

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	Title.
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 than 1.5 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. **Helipoint** 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 purposes** 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 shared 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 Hillside.

(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	Title.
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

dwelling. 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 Width May Be Reduced	Lot 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 indemnify 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 Section 18.05. 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 - 54

Pursuant to Charter Section 559, I
approve this ordinance on behalf
of the City Planning Commission and
recommend that it be adopted.


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

MAYOR

Ordinance Passed _____

Approved _____