owner or a representative of the applicant or the property owner;

b. Permitted or unpermitted activities occurred on the Project site prior to completion of the City's review of the Project under CEQA; and

c. Such analysis is reasonably necessary to adequately analyze and mitigate all potential significant impacts to the environment from the Project, such as, a circumstance where the loss of a historical

resource or a protected tree through site clearance activities could be feasibly mitigated, even if not to a less than significant level, by site rehabilitation or reconstruction.

7. No New Rights

Nothing in this Subsection I. (Prohibition and Enforcement of Improper Segmentation of Projects) is intended to provide any right or remedy to any third party that does not already exist at law.

PART 13C. ADMINISTRATION DEFINITIONS

DIV. 13C.1. DEFINITIONS

Advisory Agency. The Director of Planning, which is designated as the Advisory Agency for the City pursuant to the Subdivision Map Act (see Sec. 13B.8.1.).

Aggrieved Person. Any person or entity with standing to appeal an action on an application filed under this Code under California law, or as provided in the provisions of this Code relating to a particular appeal.

Appeal Board (Subdivision Approval). For purposes of Subdivision Appeals, the Appeal Board is:

- The Area Planning Commission where the map is located for any parcel map or tentative map that: (a) creates or results in less than 50,000 gross square feet of nonresidential floor area; or (b) creates or results in fewer than 50 dwelling units, guest rooms, or combination of dwelling units and guest rooms; or (c) involves a lot with fewer than 65,000 square feet of lot area; or (d) where specifically provided by this Chapter or Chapter 1.
- Otherwise, the City Planning Commission.

Application. An application for any process described in Article 13 of this Chapter.

CEQA. The California Environmental Quality Act, California Public Resources Code, Div. 13, Sec. 21000 et seq., including as it may be amended from time to time.

CEQA Clearance. Any determination, finding or certification authorized or required under CEQA to approve a Project in compliance with CEQA. CEQA Clearances include, but are not limited to, (i) a determination that an approval does not require CEQA review, in whole or in part, either due to the applicability of an exemption or because the City action is not a Project, (ii) a finding that the City may adopt a Negative Declaration or a Mitigated Negative Declaration, (iii) the certification of an Environmental Impact Report, or (iv) a finding that a Project was adequately assessed in a prior adopted Negative Declaration or certified Environmental Impact Report, including through the use of an addendum.

CEQA Guideline. The California Code of Regulations, Title 14, Chapter 3, Sec. 15000, et seq., including as they may be amended from time to time.

City. The City of Los Angeles, California.

Department. The Department of City Planning, unless otherwise indicated. *Reference: City Charter, Sec. 550.*

Director. The Director of the Department of City Planning, or the Director's designee.

Final Map. A map prepared in accordance with the provisions of Div. 13.10 of this Chapter and with any applicable provisions of the Subdivision Map Act, designed to be recorded in the Office of the County Recorder of Los Angeles.

General Plan. A General Plan is a comprehensive declaration of purposes, policies and programs for the development of the city, which includes, where applicable, diagrams, maps and text setting forth objections, principles, standards and other features, and which has been adopted by the City Council.

Hearing Officer. Any Department of City Planning planner conducting a public hearing on behalf of the Director or the City Planning Commission.

Legislative Decision. See Sec. 13A.2.1.B. (Applicability; Procedural Categories).

Majority. A majority number of the members of the respective body, not the majority of members present.

Ministerial Decision. See Sec. 13A.2.1.B. (Applicability; Procedural Categories).

Parcel Map. A map showing a division of land other than those divisions, which require a Final Map as defined by the Subdivision Map Act.

Prepare. Whenever this Code directs an agency or official to prepare a document, this means that the agency or official may actually prepare the document or cause the document to be prepared by its staff, consultants, or other authorized third parties.

Private Road Easement. A parcel of land not dedicated as a public street, over which a private easement for road purposes has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall have been duly recorded or filed in the Office of the County Recorder of Los Angeles.

Private Street. A private road easement as defined herein which has been determined by the Advisory Agency or the Director of Planning to be adequate for access and for the purposes set forth in this Chapter, Article 7 (Division of Land Regulations), or Article 8 (Private Street Regulations) of Chapter 1 (General Provisions and Zoning) of this Code.

Project. For purposes of Sec. 13B.11.1 (Environmental Review Procedures), "Project" means a "Project" as defined by Sec. 21065 of the Public Resources Code and Sec. 15378 of the CEQA Guidelines.

Project Adjustment. A decision on a project by the Director granting a minor adjustment from certain specific plan regulations, subject to the limitations specified by Div. 13B.4. (Specific Plan Implementation).

Project Compliance. A decision by the Director that a project complies with the regulations of the applicable specific plan, either as submitted or with conditions imposed to achieve compliance.

Project Exception. A decision on a project by the Area Planning Commission granting relief from applicable specific plan regulations.

Quasi-Judicial Decision. See Sec. 13A.2.1.B. (Applicability; Procedural Categories).

Reviewing Agency. The agency or official charged with reviewing an application for completeness or preparing a staff report. This is typically the Zoning Administrator, Director, or Department of City Planning.

Revised Tentative Map. A map involving a revised arrangement of the streets, alleys, easements or lots within property for which a tentative map has been previously approved or a modification of the boundary of the property.

Specific Plan. A specific plan is a definite statement adopted by ordinance of policies, standards and regulations, together with a map or description defining the locations where such policies, standards and regulations are applicable.

Subdivider. A person, firm, corporation, Partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others. The term "subdivider" includes any assignee or designee of the subdivider.

Subdivision. The same as defined in Sec. 66424 of the California Government Code. Subdivision includes a stock cooperative project as defined in Sec. 12.03 of Chapter 1 (General Provisions and Zoning) of this Code and in Div. 11B.1. (Division of Land Definitions) of this Chapter, as applicable.

Subdivision Map Act. The Subdivision Map Act of the State of California, Chapters 1 through 7 of Div. 2 (Subdivisions) of Title 7 (Planning and Land Use) of the California Government Code, commencing with Sec. 66410.

Tentative Map. Refers to a map made for the purpose of showing the design of a proposed subdivision creating five or more parcels, five or more condominiums, or five or more units in a community apartment project or stock cooperative, and showing the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

Tract Map. Tract Map refers to either a Tentative Map or Final Map.

Transmit or Transmitted. Notification of a decision in writing, by mail, or electronically. The date of transmittal is the date the decision is mailed (as shown by the date stamp), unless otherwise provided.

Vesting Tentative Map. A Tentative Map for any land division that has printed conspicuously on its face the words "Vesting Tentative Map" and is characterized by certain rights to proceed with development when filed and processed in accordance with Sec. 13B.8.3. (Tentative Tract Map) of this Chapter.

Zoning Administrator. The Zoning Administrator shall mean the Chief Zoning Administrator or an Associate Zoning Administrator. The Director may appoint the Zoning Administrator to act as the Director's designee or as a Hearing Officer for the Director. *Reference: Sec. 561 of the City Charter*

ARTICLE 14 ARTICLE 14. DEFINITIONS & MEASUREMENTS

[Reserved]

ARTICLE 15 ARTICLE 15. FEES

[Reserved]